

BRS Conventions COPs Highlights: Wednesday, 8 May 2019

On the ninth day of the 2019 meetings of the Conferences of the Parties (COP) to the Basel, Rotterdam, and Stockholm (BRS) Conventions, delegates convened in plenary to address issues related to the Rotterdam Convention (RC), including compliance and listing of chemicals in Annex III. Contact groups met throughout the day on budget, Basel Convention (BC) plastics, RC effectiveness, and technical assistance and financial resources.

Rotterdam Convention COP9

Matters Related to Implementation of the Convention

Listing of chemicals in Annex III: Effectiveness of the

RC: Noting Tuesday's discussions on this issue, RC COP9 President Alvarez-Pérez invited comments from observers. The US expressed appreciation for the work of the Chemical Review Committee (CRC), underscored the importance of effective participation, and highlighted proposals to enhance chairing and capacity building. Noting high turnover, Pesticide Action Network (PAN) called for the appointment of experts who can complete their terms. CROPLIFE INTERNATIONAL offered suggestions for improving CRC effectiveness, such as through the translation of documents into the six UN languages.

IPEN emphasized that prior informed consent (PIC) allows governments to accept or refuse chemicals of concern and, with the CENTRE AFRICAÏN POUR LA SANTÉ, supported the CRC's listing recommendations. Rotterdam Chrysotile Alliance (ROCA) expressed anger at those parties blocking the listing of chemicals.

HBCD: The Secretariat introduced the documents (RC/COP.9/7 Add.1; INF/9/Rev.1; INF/12; INF/13).

The AFRICAN GROUP, the EU, PAKISTAN, INDIA, NIGERIA, the RUSSIAN FEDERATION, MALAYSIA, NEPAL, ETHIOPIA, and SYRIA supported listing HBCD.

Delegates adopted the decision (RC/COP.9/7) to amend Annex III to list HBCD.

Phorate: The Secretariat introduced the documents (RC/COP.9/8; Add.1; INF/9/Rev.1; INF/14; INF/15). The AFRICAN GROUP, the EU, INDIA, AUSTRALIA, NEPAL, SERBIA, the RUSSIAN FEDERATION, MALAYSIA, PALESTINE, NIGERIA, BRAZIL, ZIMBABWE, and NICARAGUA supported the inclusion of phorate in Annex III.

Delegates adopted the decision (RC/COP.9/8) to list phorate in Annex III.

Acetochlor: The Secretariat introduced the documents (RC/COP.9/6; Add.1; INF/9/Rev.1; INF/10; INF/11). The EU, PAKISTAN, TOGO, INDIA, NIGERIA, NICARAGUA, MAURITANIA, EL SALVADOR, MALAYSIA, the RUSSIAN FEDERATION, the DEMOCRATIC REPUBLIC OF THE

CONGO, SYRIA, NORWAY, SWITZERLAND, CAMBODIA, NEPAL, SERBIA, BOLIVIA, BOTSWANA, ZIMBABWE, and PAN supported the inclusion of acetochlor in Annex III.

The AFRICAN GROUP asked delegates to consider all possible implications of listing acetochlor, noting that some countries in the region had raised concerns.

Stating that the CRC did not employ a rigorous procedure for review, CROPLIFE INTERNATIONAL noted that although the EU notification met the Annex II requirements, the notification from the Sahelian countries did not because it was, *inter alia*, based on the research project of a masters student rather than reliable exposure data. NORWAY dissented, explaining that the Sahelian countries had effectively used the bridging criteria to demonstrate a high risk for groundwater contamination.

ARGENTINA, with CHILE, opposed the listing, saying the Annex II criteria had not been met, and proposed further discussion, taking into consideration more recent studies.

President Álvarez-Pérez suspended the discussion and requested parties to consult informally with the aim of seeking consensus.

Carbosulfan: The Secretariat introduced the documents (RC/COP.9/9; RC/COP.9/9/Add.1), noting that COP8 agreed that the listing criteria had been met but did not reach consensus to include the chemical in Annex III.

Citing its use of carbosulfan in agriculture pest control and questioning the validity of one of the notifications, KENYA opposed listing carbosulfan. INDIA lamented an absence of alternatives in pest control for many crops and opposed listing.

CROPLIFE INTERNATIONAL said that when used according to the label, carbosulfan is a safe pesticide and questioned whether the notification met Annex II criteria.

