

SUMMARY OF THE THIRD MEETING OF THE CONFERENCE OF THE PARTIES TO THE ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE: 9-13 OCTOBER 2006

The third meeting of the Conference of the Parties (COP-3) to the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, was held from 9-13 October 2006, in Geneva, Switzerland. Over 520 participants, representing more than 140 governments, UN agencies, and intergovernmental and non-governmental organizations, attended the meeting. COP-3 considered several reports on activities within the Convention's mandate and adopted 16 decisions on, *inter alia*: the programme of work and the budget for 2007-2008; implementation of the Convention; chrysotile asbestos; financial mechanisms; non-compliance; and cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions' secretariats. Delegates did not reach agreement on the mechanisms and procedures for non-compliance. COP-3 deferred the decision on including chrysotile asbestos in Annex III (Chemicals subject to the PIC procedure) of the Convention to COP-4, which is scheduled to be held in Rome in October 2008.

A BRIEF HISTORY OF THE ROTTERDAM CONVENTION

Growth in internationally-traded chemicals during the 1960s and 1970s prompted efforts by the international community to safeguard people and the environment from the harmful effects of such chemicals. These efforts resulted in the adoption of the International Code of Conduct for the Distribution and Use of Pesticides by the UN Food and Agriculture Organization (FAO) and the London Guidelines for the Exchange of Information on Chemicals in International Trade by the United Nations Environment Programme (UNEP). Both the Code of Conduct and the London Guidelines include procedures aimed at making information about hazardous chemicals readily available, thereby

permitting countries to assess the risks associated with their use. In 1989, both instruments were amended to include a voluntary PIC procedure, managed jointly by FAO and UNEP, to help countries make informed decisions on the import of banned or everely restricted chemicals.

At the UN Conference on Environment and Development held in Rio de Janeiro in 1992, delegates adopted Agenda 21, which contains an international strategy for action on chemical safety (Chapter 19), and called on states to achieve full participation in and implementation of the PIC procedure by 2000, with the possible adoption of a legally-binding PIC Convention.

In November 1994, the 107th meeting of the FAO Council agreed that the FAO Secretariat should proceed with the preparation of a draft PIC Convention as part of the joint FAO/ UNEP programme. In May 1995, the 18th session of the UNEP Governing Council adopted Decision 18/12, authorizing the

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This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Karen Alvarenga, Ph.D., Xenya Cherny, Richard de Ferranti, Leonie Gordon and Leila Mead. The Digital Editor is Diego Noguera. The Editor is Pamela S. Chasek, Ph.D. <pam@iisd.org> and the Director of IISD Reporting Services is Langston James "Kimo" Goree VI <kimo@iisd.org>. The Sustaining Donors of the *Bulletin* are the Government of the United States of America (through the Department of State Bureau of Oceans and International Environmental and Scientific Affairs), the Government of Canada (through CIDA), the United Kingdom (through the Department for International Development - DFID), the Danish Ministry of Foreign Affairs, the Government of Germany (through the German Federal Ministry of Environment - BMU), and the German Federal Ministry of Development Cooperation - BMZ), the Netherlands Ministry of Foreign Affairs, the European Commission (DG-ENV) and the Italian Ministry for the Environment and Territory General Directorate for Nature Protection. General Support for the *Bulletin* during 2006 is provided by the United Nations Environment Programme (UNEP), the Swiss Agency for Environment, Forests and Landscape (SAEFL), the Government of Australia, the Austrian Federal Ministry for the Environment, the New Zealand Ministry of Foreign Affairs and Trade, SWAN International, the Japanese Ministry of Environment (through the Institute for Global Environmental Strategies - IGES) and the Japanese Ministry of Economy, Trade and Industry (through the Global Industrial and Social Progress Research Institute - GISPRI). Funding for translation of the *Earth Negotiations Bulletin* into French has been provided by the International Organization of the Francophonie (IOF) and the French Ministry of Foreign Affairs. Funding for the translation of the *Earth Negotiations Bulletin* into Spanish has been provided by the Ministry of Environment of Spain. The opinions expressed in the *Earth Negotiations Bulletin* are those of the authors and do not necessarily reflect the views of IISD or other donors. Excerpts from the *Earth Negotiations Bulletin* may be used in non-commercial publications with appropriate academic citation. For information on the *Bulletin*, including requests to provide reporting services, contact the Director of IISD Reporting Services at <kimo@iisd.org>, +1-646-536-7556 or 212 East 47th St. #21F, New York, NY 10017, USA.

Executive Director to convene, with FAO, an intergovernmental negotiating committee (INC) with a mandate to prepare an international legally-binding instrument for the application of the PIC procedure. The INC held five sessions between March 1996 and March 1998 during which a draft of the PIC Convention was produced, revised, and ultimately agreed upon, as well as a draft resolution on interim arrangements.

CONFERENCE OF PLENIPOTENTIARIES: The Conference of Plenipotentiaries of the PIC Convention was held from 10-11 September 1998, in Rotterdam, the Netherlands. Ministers and senior officials from approximately 100 countries adopted the Rotterdam Convention, the Final Act of the Conference, and a Resolution on Interim Arrangements.

In line with the new procedures contained in the Convention, the Conference adopted numerous interim arrangements for the continued implementation of the voluntary PIC procedure and invited UNEP and FAO to convene further INCs during the period prior to the Convention's entry into force and to oversee the operation of the interim PIC procedure.

INC-6 to 11: INC-6, held in Rome from 12-16 July 1999, agreed to draft decisions on the definition and provisional adoption of PIC regions, the establishment of an Interim Chemical Review Committee (ICRC), and the adoption of draft decision guidance documents (DGDs) for chemicals already identified for inclusion in the PIC procedure.

INC-7 was held in Geneva from 30 October to 3 November 2000, and addressed the implementation of the interim PIC procedure, preparations for the COP, including financial arrangements. It also agreed to add ethylene dichloride and ethylene oxide to the interim PIC procedure.

INC-8 was held in Rome from 8-12 October 2001, and resolved a number of questions associated with the discontinuation of the interim PIC procedure and on conflict of interest of ICRC members.

INC-9 was held in Bonn, Germany, from 30 September to 4 October 2002. It agreed on the inclusion of monocrotophos in the PIC procedure and made progress on financial rules and dispute settlement procedures.

INC-10 was held in Geneva from 17-21 November 2003, and agreed to add four forms of asbestos, dinithro-ortho-cresol (DNOC), and dustable powder formulations of benomyl, carbofuran and thiram (formerly referred to as Granox T and Spinox TBC) to the interim PIC procedure, but deferred to the next meeting a decision on including a fifth form of asbestos, chrysotile.

INC-11 was held in Geneva on 18-19 September 2004, and agreed to add tetraethyl lead, tetramethyl lead, and parathion to the PIC procedure, but did not reach consensus on the addition of chrysotile asbestos.

