

CHEMICALS EXCOPS HIGHLIGHTS:

MONDAY, 22 FEBRUARY

In the morning, delegates convened in plenary for the opening of the simultaneous extraordinary meetings of the Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions (ExCOPs), followed by the open-ended joint working group (OEWG) which met in the morning and afternoon. Contact groups on joint activities, review of coordination and cooperation, and joint managerial functions convened in the afternoon and evening.

OPENING PLENARY

Made Mangku Pastika, Governor of Bali, Indonesia, welcomed participants and highlighted the impacts of climate change on the province's limited natural resources, emphasizing the need for integrated sustainable efforts to mitigate such impacts.

Gusti Muhammad Hatta, Minister of Environment, Indonesia, described the first ExCOPs as a "historical opportunity to work together on matters relating to the effective management of chemicals and wastes." The respective COP Presidents of the Basel, Rotterdam and Stockholm Conventions, Gusti Muhammad Hatta (Indonesia), Zukie Noluzuko Gwaji (South Africa), and Gholamhossein Dehghani (Iran), and Achim Steiner, Executive Director, United Nations Environment Programme (UNEP) participated in a signing of the commemorative first day cover.

OPENING OF THE MEETINGS: Peter Kenmore, Co-Executive Secretary of the Rotterdam Convention, committed the UN Food and Agricultural Organization's (FAO) support to the synergies process.

Achim Steiner underscored that the ExCOPs represented an extraordinary moment in environmental governance. He said the process has potential to result in a paradigm shift, noting that the era of developing MEA instruments on an issue-by-issue basis might be approaching its end.

ORGANIZATIONAL MATTERS: The ExCOPs adopted the agenda (UNEP/FAO/CHW/RC/POPS/EXCOPS.1/1) and agreed to the organization of work (UNEP/FAO/CHW/RC/POPS/EXCOPS.1/1/Add.1, 1/INF/1/Rev.1 and 1/CRP.1/Rev.1). Delegates established an OEWG co-chaired by Kerstin Stendahl (Finland), Osavaldo Álvarez-Pérez (Chile) and Desire Ouegraogo (Burkina Faso).

OPEN-ENDED JOINT WORKING GROUP

MATTERS FOR CONSIDERATION OR ACTION BY THE COPS: Joint activities: Co-Chair Kerstin Stendahl opened the OEWG. The Secretariat of the Basel Convention

introduced the item on joint activities of the three Conventions (UNEP/FAO/CHW/RC/POPS/EXCOPS.1/2). REPUBLIC OF KOREA supported establishing a clearing-house mechanism (CHM). AUSTRALIA sought clarification on how the proposed CHM would work, and JAPAN expressed concern regarding its financial implications. NORWAY, SWITZERLAND and REPUBLIC OF KOREA supported working on the basis of the EU's proposed omnibus decision (UNEP/FAO/CHW/RC/POPS/EXCOPS.1/CRP.2). SPAIN, for the EU, proposed a joint temporary head for the three Conventions, highlighting joint activities at the regional level, and proposed a joint programme of work for 2010-2013. PAKISTAN proposed discussion of the compliance mechanism in a contact group. The Secretariat explained that compliance would be addressed in the future, once the three Conventions establish their respective mechanisms.

CHINA said it was premature to discuss national-level coordination, which was for governments to determine. MOROCCO questioned how developing countries would benefit from the synergy process. The US agreed with the comprehensive approach proposed by the EU, and supported observer participation in the synergy process. INDIA, supporting China, said that joint activities will depend on available resources, and maintained that organizational and administrative expenses should not take precedence over programmes. The INTERNATIONAL POPS ELIMINATION NETWORK (IPEN) called for the inclusion of all stakeholders in the synergy discussions and review processes. A contact group on joint activities was established.

REVIEW MECHANISM: The Rotterdam Secretariat introduced the item on reviewing the arrangements pursuant to the decisions on cooperation and coordination among the Conventions (UNEP/FAO/CHW/RC/POPS/EXCOPS.1/7) and draft decisions (UNEP/FAO/CHW/RC/POPS/EXCOPS.1/CRP.2 and CRP.4). SWITZERLAND presented a proposal for a draft decision on the review mechanism (UNEP/FAO/CHW/RC/POPS/EXCOPS.1/CRP.4). The EU supported a timeline for the review, and stressed the importance of an open and flexible review mechanism that would take into consideration the Strategic Approach to International Chemicals Management (SAICM) and the envisaged global legally binding instrument on mercury. CHINA proposed that UNEP prepare indicators and expressed reservation on broadening the process of cooperation and coordination under the Conventions to other instruments. PAKISTAN said that parties first needed to agree on the parameters, scope and indicators of the review before adopting the review mechanism. The US said that parties and other stakeholders should be invited to submit information relevant to

the review. A contact group on review co-chaired by Jan-Karel Kwisthout (The Netherlands) and Pauline Davies (Uruguay) was established.

Joint managerial functions: The Secretariat introduced the issue (UNEP/FAO/CHW/RC/POPS/EXCOPS.1/3 and UNEP/FAO/CHW/RC/POPS/EXCOPS.1/INF/3), indicating two options for the coordination of the three Convention Secretariats: the establishment of a joint coordinating group; or of a joint head of the secretariats. The EU introduced the part of the draft omnibus decision (UNEP/FAO/CHW/RC/POPS/EXCOPS.1/CRP.2) on the appointment of a temporary joint head. SWITZERLAND introduced a draft decision proposing to appoint a joint head of the three secretariats (UNEP/FAO/CHW/RC/POPS/EXCOPS.1/CRP.3).