The PHILIPPINES withdrew the reservations it had stated at COP8 and said it was ready to support listing. The EU, NICARAGUA, SRI LANKA, CHILE, NIGERIA, IRAQ, MAURITANIA, SUDAN, NORWAY, LEBANON, PERU, ARGENTINA, SAINT KITTS AND NEVIS, MALAYSIA, the DEMOCRATIC REPUBLIC OF THE CONGO, and GABON supported listing. Several stressed that listing does not equate to banning the substance.

President Álvarez-Pérez suspended the discussion and requested parties to consult informally with the aim of seeking consensus.

Paraquat: The Secretariat introduced the documents (RC/COP.9/12; Add.1), noting that the listing of this severely hazardous pesticide formulation (SHPF) has been on the agenda since COP6.

Opposing listing, GUATEMALA stressed the need to better evaluate notifications. Highlighting a national scientific assessment of paraquat, INDONESIA reported that correct use of the pesticide is not harmful to human health and the environment.

The AFRICAN GROUP, MAURITANIA, NICARAGUA, the DEMOCRATIC REPUBLIC OF THE CONGO, the EU, RUSSIAN FEDERATION, BURKINA FASO, PERU, SAINT

KITTS AND NEVIS, NORWAY, CAMBODIA, SWITZERLAND, MALAYSIA, TANZANIA, ECUADOR, NIGERIA, CÔTE D'IVOIRE, URUGUAY, MALAWI, BOLIVIA, EL SALVADOR, PAN and IPEN supported listing.

President Álvarez-Pérez suspended discussions to allow for informal consultations, noting that only two parties were opposed to listing.

Fenthion: The Secretariat introduced the documents (RC/COP.9/11; /Add.1), noting that COP8 decided that fenthion meets the criteria for listing.

Citing crop security issues, SUDAN, KENYA, ETHIOPIA, and UGANDA opposed listing, and, with others, called for effective, practical alternatives to be defined. MAURITANIA, GABON, and NIGERIA noted similar problems with crop security but supported listing.

CHAD, the RUSSIAN FEDERATION, PERU, PAN, the EU, MALAYSIA, CHILE, BOLIVIA, SAINT KITTS AND NEVIS, INDIA, and NICARAGUA supported listing.

The EU emphasized that the purpose of PIC is information exchange. NORWAY and others underscored that listing does not constitute a ban.

President Álvarez-Pérez called for informal consultations with the four countries that opposed listing.

Chrysotile asbestos: The Secretariat introduced the documents (RC/COP.9/10; Add.1) noting that this issue has been on the agenda since COP3. AUSTRALIA, COLOMBIA, NORWAY, CANADA, PERU, GEORGIA, URUGUAY, GABON, NIGERIA, SAUDI ARABIA, the EU, JAPAN, IRAQ, TOGO, CHILE, MALAYSIA, NEW ZEALAND, MOLDOVA, SWITZERLAND, VANUATU, the REPUBLIC OF CONGO, SENEGAL, the MALDIVES, KUWAIT, BENIN, SAUDI ARABIA, and CAMEROON supported listing of chrysotile asbestos in Annex III.

Citing lack of new evidence of effects on human health and the environment, the RUSSIAN FEDERATION, KAZAKHSTAN, SYRIA, ZIMBABWE, KYRGYZSTAN, PAKISTAN, INDIA, and the INTERNATIONAL ALLIANCE OF TRADE UNION ORGANIZATIONS "CHRYSOTILE" opposed listing.

VENEZUELA, CUBA, and IRAN called for further discussions to understand the rationale of those opposed to listing.

Stressing overwhelming and conclusive scientific evidence, the WORLD HEALTH ORGANIZATION underlined that all forms of asbestos cause cancer in humans. The INTERNATIONAL LABOUR ORGANIZATION (ILO) underscored that the ILO Asbestos Convention should not be used to justify continued use of asbestos. SOLIDAR SUISSE urged immediate action to list chrysotile asbestos, emphasizing that millions of people die every year due to exposure. Noting that evidence linking chrysotile to disease is overwhelming, NATIONAL TOXICS NETWORK called for chrysotile asbestos to be listed in Annex III.

The FIBER CEMENT PRODUCT MANUFACTURER'S ASSOCIATION of India opposed listing, saying national governmental studies had shown no negative health impacts. WORKERS OF KAZAKHSTAN called for a distinction to be made between chrysotile and other forms of asbestos, noting that workers using cement with chrysotile asbestos were "all in good health."