ICRC-1 to 5: The first session of the ICRC took place in Geneva from 21-25 February 2000, and agreed to recommend ethylene dichloride and ethylene oxide for inclusion in the PIC procedure. ICRC-2 was held in Rome from 19-23 March 2001, and addressed the inclusion of monocrotophos in the PIC procedure. ICRC-3 was held in Geneva from 17-21 February 2002, and recommended the addition of monocrotophos, Granox TBC and Spinox T, DNOC, and five forms of asbestos to the PIC procedure.

ICRC-4 was held in Rome from 3-7 March 2003, and addressed new candidate chemicals for inclusion in the PIC procedure, as well as notifications of final regulatory actions to ban or severely restrict parathion, tetraethyl lead, tetramethyl lead, and tributyl tin compounds.

ICRC-5 was held in Geneva from 2-6 February 2004, and discussed notifications of final regulatory action to ban or severely restrict dimefox, endrin, endosulfan, mevinphos, and vinclozolin, but decided not to recommend any of the five chemicals for inclusion in the interim PIC procedure, since the notifications did not meet all the criteria listed in Annex II. The ICRC recommended the inclusion of tetraethyl lead, tetramethyl lead, and parathion for inclusion in the PIC procedure.

COP-1: The first COP to the Rotterdam Convention, held in Geneva from 20-24 September 2004, adopted all the decisions required to make the legally-binding PIC procedure operational. Delegates addressed procedural issues and other decisions associated with the entry into force of the Convention, such as the: composition of the PIC regions; inclusion of chemicals in Annex III recommended during the interim period; adoption of financial rules and provisions for the COP, the subsidiary bodies, and the Secretariat; establishment of the Chemical Review Committee (CRC); cooperation with the World Trade Organization (WTO); settlement of disputes; and the location of the Secretariat.

COP-2: The second COP to the Rotterdam Convention met from 27-30 September 2005, in Rome, Italy, and an *Ad Hoc* Open-Ended Working Group also met from 26-27 September 2006. Delegates discussed and adopted decisions on: the programme of work and the budget for 2006; operational procedures of the CRC; the finalization of the arrangements between UNEP and FAO for the provision of the Secretariat to the Rotterdam Convention; pilot projects on the delivery of regional technical assistance; and cooperation and synergies between the Basel, Rotterdam and Stockholm Convention secretariats. Delegates agreed to forward a bracketed text on a compliance mechanism to COP-3 and to task the Secretariat with a study on financial mechanisms.

COP-3 REPORT

President Yue Ruisheng (China) opened PIC COP-3 on Monday, 9 October 2006, welcomed the Republic of Congo as the Convention's 109th party, and said that commitments made when ratifying the Convention should now be turned into action.

Frits Schlingemann, on behalf of UNEP Executive Director Achim Steiner, reviewed progress made in the last 15 years, and regretted that not all parties were utilizing the Convention's mechanisms.

Niek van der Graaff, Rotterdam Convention Joint Executive Secretary, FAO, reviewed progress made on the Convention's implementation, including outreach and technical assistance. He urged action on chrysotile asbestos and reiterated that inclusion in Annex III (Chemicals subject to the PIC procedure) is not a recommendation to ban global trade or use. He urged parties to review the list of more than 160 chemicals for which first notification has been made, and encouraged development of national plans or strategies for implementation.

Delegates then adopted the annotated agenda for the meeting and its organization of work (UNEP/FAO/RC/COP.3/1 and Add.1).

In addition to COP-3 President Yue Ruisheng, the following had been elected to the COP-3 Bureau at COP-2: Vice Presidents Andrea Repetti (Argentina), Helga Schrott (Austria) and Azhari Omer Abdelbagi (Sudan), and Rapporteur Maria Teriosina (Lithuania).

RULES OF PROCEDURE

On Tuesday in plenary, the Secretariat submitted for adoption the COP Rules of Procedure (UNEP/FAO/RC/COP.3/3). Noting lack of consensus on whether a two-thirds majority vote would be taken in cases where consensus could not be reached, President Yue Ruisheng said no formal decision will be taken on the issue by COP-3, and that COP decisions will be taken by consensus until the brackets in the Rules of Procedure are removed.

REPORT ON THE CREDENTIALS OF REPRESENTATIVES AT COP-3

On Monday in plenary, the COP agreed that the Bureau would serve as the Credentials Committee for COP-3 and that the committee would report to plenary on Friday. On Friday, Andrea Repetti (Argentina) presented the oral report of the Credentials Committee, noting that of the 90 parties and regional economic integration organization (the European Community), 72 had presented their credentials. COP-3 adopted the report.

IMPLEMENTATION OF THE CONVENTION

STATUS OF IMPLEMENTATION: On Monday in plenary, the Secretariat presented the report on the status of implementation (UNEP/FAO/RC/COP.3/4). President Yue Ruisheng, *inter alia*, urged parties to consider why so few pesticide formulations had been notified for consideration. Delegates expressed concern over continuing low levels of parties' import responses on Annex III-listed chemicals and highlighted the need for technical assistance to support parties in implementing the Convention. COP-3 took note of the report.

CONFIRMATION OF THE APPOINTMENTS OF GOVERNMENT-DESIGNATED EXPERTS TO THE CRC:

The Secretariat introduced the report contained in UNEP/FAO/RC/COP.3/5 in plenary on Tuesday. Delegates agreed to the draft decision contained therein and adopted it in plenary on Wednesday.

Final Decision: In the final decision on appointments (UNEP/FAO/RC/COP.3/CRP.3), the COP confirmed the Democratic Republic of the Congo's expert, Alain Buluku.

DESIGNATION OF EXPERTS FOR THE CRC: The Secretariat introduced the report on the designation of experts for the CRC (UNEP/FAO/RC/COP.3/6) in plenary on Tuesday, outlining the need for COP-3 to identify governments to nominate experts replacing CRC members whose two-year appointments expire in September 2007. Following consultations among regional groups, delegates adopted the decision in plenary on Thursday.

Final Decision: In the decision (UNEP/FAO/RC/COP.3/CRP.8), the COP identifies the following countries as needing to designate, by June 2007, CRC experts for the four-year period from 1 October 2007: China, India, Japan and Sri Lanka for

Asia and the Pacific; the Czech Republic for Central and Eastern Europe; Chile and Mexico for Latin American and the Caribbean Group (GRULAC); Austria, France and Norway for Western Europe and others Group (WEOG); and Benin, Gabon, Nigeria and South Africa for the African Group.

CRC-2 REPORT: Presentation by the CRC-2 Chair: On Monday in plenary, CRC Chair Bettina Hitzfeld (Switzerland) introduced the CRC-2 report (UNEP/FAO/RC/COP.3/7), and summarized the meeting's outcome, highlighting, *inter alia*, its decision to recommend the listing of chrysotile asbestos in Annex III of the Convention and forward to COP-3 the related DGD (UNEP/FAO/RC/COP.3/11). COP-3 took note of the report.

Issues arising out of CRC-2: CRC-2 Chair Hitzfeld presented the Secretariat's note on issues arising out of CRC-2 (UNEP/FAO/RC/COP.3/8), highlighting, *inter alia*, that CRC-2: agreed in general on procedures for the preliminary review of notifications and the committee's work prioritization in progress; recommended including chrysotile asbestos in Annex III; addressed use of previously considered notifications; and prepared a working paper on Annex II (Criteria for listing banned or severely restricted chemicals in Annex III) criterion (d), which provides that evidence of "intentional misuse" is not in itself an adequate reason to list a chemical in Annex III.