CANADA said that the synergy process should not lead to additional burdens, cost savings must be used for programme implementation, and the final decision should be cost-neutral. KENYA supported the proposal for a joint head, and said that, while cost considerations are important, investment in change is needed. Nigeria, for the AFRICAN GROUP, said it was still consulting on the two options, and, supported by URUGUAY, cautioned against jeopardizing the autonomy of the Conventions. INDIA cautioned against creating a new administrative level, which might blur the Conventions' legal autonomy, and expressed preference for a joint coordinating group, which could take stock of the need for a single head later. SUDAN and JORDAN supported the joint head proposal, with SUDAN suggesting that in the long term it could lead to one convention. CUBA and ARGENTINA noted the difficulties a single head might encounter in dealing with autonomous mandates, and favored the joint coordinating group. GABON expressed concern about the legal aspects of the changes. INDONESIA, SAMOA and MEXICO stressed the need for maintaining the autonomy of the Conventions. CHINA expressed concern with the legal issues and cost implications related to the proposed options.

KUWAIT and QATAR supported the joint coordinating group. BOTSWANA highlighted the importance of the long-term sustainability of any changes. VENEZUELA supported establishing a joint coordinating group provided that it supports the regions. PANAMA stressed the need to strengthen the regional centers. BRAZIL highlighted: the importance of autonomy of the Conventions; the rationalization of costs and functions; and the special needs of developing countries.

The US stressed that the options proposed should meet the objectives of the parties, including: coordination; greater efficiency and effectiveness; cost saving and cost-neutrality, and preserving autonomy of each Convention. AUSTRALIA suggested exploring different options further. The UNEP Secretariat clarified that there was no legal impediment to the implementation of joint managerial functions and such functions would not compromise the legal autonomy of the respective Conventions. A contact group on joint managerial functions co-chaired by Barry Reville (Australia) and Mohammed Koba (Indonesia) was established.

Joint services: The secretariat introduced the item (UNEP/FAO/CHW/RC/POPS/EXCOPS.1/4 and UNEP/FAO/CHW/RC/POPS/EXCOPS.1/INF/3). The EU, supported by NORWAY and SWITZERLAND, outlined their proposal (UNEP/FAO/CHW/RC/POPS/EXCOPS.1/CRP.2) for joint: services for financial and administrative support; legal service; information technology service; information service; and joint resource mobilization service. JAPAN sought clarification on the meaning of "cost neutral in respect to real terms." The EU explained that the intention was for cost neutrality to be in real and not nominal terms reflecting, for example, adjustments made to staff salaries

during each biennium due to exchange rate fluctuations. Parties agreed to continue discussion based on revised text incorporating the EU proposal on Tuesday.

CONTACT GROUPS

JOINT ACTIVITIES: The contact group, co-chaired by Gilian Guthrie (Jamaica) and Katerina Sebkova (Czech Republic), met in the afternoon and evening. The Secretariats responded to questions regarding the financing of the CHM and the functioning of the platform for information exchange. Discussions focused on how to address in CRP.2, section I (joint activities) concerns raised by several developing countries that the implementation of synergies decisions depends on the availability of resources. Discussion also focused on proposed cross-cutting and joint activities to be included in the Programme of Work of each of the three Conventions, and the potential to add language endorsing the development of a CHM joint work plan and invite parties to fund this.

JOINT MANAGERIAL FUNCTIONS: The contact group met in the evening. Delegates discussed whether the autonomy of the three Conventions could be maintained under the two proposed options of establishing either a joint coordinating group or appointing a joint head. While many participants agreed that autonomy could be maintained at the legal level, some voiced concerns that this would amount to "one convention in practice." Different views also emerged about the broadness of the joint head's mandate, with some countries envisaging the new position to act as the Executive Secretary of the three Conventions and others favoring a mandate limited to the joint services. Later in the discussion, some joint-head proponents highlighted the desire of donor governments to receive integrated project proposals from the three Conventions, claiming the appointment of a joint head would ensure and, subsequently, result in increased resource mobilization for chemicals and wastes convention implementation.

REVIEW MECHANISM: The contact group co-chaired by Jan-Karel Kwisthout (The Netherlands) and Pauline Davies (Uruguay) met in the evening and discussed the terms of reference and timetable for the review of the arrangements pursuant to the synergies decisions adopted by the previous ordinary COPs of the three Conventions and the decision to be adopted by the ExCOPs.

IN THE CORRIDORS

There was general feeling among participants that the ground breaking simultaneous chemical conventions meetings themed: "Greater Strength in Sync" got off to a good start, sailing smoothly through an intricate opening sequence. The first day of the ExCOPs also heard differing views on some issues of substance. The reason, as noted by one observer, was that the delegates represented a combination of chemicals experts and those with UNEP Governing Council and UNGA political backgrounds. "We're a mixed bag here," opined one delegate, "so we are bound to differ." Thus, the discussion of proposals for the joint management of the three chemicals Conventions struck varying chords. Chemical negotiators debated the appointment of a single head of the three Convention Secretariats, with some seeing merit in adding visibility to chemicals and wastes, and others questioning the wisdom of adding a new administrative layer in the chain of command. "It will only just increase the bureaucratic burden—that's not the reason why we are here," added another negotiator. The lingering confusion of whether this might also harm the Conventions' legal autonomy added to the complexity of the debate. On the other hand, seasoned GC negotiators wondered if the real issue was an intention by some to ensure the ExCOPs forge a precedent in the quest to promote stronger international environmental governance.