Delegates deferred further consideration to COP10.

Compliance: Highlighting the Friends of the President group's work of the previous day, President Álvarez-Pérez asked if there were any objections to the adoption of Annex I, which contains the text negotiated at COP7 (RC/COP.9/14/Rev.1). IRAN opposed adoption.

President Álvarez-Pérez then asked whether there were objections to adopting Annex II, which contains the "package deal" discussed at COP7. IRAN, supported by SYRIA, opposed.

President Álvarez-Pérez subsequently invited delegates to discuss the proposal to create a new Annex establishing procedures and mechanisms on compliance (RC/COP.9/14/Add.1/Rev.1). Emphasizing that consensus should not be a tool

for blocking progress, SWITZERLAND explained the proposed Annex VII would allow parties who do not agree to a compliance mechanism to opt out.

COSTA RICA, CANADA, the EU, the AFRICAN GROUP, COLOMBIA, NORWAY, URUGUAY, NAMIBIA, MALI, SOUTH AFRICA, ZAMBIA, NEW ZEALAND, LIBERIA, JAPAN, GHANA, BENIN, EL SALVADOR, NIGERIA, KENYA, MALAYSIA, the MALDIVES, THAILAND, the DOMINICAN REPUBLIC, NEPAL, SENEGAL, BOTSWANA, CHILE, CÔTE D'IVOIRE, HONDURAS, SUDAN, VANUATU, PAPUA NEW GUINEA, IPEN and PAN supported the creation of Annex VII. Many called for a decision, noting that the proposed mechanism is not punitive and provides technical assistance.

IRAN, supported by the RUSSIAN FEDERATION, opposed the proposal. CHINA cautioned that adopting Annex VII would modify the Convention and could undermine its integrity. IRAQ called for more time to seek a consensus-based solution.

Underscoring that all efforts to achieve consensus had been exhausted, SWITZERLAND called for a vote. President Álvarez-Pérez said a vote would be held on Thursday, following adoption of the report on credentials. Several called for the vote to take place immediately. The BRS Legal Officer clarified that the vote could be held earlier if a majority of parties were not content with the President's decision.

After a brief break, delegates voted to adopt the new Annex, with 120 supporting and 6 opposing the proposal.

BRAZIL, supported by the RUSSIAN FEDERATION, lamented that the vote happened prior to adoption of the report on credentials and, with CHINA and TRINIDAD AND TOBAGO, said this should not set a precedent for decision-making. VENEZUELA, PAKISTAN, CUBA, QATAR, and the RUSSIAN FEDERATION lamented that delegations were not given time to consult with their capitals. ARGENTINA expressed concern that only some parties would comply. IRAN emphasized that the reaction to the vote was indicative of future problems.

Contact Groups

RC Effectiveness: Participants discussed the draft decision on developments for action by the COP (RC/COP.9/5), including text that calls for the Secretariat to, *inter alia*: provide technical and financial assistance for development of risk assessments; establish a training programme for members; request input for guidance on the operation of the CRC; and facilitate use of regional preparatory meetings for enhanced information sharing.

Technical Assistance and Financial Resources: The RC Effectiveness group joined the group to discuss issues related to the development of risk assessments that may need to be included in the technical assistance and finance decision (RC/COP.9/CRP.7). Delegates discussed costs of risk assessments, with one noting that the technical assistance plan is "living" and adaptable.

In the Corridors

Wednesday was an emotional rollercoaster for many delegates. Some celebrated the establishment of a compliance mechanism, with one characterizing this as a critical step toward "rescuing the Rotterdam Convention from irrelevance." However, for many, this sense of achievement was tempered by the fact that parties will be able to opt out, creating a system of compliance for some, but not all.

The swift listing of HBCD and phorate led some to celebrate "early successes," but frustration escalated quickly in the face of ongoing political opposition to listing the four "old" chemicals that have already appeared on the COP's agenda multiple times. Anger after the chrysotile asbestos discussion was especially palpable, with one observer saying, "It's not unexpected, but it's so disappointing. It's hard to believe that people still dispute the science when it is so uncontroversial."

Another said that the combination of work today, in particular, illustrates that the Rotterdam Convention is at a crossroads – parties can either breathe life into this mechanism for global information exchange or let it fade away.