On procedures for preliminary review of notifications and prioritizing the CRC's work, delegates took note and approved UNEP/FAO/RC/CRC.2/6 (Procedure for dealing with notifications).

On clarifying the term "misuse," President Yue Ruisheng noted CRC-2's conclusions that notifications relating to misuse should be dealt with on a case-by-case basis, which several delegates supported. He also noted CRC's guidance that in developed countries "common use" might be considered "legal use." India referred to its submission (UNEP/FAO/RC/COP.3/CRP.2), emphasized objectivity and questioned the CRC's recommendation on Thailand's notification on endosulfan. Discussion focused on how to define "intentional misuse" with some opposing seeking a definition. Australia urged clarification of "intentional misuse" and requested the CRC to seek legal advice from UNEP. Delegates agreed that this would be obtained but that in the meantime notifications involving "intentional misuse" would continue to be considered on a case-by-case basis. COP-3 took note of the report.

Trade restrictions under other Multilateral Environment Agreements (MEAs):

In plenary on Monday, the Secretariat presented the report on the Convention's treatment of substances in which trade is prohibited or restricted by the Stockholm Convention, the Montreal Protocol and International Maritime Organization Convention on the Control of Harmful Antifouling Systems (UNEP/FAO/RC/COP.3/9). Switzerland, supported by New Zealand, the EU and Australia, supported a case-by-case approach to prioritization of chemicals. COP-3 agreed to the Secretariat's proposal to assign a lower priority to chemicals included in the Stockholm Convention or the Montreal Protocol and to treat chemicals still under consideration or with a lengthy phase-out time under these and other MEAs in a normal way. COP-3 took note of the report.

Risk Evaluations under other MEAs: On Tuesday, the Secretariat presented the report on risk evaluations under other MEAs and their relevance to candidate chemicals (UNEP/FAO/RC/COP.3/10). The EU, Canada, Switzerland, Australia and Oman favored recognizing the report's recommendations on evaluations of chemicals under the Stockholm Convention and the Montreal Protocol. The US emphasized the importance of the CRC running an independent analysis in each case. Delegates agreed to the Secretariat's recommendations in the document. A summary of these discussions is available online at: <http://www.iisd.ca/vol15/enb15143e.html> and <http://www.iisd.ca/vol15/enb15144e.html>

CONSIDERATION OF A CHEMICAL FOR INCLUSION IN ANNEX III OF THE CONVENTION: Chrysotile asbestos:

The issue of chrysotile asbestos was first introduced in plenary on Monday during discussions on issues arising out of CRC-2 (UNEP/FAO/RC/COP.3/8). On Tuesday, delegates continued considering this issue when the Secretariat presented document UNEP/FAO/RC/COP.3/11 on the listing of chrysotile asbestos and, following discussions that revealed a lack of consensus, President Yue Ruisheng proposed, and COP-3 agreed, to establish a Friends of the Chair Group, chaired by Andrea Repetti. The group was mandated to try to reach consensus on a draft decision, and address the implications for the Convention's implementation of not listing the substance. On Friday in plenary, Chair Repetti presented the draft decision, which COP-3 adopted following some debate.

Discussions in plenary first focused on CRC-2's recommendation to the COP on a draft DGD for chrysotile asbestos. President Yue Ruisheng noted CRC-2 had forwarded for COP-3 consideration the summary of the World Health Organization (WHO) report (UNEP/FAO/RC/COP.3/INF/9) and the question whether information on alternatives should be included in the DGD. During the ensuing discussions some delegates, including the Ukraine, Kyrgyzstan, Iran, Peru, India and the Russian Federation, argued for deferring a decision until receiving the full WHO report and sufficient scientific data was available. The Ukraine and Iran also urged deferring listing until sufficient information on alternatives was available. Many delegates opposed deferring the decision on this basis.

Delegates also debated the issue of previously considered notifications, with President Yue Ruisheng referring to UNEP legal office advice that notifications are not invalidated by a lack of consensus on inclusion of a chemical in Annex III. Switzerland supported this advice. While agreeing with this opinion as far as the CRC's considerations were concerned, Kyrgyzstan, supported by the Russian Federation, said that previously considered notifications should not have been taken into account and that the procedure for including chrysotile asbestos thus was not observed. President Yue Ruisheng stressed the COP had never considered the chemical's listing and asked delegates to consider whether the Convention's legal and procedural requirements had been met. Following lengthy debate, consensus was reached that due process had been followed.

Throughout the discussions, President Yue Ruisheng urged delegates to consider implications of not listing a substance that has met all criteria and many parties said this would set a bad precedent. Canada emphasized the COP was a body for policy

decisions and opposed listing at this time. Several delegates considered listing could encourage finding alternatives and provide valuable information on health risks. New Zealand proposed agreeing to list the chemical, deferring its applicability until concerns had been addressed. No consensus was reached on whether to list chrysotile asbestos.

In the closing plenary on Friday, COP-3 adopted a decision not to include chrysotile asbestos, however many delegates regretted its non-listing, underscoring agreement that procedural and legal requirements had been met and welcoming re-opening the debate on its inclusion at COP-4. The EU, the African Group, Norway, Chile, Australia, New Zealand and Switzerland stressed political pressure had prevented the listing. Canada supported the draft decision, as did the Ukraine who proposed convening a roundtable on chrysotile asbestos before COP-4. Kyrgyzstan, supported by the Russian Federation, asserted that the decision's text on adherence to due process reduced the COP's powers by attaching greater importance to the CRC recommendation.

A summary of these discussions is available online at: <http://www.iisd.ca/vol15/enb15143e.html> and <http://www.iisd.ca/vol15/enb15144e.html>

Final Decision: In the final decision (UNEP/FAO/RC/COP.3/CRP.12), the COP notes: the work of the CRC; the technical quality and comprehensiveness of the DGD; CRC-2's recommendation to include chrysotile asbestos in Annex III; lack of consensus at COP-3; and many parties' concerns on this issue.

The COP decides to include in COP-4's agenda a draft decision to include the substance on Annex III, and agrees that the requirements of the Convention's Article 5 (Procedures for banned or severely restricted chemicals), including Annex II criteria, and Article 7 (Listing of chemicals in Annex III), have been met. It further encourages parties to make use of all available information on the substance to assist, in particular, developing countries and those with economies in transition in making informed decisions on the chemical's import and management and to inform other parties of those decisions using the Convention's information exchange provisions.

ISSUES ARISING OUT OF PREVIOUS COPS

NON-COMPLIANCE: COP-3 first addressed non-compliance on Monday morning in plenary, during which a working group, chaired by Denis Langlois (Canada), was established. The working group met throughout the week and ended its deliberations on Friday afternoon. Various drafting and Friends of the Chair groups also were established to address contentious issues. Chair Langlois also held bilateral discussions on Thursday and Friday in an attempt to reach consensus on the text. Consensus was not reached and the text was forwarded to plenary, and then attached as an annex to the COP decision, stating that the text would be the basis for further work at COP-4. During Friday's closing plenary, COP-3 adopted the decision.

On Monday in plenary, the Secretariat introduced the agenda item on non-compliance (UNEP/FAO/RC/COP.3/12), and recalled COP decision RC-2/3 on considering procedures and mechanisms on non-compliance for adoption at COP-3.

In the working group, Chair Langlois highlighted five particularly contentious issues that remained unresolved following COP-2: membership, open versus closed meetings, the decision-making process, triggers for the non-compliance

procedure, and possible measures to address non-compliance. Delegates presented their initial views on the proposed compliance mechanism, with many favoring a facilitative mechanism, and then proceeded to discuss specific text remaining in brackets.

On membership, discussions revolved around the number of members in the committee, whether membership should be based on UN or PIC regions, and whether regional distribution of members should be based on equitable or equal proportions. After some debate, delegates agreed to a 15-member committee and membership based on the UN regions. Delegates disagreed over whether regional distribution should be equitable or equal. Based on a 15-member committee, India and other Asian and African countries proposed four members from Africa and Asia-Pacific regions, two from GRULAC and Central and Eastern Europe, and three from WEOG. GRULAC members and the EU supported three from each region. No agreement was reached on this issue.

The debate on decisionmaking revolved around whether a two-thirds majority vote should be taken in cases where consensus cannot be reached. In proposing a two-thirds majority vote, Chair Langlois noted that the interests of those parties supporting consensus were protected by the COP's Rules of Procedure. Australia noted the COP's decision-making process had not yet been agreed on and, with Japan, Pakistan, China, Jordan, the US and India, supported taking decisions by consensus only. The EU, Norway, Chile, Ethiopia, Nigeria, Switzerland, South Africa and Jamaica supported the Chair's proposal. Canada suggested a footnote reflecting that consensus must be reached on suspension of rights and privileges. No consensus was reached on this issue.

During the initial debate on transparency, delegates disagreed on whether committee meetings, by default, should be open or closed. Many parties, including the EU, Norway, Jamaica, Chile and Ethiopia, proposed that meetings be open to parties and the public unless the committee decides otherwise or the party whose compliance is in question requests a closed meeting. Supporting open meetings, South Africa said the party, not the committee, should decide whether the meeting should be open or closed.

Others, including Oman, China, Australia, Japan, Argentina, Thailand, Brazil, Tanzania and India, said discussions should be closed unless the committee and party in question agree to an open process. The US and Canada said closed sessions were more conducive to frank discussions, while Jamaica said open meetings facilitated information exchange. Discussions continued on the basis of Switzerland's proposal distinguishing between open sessions for systemic issues and closed ones on parties' compliance. The group agreed to language reflecting that the meetings would be open to parties and the public unless the Committee decides otherwise. However, when dealing with a submission on non-compliance, the group agreed that the meetings would be open to parties and closed to the public unless the party whose compliance is in question agrees otherwise.

Regarding the triggers for the non-compliance procedure, the group debated who would be allowed to make submissions on possible non-compliance. Delegates held opposing views on whether to allow for party-to-party and Secretariat triggers, or whether to only allow for a self-party trigger. Australia,

Japan, China and India advocated party self-invocation only, while the EU, Norway and Switzerland supported party-to-party and Secretariat triggers. Jamaica proposed limiting the Secretariat trigger to activities facilitating compliance. Following an informal drafting group, delegates considered revised text, which specifies that when the Secretariat becomes aware of a compliance issue, it should work with the party concerned before forwarding the matter to the compliance committee, but several parties objected and discussions were suspended. Delegates were unable to reach consensus on this issue following both Friends of the Chair and bilateral discussions, and references to party-to-party and Secretariat triggers remain bracketed.

On measures, many parties supported facilitative compliance measures only, while the EU and several African countries favored stricter compliance measures. Highlighting the Emergency Fund on Non-compliance under the Basel Convention, Jamaica noted that a facilitative mechanism would lack the financial resources to be effective.

Regarding measures on issuing a statement of concern and issuing a caution, Chair Langlois proposed language merging the ideas by following the Basel Convention's model of issuing a cautionary statement. Ethiopia, Mexico, the EU and Norway supported the Chair's proposal, while Australia, India, China, Chile and Argentina opposed. Following an informal drafting session, the group agreed on issuing a statement of concern regarding actual or possible future non-compliance. Despite initial reservations by India, Venezuela and Malaysia, the group eventually agreed to make cases of non-compliance public.

Japan, Canada and others opposed references to the suspension of parties' rights and privileges, while the EU, Ethiopia and Mali urged their retention. The EU subsequently proposed replacing the reference to suspension of parties' rights and privileges with ineligibility of a non-complaint party to serve as COP President or a member of the Bureau. Oman, Jordan and Sudan proposed specifying a deadline for the ineligibility of a non-compliant party, while Brazil, China and Australia maintained this measure should be deleted. No consensus was reached, and this measure remains bracketed in the final text.

China and Australia opposed the measure recommending a non-compliant party to take steps to remedy the non-compliant situation, such as re-import/re-export of the chemical or safe disposal at the expense of the non-compliant party. Following discussions, the group agreed to delete references to specific measures and, following India's proposal, rephrase the recommendation to state that "a non-compliant situation be remedied by the non-compliant party/parties." China proposed that "remedied" be replaced by "addressed," the EU opposed, and both references remain bracketed in the final text.

On examining systemic issues of general compliance, the group agreed to a compromise text stating that the committee may request relevant information from any reliable sources and outside experts, in accordance with relevant COP guidance.

The group agreed to Canada and Australia's suggestion to reformulate the paragraph on the relationship with other MEAs by referring to information exchange with other compliance committees under relevant MEAs.

On Thursday evening, a Chair's proposed compromise text was distributed, and on Friday morning, the working group commented on this text (UNEP/FAO/RC/COP.2/CRP.16). Brazil expressed overall satisfaction with the text. Nigeria, speaking for the African Group, said the text was unfavorable to Africa and, with Jamaica, said the committee should be able to vote on all issues, in case consensus could not be reached. The EU and Norway, opposed by India, China, South Africa and Venezuela, urged retention of the Secretariat trigger, which the Chair's compromise had proposed deleting. India, Oman and China opposed equal representation for all regions. Japan and Canada stressed the text represents a compromise, urging the working group to establish a compliance committee based on the Chair's proposal. Japan further said delaying the establishment of the compliance committee under the Rotterdam Convention and waiting for the outcomes of compliance discussions under the Stockholm Convention would be counterproductive. After further discussions, Chair Langlois established two Friends of the Chair groups on the Secretariat trigger, and on membership and measures, to resolve outstanding issues. When the working group reconvened on Friday afternoon, Chair Langlois said that his proposal would be withdrawn, and that progress made on text prior to the introduction of his proposed text would be reflected and forwarded to plenary.

In plenary on Friday afternoon, Chair Langlois regretted that the working group had not reached consensus on non-compliance, said that deliberations would continue at COP-4 based on the text forwarded by the working group, and urged that consensus be reached at COP-4. The EU regretted no conclusion was reached on a compliance mechanism. Nigeria and China expressed disappointment with results in certain areas. Delegates adopted the decision and the attached text, which will be forwarded to COP-4.

Final Decision: In the final decision (UNEP/FAO/RC/COP.3/CRP.17 and CRP.18), the COP recalls Article 17 (Non-compliance) of the Convention and is mindful that the procedures and mechanisms called for under Article 17 will help address issues of non-compliance, including by facilitating assistance and providing advice to parties facing compliance issues.

The COP decides to further consider procedures and mechanisms on non-compliance for adoption at COP-4; and that the draft text contained in the annex to the decision as the basis for negotiations at COP-4.

The annex contains the draft procedures and mechanisms on compliance, based on UNEP/FAO/RC/COP.3/12, with agreed paragraphs on:

- the committee being composed of 15 members based on UN regions;
- committee meetings being open to parties and the public unless the committee decides otherwise; meetings dealing with submissions on non-compliance will be open to parties and closed to the public unless the party whose compliance is in question agrees otherwise; and the parties and observers to whom the meeting is open will not have a right to participate in the meeting unless the committee and the party whose compliance is in question agree otherwise;

- measures to address compliance issues, including support and advice to the party concerned, a statement of concern regarding current and possible future non-compliance, and making cases of non-compliance public;
- requesting relevant information from any reliable sources and outside experts in accordance with relevant COP guidance; and
- information sharing with compliance committees under other relevant MEAs.

Paragraphs still containing bracketed text include:

- number of committee members per region;
- two-thirds vote-based decision making in cases where consensus cannot be reached;
- party-to-party and Secretariat triggers and related paragraphs on handling of submissions;
- measures regarding a non-compliant party's ineligibility to serve as COP President or Bureau member and a recommendation that a non-compliant situation be "remedied" or "addressed" by the non-compliant party; and
- gathering of information by the committee from the Secretariat and other sources.

STUDY OF POSSIBLE OPTIONS FOR LASTING AND SUSTAINABLE FINANCIAL MECHANISMS: On Tuesday, the Secretariat introduced the study on possible lasting and sustainable financial mechanisms (UNEP/FAO/RC/COP.3/13) to enable developing countries to implement the Convention, and a contact group, co-chaired by Francisca Katagira (Tanzania) and Jozef Buys (Belgium), was established to further discuss the issue. The contact group met throughout the day on Wednesday and Thursday. On Friday, the draft decision was presented to the plenary and adopted.

Switzerland favored expanding the Global Environment Facility (GEF) Persistent Organic Pollutants (POPs) focal area and using the Strategic Approach to International Chemicals Management (SAICM). China underscored the difficulties in fulfilling the strict financial rules and limited areas of GEF POPs, and advocated increased contributions to the Convention's voluntary fund. The US noted the lack of information on the availability of funding under the SAICM Quick Start Programme (QSP). The EU opposed establishing a financial mechanism under the Rotterdam Convention and, with Japan, noted the need to find ways to link it, and improve access, to existing financial instruments. New Zealand favored using the Montreal Protocol's Multilateral Fund, and suggested developing countries include chemicals issues in their national implementation plans. The African Group welcomed a financial mechanism allowing further capacity building and technical assistance. Mexico, Venezuela and Ecuador highlighted the importance of ensuring availability of resources to fulfill developing countries' commitments. Norway suggested exploring bilateral assistance.

Many developing countries proposed that the Secretariat explore new long-term financing sources and not limit funding sources to the GEF and the Montreal Protocol. Some developed countries opposed broadening sources of funding, saying other potential sources were already identified in the draft decision. One party suggested GEF and Montreal Protocol parties consider incorporating the Rotterdam Convention into their activities under these agreements.

Final Decision: In the final decision (UNEP/FAO/RC/COP.3/CRP.11 Rev.1), the COP invites developing country parties and those with economies in transition to incorporate sound chemicals management into national development plans, such as Poverty Reduction Strategy Plans, to promote mainstreaming for multilateral and bilateral financing and include capacity building and technology transfer in the regional elaboration of the Bali Strategic Plan for technology support and capacity building. It recommends individual developing countries and those with economies in transition to, *inter alia*: use their national implementation plans under the Stockholm Convention as a basis for defining gaps in their chemicals management for implementing the Rotterdam Convention; and propose projects to the GEF POPs focal area and SAICM QSP that indirectly contribute to the Rotterdam Convention. It also encourages donor parties to continue contributing to the Voluntary Special Trust Fund.

NATIONAL AND REGIONAL DELIVERY OF

TECHNICAL ASSISTANCE: On Tuesday, the Secretariat introduced the report of activities and analysis of national and regional delivery of technical assistance (UNEP/FAO/RC/COP.3/14) and the budget and workplan for the biennium (UNEP/FAO/RC/COP.3/15) and its annexed draft decision. On Wednesday, the EU proposed numerous amendments to the draft decision and on Thursday in plenary, the Secretariat introduced, and COP-3 adopted, the revised draft decision.

In discussions on UNEP/FAO/RC/COP.3/14, many developing countries and those with economies in transition commended the technical assistance and funding provided so far while others urged further technical and financial support to address the poor performance in implementation. Ecuador and Jordan reported on benefits derived from participating in the pilot project of the United Nations Institute for Training and Research (UNITAR) on national plans for implementation of the Convention, and Switzerland announced financial support for a further two countries under this initiative. Several delegates urged synergies, and responding to a question from the US, the Secretariat said expansion or formalization of UNEP/FAO regional office assistance is not currently planned. The Basel Convention recommended parties utilize its regional offices throughout PIC regions. COP-3 took note of the report.

In discussions on UNEP/FAO/RC/COP.3/15, delegates considered the Secretariat's detailed costed 2007-2008 programme of work and associated budget, priorities and the draft decision. Several developing country delegates expressed concerns about the pace and inclusiveness of the recommended approach. The Secretariat clarified that the approach sought to strengthen and accelerate the Convention's implementation, by identifying common areas requiring assistance. The EU's proposed amendments to the draft decision included references to poverty issues and the Millennium Development Goals and a request to the Secretariat to: identify technical assistance needs of developing countries and those with economies in transition; and prepare a report for COP-4 on experiences gained in the regional and national delivery of technical assistance. A summary of these discussions is available online at:

<http://www.iisd.ca/vol15/enb15144e.html> and

<http://www.iisd.ca/vol15/enb15145e.html>

Final Decision: In the final decision (UNEP/FAO/RC/COP.3/CRP.10), the COP, *inter alia*: requests parties to contribute to the voluntary trust fund in support of technical assistance; and adopts the 2007-2008 programme of work for the regional and national delivery of technical assistance and the annexed proposed priorities. It further requests the Secretariat to implement its technical assistance in line with Convention Article 19 (Secretariat) and focus it on the identified needs of developing countries and those with economies in transition; review mid-term progress; and report and prepare a detailed costed programme of activities for 2009-2010 for consideration at COP-4.

COOPERATION WITH THE WORLD CUSTOMS

ORGANIZATION: On Wednesday in plenary, the Secretariat introduced the report on cooperation with the World Customs Organization (WCO) (UNEP/FAO/RC/COP.3/16), referring delegates to the WCO's Harmonized Commodity Description and Coding System (HS) for Annex III-listed chemicals in the document's appendix, and noting the deferred assignment of specific codes for asbestos, pending a decision on chrysotile. Following requests from Canada and Switzerland, the Secretariat agreed to review and correct anomalies in the appendix. Several countries welcomed capacity building for customs officials in identifying Annex III substances, with Senegal suggesting use of the Basel Convention training centers, Iraq urging that the "science gap" be addressed, and Iran requesting support for chemical detection instruments in customs departments. Liberia and Nigeria suggested the WCO's Green Customs initiative be used as a model. The COP took note of the report and encouraged the Secretariat to continue cooperation with the WCO.

COOPERATION WITH THE WORLD TRADE

ORGANIZATION: The Secretariat highlighted progress made on implementation of decision RC-1/15 (Cooperation with WTO) as contained in UNEP/FAO/RC/COP.3/17 and UNEP/FAO/RC/COP.3/INF/8, noting in particular the lack of progress in obtaining WTO observer status at special sessions of the Committee on Trade and Environment (CTE). Stressing cooperation with the WTO was crucial, the Secretariat highlighted the principles of no hierarchy between trade and environment, mutual supportiveness and deference, and said the Rotterdam Convention should seek observer status at ordinary sessions of the CTE, as well as at its special sessions. Responding to a query by Canada on the failure to obtain observer status, the WTO said observer status needed to be resolved in the WTO's General Council. COP-3 took note of the report.

STUDY ON THE ADVANTAGES AND DISADVANTAGES OF USING THE EURO, THE SWISS FRANC OR THE US DOLLAR AS THE CURRENCY OF THE ACCOUNTS AND BUDGET OF THE CONVENTION:

The Secretariat introduced the study on this issue on Monday, and on Wednesday COP-3 adopted a draft decision.

Final Decision: In the decision on the advantages and disadvantages of using the three currencies (UNEP/FAO/RC/COP.3/CRP.5), the Secretariat is requested to provide a further study to COP-4, taking into account, *inter alia*: UNEP's and FAO's ability to budget, maintain accounts and report financially

in these currencies; FAO's split assessments of its assessed contribution; and the experience of various international agencies.

RESULTS OF THE STUDY ON IMPROVING COOPERATION AND SYNERGIES BETWEEN THE SECRETARIATS OF THE BASEL, ROTTERDAM AND STOCKHOLM CONVENTIONS: On Tuesday, Maged Younes, Head of UNEP Chemicals, introduced discussion on improving cooperation and synergies between the Secretariats of the Basel, Rotterdam and Stockholm Conventions (UNEP/FAO/RC/COP.3/25 and Corr.1, and UNEP/FAO/RC/COP.3/19). On Wednesday in plenary President Yue Ruisheng established a contact group on the issue. The contact group, co-chaired by Guillermo Valles (Uruguay) and Jan-Karel Kwisthout (Netherlands), met on Wednesday. On Thursday, Co-Chair Kwisthout presented a draft decision and COP-3 adopted the decision.

During plenary discussions many parties supported the promotion of synergies between the three conventions. New Zealand and many others urged participation in the *ad hoc* joint working group proposed by Stockholm Convention COP-2 in S-2/15 (Synergies) and referring substantive discussions to the *ad hoc* group. Canada, Mexico and others opposed reopening discussions during COP-3. Discussions also focused on nomination of representatives to the group, reporting to all three Conventions' upcoming COPs, and on the terms of reference and mandate of the group. While India urged agreement on the group's terms of reference and mandate, several delegates opposed reopening the general terms of reference proposed by Decision SC-2/15, and it was agreed. The US expressed concerns about the proposed group, stressing that any findings would need to be revisited by the Conventions' COPs and the UNEP Governing Council. The contact group was tasked with considering Decision SC-2/15 and, if necessary, the EU's proposed decision clarifying key procedural questions (UNEP/FAO/RC/COP.3/CRP.7).

Discussions in the contact group focused initially on whether to simply endorse SC-2/15. They agreed to discuss the EU's proposed text, which addressed, *inter alia*, nomination of experts and funding. The final decision, including the EU's proposal, was adopted in plenary on Thursday.

A summary of these discussions is available online at: <http://www.iisd.ca/vol15/enb15144e.html>; <http://www.iisd.ca/vol15/enb15145e.html> and <http://www.iisd.ca/vol15/enb15146e.html>

Final Decision: In the final decision (UNEP/FAO/RC/COP.3/CRP.13), the COP:

- recalls Stockholm Convention COP decision SC-2/15;
- calls for improved cooperation and coordination between the Rotterdam, Basel and Stockholm Conventions;
- is mindful of SAICM; and
- believes that improved cooperation and coordination should be efficient, transparent and inclusive, and recognize the autonomy of each of the conventions.

The COP further:

- agrees to participate in decision SC-2/15, including the establishment of an *ad hoc* joint working group, and encourages the Basel Convention to do the same;

- notes the *ad hoc* working group will make joint recommendations to the COPs of all three Conventions;
- requests the Secretariat to invite parties and observers to submit views of the supplementary report through the Secretariat to the working group by 31 January 2007;
- decides to nominate three representatives of parties from each of the five UN regions by 31 January 2007 to participate in the working group; and
- recognizes the need to make resources available from the operational budget for 2007-2008 to support participation from developing countries and those with economies in transition in the working group.

SUPPLEMENTARY ANALYSIS OF THE FINANCIAL AND ADMINISTRATIVE ARRANGEMENTS: The COP considered the "supplementary analysis of the financial and administrative arrangements that would be required to implement any changes that the secretariats of the Basel, Rotterdam and Stockholm Conventions and UNEP may propose" (UNEP/FAO/RC/COP.3/20 and INF.18), in plenary on Wednesday morning and in the contact group on synergies on Wednesday afternoon. A summary of these discussions is available online at: <http://www.iisd.ca/vol15/enb15145e.html> and <http://www.iisd.ca/vol15/enb15146e.html>.

The analysis, prepared by UNEP, considers two options put forward: a common head and common convention support limited to core management functions, and integrated administrative support plus integrated implementation and technical assistance services. The analysis concludes that, while staff cost savings may appear to be moderate, there are considerable efficiency gains for all three secretariats through the provision of joint services. Further discussions on the supplementary analysis were referred to the contact group on synergies.

On Thursday, Contact Group Co-Chair Kwisthout presented the draft decision on cooperation and coordination between the Rotterdam, Basel and Stockholm Conventions, which was adopted without amendment.

Final Decision: In the final decision (UNEP/FAO/RC/COP.3/CRP.13), the COP, *inter alia*, invites parties and observers to submit their views on the supplementary report prepared by the Stockholm Convention Secretariat to the *ad hoc* joint working group on synergies by 31 January 2007.

MECHANISMS UNDER THE CONVENTION FOR INFORMATION EXCHANGE: On Wednesday in plenary, the Secretariat introduced, and COP-3 took note of, the review of information exchange mechanisms (UNEP/FAO/RC/COP.3/21) and the text submitted by the EU and Norway containing broader possibilities (UNEP/FAO/RC/COP.3/CRP.4). Discussions focused on taking full advantage of the Convention's information exchange mechanisms. The Secretariat noted the review's conclusions that challenges relate more to general chemicals or information management than compliance with the Convention. Australia, Switzerland and Canada supported the EU and Norway's additional proposals, with the EU stressing information exchange is at the Convention's core. The African Group noted the problem of internet accessibility in Africa. Oman urged parties to follow the EU's example on transparency in chemicals exports.

A summary of these discussions is available online at:
<http://www.iisd.ca/vol15/enb15145e.html>

REPORT ON THE ACTIVITIES OF THE SECRETARIAT

On Monday, President Yue Ruisheng introduced the report on activities of the Secretariat (UNEP/FAO/RC/COP.3/22) and COP-3 took note of the report.

2007-2008 PROGRAMME OF WORK AND PROPOSED BUDGET

The Secretariat introduced discussion on the 2007-2008 programme of work and budget (UNEP/FAO/RC/COP.3/24 and Corr.1), 2005-2006 financial report and review of staffing situation (UNEP/FAO/RC/COP.3/23 and Corr.1), on Monday in plenary. A contact group, chaired by Paul Garnier (Switzerland), was established and met on Monday and throughout the day on Tuesday and Thursday. On Friday, the draft decisions on the financial report and staffing, and on the 2007-2008 budget, were presented to the plenary and adopted with minor amendments.

Delegates discussed additional language on options to either maintain the level of the working capital reserve at 15% of the average operational budget (scenario one) or to decrease it to 8.3% (scenario two). Parties' contributions were reassessed to reflect the two scenarios.

GRULAC noted that scale of parties' contributions was unbalanced for developing countries and should be revisited to reflect the principle of shared responsibility among parties. He requested this statement be included in COP-3 final report.

Final Decision: In the final decision on the financial report and staffing situation (UNEP/FAO/RC/COP.3/CRP.6), the COP, takes note of the General Trust Fund for the 2005-2006 operational budget, contributions to the Trust Fund and the Voluntary Special Trust Fund.

In the final decision on the 2007-2008 budget (UNEP/FAO/RC/COP.3/CRP.14), the COP, *inter alia*:

- approves the operational budgets of US\$3,657,030 for 2007 and US\$3,683,528 for 2008;
- adopts the indicative scale of contributions for the apportionment of expenses;
- approves the staffing table of the Convention's Secretariat; and
- decides to set the working capital reserve at 15% of the average biennial operation budgets.

ELECTION OF COP-4 OFFICERS

On Thursday, President Yue Ruisheng invited regional groups to nominate representatives for the Bureau to serve through COP-4. WEOG asked for more time, GRULAC nominated Andrea Repetti (Argentina), the African Group nominated Abdoulaye Traoré (Mali), the Asia and Pacific Group nominated Hamoud Darwish Salim Al-Hasni (Oman), and the Central and Eastern European Group nominated Daniela Ioana Florea (Romania). On Friday, WEOG nominated Barry Reville (Australia). Andrea Repetti was elected COP-4 President and Abdoulaye Traoré, Rapporteur.

MINISTERIAL SEGMENT

The COP-3 Ministerial Segment convened on Thursday afternoon and Friday morning under the theme "Towards full implementation of the Rotterdam Convention: opportunities and challenges." President Yue Ruisheng welcomed ministers and high-level officials in attendance.

Shafqat Kakakhel, UNEP Deputy Executive Director, on behalf of UNEP Executive Director Achim Steiner, said national implementation is key to meeting the Convention's objectives, stressing the need to adapt existing legislative and administrative frameworks instead of creating new ones.

Shivaji Pandey, FAO, on behalf of FAO Director-General Jacques Diouf, noted the Convention now includes major chemical producing and exporting countries and that many more chemicals are candidates for the PIC procedure.

Many speakers thanked the Swiss Government for hosting COP-3, UNITAR for providing technical assistance for national implementation plans, and UNEP and FAO for continued support to the Convention. Many developing countries highlighted national activities and called for financial and technical assistance to implement the Convention. Jordan emphasized the WSSD goal of achieving sound chemicals management by 2020. Chile said the Convention is a major step forward in implementing Agenda 21. Mali supported the Convention's 2007-2008 Programme of Work. Mexico emphasized long-term policy and financing strategy for the Convention's implementation and, with Burkina Faso, called for an early warning system on toxic chemicals.

Benin said poor chemicals management continues to pose grave threats in Africa, and, with Rwanda, Sudan and others, highlighted implementation challenges, including lack of: technical capacity, legislative frameworks, financial mechanism, and infrastructure such as chemical and poison control centers. Togo encouraged an integrated approach to the Convention's implementation in developing countries. Ghana, Nigeria and Cameroon drew attention to continued international traffic in hazardous chemicals. Pakistan stressed the need to apply the precautionary principle to chemicals management. Highlighting the recent illegal dumping of chemical waste in Côte d'Ivoire, the Basel Convention stressed coordinated and effective instruments to protect vulnerable groups and ecosystems from chemicals and their hazards.

The EU highlighted its member states' emphasis on chemicals management, urged incorporating sustainable chemicals management in development initiatives and, with Switzerland and the European Community, emphasized the bad precedent set by COP-3's failure to list chrysotile asbestos for the Convention's standing and future listing of hazardous chemicals on Annex III. WHO highlighted health hazards of chrysotile asbestos and existence of safer substitutes. The US stressed the importance of informed decisions on whether or not to restrict trade in chemicals.

Several speakers underscored synergies among chemicals-related MEAs, with Thailand calling for integration with other chemicals conventions, as well as SAICM. Finland announced it would host the meeting of the *ad hoc* joint working group on synergies.

On compliance, Switzerland called for an effective and supportive compliance regime, Venezuela said it was inappropriate to consider any punitive compliance measures ahead of establishing a sustainable financial mechanism, and Japan appealed to delegates not to delay the establishment of the compliance committee.

Bulgaria and Argentina stressed regional cooperation for sound chemicals management, and Uruguay underscored shared responsibility and joint efforts in protecting the environment and public health.

The US expressed hope it will soon become a party to the Rotterdam Convention, and the Ukraine announced its intention to ratify the Stockholm Convention.

President Yue Ruisheng summarized the issues raised during the interventions, and closed the Ministerial Segment at 11:53 am on Friday, 13 October.

CLOSING PLENARY

The report of the meeting (UNEP/FAO/RC/COP.3/L.1, Add.1 and Add.2) was then adopted with minor amendments, taking note of Canada's suggestion to delete reference to the UNEP legal representative's statement on chrysotile asbestos.

The Secretariat announced that COP-4 will take place from 20-25 October 2008 in Rome, Italy.

COP-3 President Yue Ruisheng thanked Switzerland for hosting COP-3, and paid tribute to Niek van der Graaff, referring to him as "the father of the PIC procedure," as he is retiring. Niek van der Graaff highlighted progress achieved in international sound chemicals management and, referring to COP-3's failure to list chrysotile asbestos, noted that it would be very difficult to add chemicals in the future through the normal process and urged parties to explore other ways to achieve listings through, for example, amending the Convention.

Regional groups thanked the COP-3 President and the Government of Switzerland, and welcomed Andrea Repetti as the incoming COP President. The EU welcomed decisions on synergies and technical assistance, and noted the decision on financial mechanisms presents a balanced decision. She also expressed disappointment with COP-3's lack of progress on chrysotile asbestos and non-compliance.

President Yue Ruisheng said while much has been achieved at COP-3, more efforts are required on the Convention's implementation, and gavelled the meeting to a close at 7:18 pm.

A BRIEF ANALYSIS OF COP-3

At its third Conference of the Parties (COP-3), the Rotterdam Convention appeared to be entering its adolescence, with all the rebelliousness that entails. The first flush of enthusiasm, following the Convention's entering into force in 2004, saw large numbers of parties joining the Convention and 39 chemicals listed as requiring exporters and importers to adopt the formal Prior Informed Consent (PIC) procedure in relation to trade in these chemicals. Since COP-2, however, the pace of parties joining has begun to ease off and the numbers of chemicals proposed for listing have also dwindled. Alongside this, limited progress on certain issues, such as compliance and financial mechanisms, due to entrenched positions brought to light the Convention's growing pains. Indeed, in relation to chrysotile

asbestos, which some dubbed the "insoluble chemical," there was even a hint of crisis in the air at the beginning of COP-3. This was most pithily captured in the title of a pamphlet distributed at the meeting by the International Ban Asbestos Secretariat: "Chrysotile Asbestos – Hazardous to Humans, Deadly to the Rotterdam Convention."

While there was a sense of déjà vu at COP-3 on issues inherited from COP-2 such as non-compliance and listing of new hazardous chemicals, the meeting did make progress on some important policy and operational issues, including sustainable financing and capacity building, and cooperation and coordination (usually referred to as "synergies") between the chemicals and waste conventions. This brief analysis explores some of the key issues discussed at COP-3 and their bearing on the future development of the Convention, as well as their relationship to global chemicals governance.

ANNEX III LISTING – LOSING ITS EDGE?

As at COP-2, delegates discussed the fundamental issue of the Convention's implementation status. After COP-1 added 14 chemicals under Annex III bringing the total to 39, COP-2 did not list any new chemicals and only chrysotile asbestos was before COP-3 as a candidate for inclusion in Annex III. COP-3 also noted that while over 160 chemicals are currently "in the pipeline" for Chemical Review Committee (CRC) consideration, with an initial notification, few are progressing to be considered for Annex III listing. For them to do so, an eligible party from a different region has to put forward a second notification, as required under the Convention. The meeting noted that it was up to parties to look carefully at these "wait-listed" chemicals, and to consider whether they would be of concern to importing countries in other PIC regions. While this issue was somewhat overshadowed by the discussions on chrysotile asbestos and non-compliance, several delegates in both plenary and the Ministerial Segment noted that the lack of chemicals coming through the "pipeline" for future COPs may undermine the Convention's efficacy.

THE INSOLUBLE CHEMICAL – CHRYSOTILE ASBESTOS

The International Ban Asbestos Secretariat report states that international bodies such as the World Health Organization and the World Trade Organization agree that all types of asbestos are deadly and that most industrialized countries have banned or severely restricted its use. Chrysotile asbestos, which is used mainly in cement products and accounts for about 94% of current global asbestos consumption, is the only form of asbestos not yet listed in Annex III and has been on the Convention's agenda since COP-1.

COP-3 invested a great deal of time and effort in seeking to resolve the seemingly intractable obstacles to listing chrysotile asbestos. Many were concerned that exporting countries were blocking its listing for economic or political reasons despite the CRC's verdict that it is a hazardous chemical with potentially harmful effects on human health and the environment. Some exporting countries reiterated their concerns that the scientific analysis was not yet solid enough and that known alternatives could be even more hazardous, but COP-3 focused on and confirmed that all procedural requirements for listing chrysotile asbestos had been met. This brought into sharp focus that

achieving consensus on the listing at COP-3 was eventually a political issue. Indeed, some warned those parties that blocked the substance's listing that failure to include this chemical in Annex III could severely weaken the Convention's authority and undermine its primary objective, namely to facilitate information exchange between exporting and importing countries about potentially harmful chemicals. Many delegates reminded exporting countries that listing would not entail a trade ban but would simply enhance information exchange. In the end, COP-3 agreed to defer decision-making until COP-4, and chrysotile asbestos will now be appearing before COP-4. Some delegates said that the biggest impact of the decision will be on developing countries as they missed out on the protection offered by the Convention's information exchange mechanisms once a chemical is listed.

NON-COMPLIANCE – A MISSED OPPORTUNITY

There were high expectations of what should have been achieved in the non-compliance negotiations at COP-3, given its mandate from COP-2 to finalize procedures and mechanisms to address non-compliance. Lack of compliance is increasingly becoming an issue of concern, as many importing countries are not providing responses on how they regulate imports of the 39 chemicals currently listed in Annex III. Some developed country delegates were hopeful that their investment in bringing together experts on these issues at COP-3 would result in agreement on the compliance regime, while others reminded the plenary that there was no requirement for them to do so at this meeting.

While some brackets were lifted from the text during the arduous weeklong negotiations, progress proved difficult on several key issues, notably triggers for the compliance procedure, measures to address non-compliance issues, and consensus versus vote-based decision-making. As negotiators emerged from the non-compliance working group on Friday afternoon, without a compromise text, the mood was predominately somber. One developed country delegate referred to the outcome of negotiations as a "missed opportunity" for developing countries, noting that non-compliance negotiations at COP-4 will likely be in a smaller and less inclusive format, and no funding would be earmarked to bring developing country experts for another round of negotiations in Rome. This, in part, led to predictions by some that future negotiations on non-compliance may be dominated by those in favor of, and sway towards, a more punitive regime, while others doubted there would be a shift in current negotiating positions. Some also suggested lack of consensus would set a bad precedent for the upcoming negotiations on a compliance regime under the Stockholm Convention on Persistent Organic Pollutants.

In the meantime, no mechanism exists to address parties' non-compliance, bar the self-invocation clause found in the Convention's text, and, as a result, the Convention's enforcement has been left in limbo for at least another two years. Some said that "no mechanism is better than a weak mechanism." One delegate suggested that a lack of a financial mechanism would make compliance efforts an uphill struggle.

FUNDING AND CAPACITY BUILDING – CATALYTIC CONVERTERS

Many delegates expressed concern over the urgent need to provide effective technical assistance to developing countries to help them meet their Convention obligations, and welcomed COP-3's adoption of a technical assistance programme over two years. Delegates also noted the value of building on a pilot programme conducted previously with UNITAR, to assist developing countries to develop national strategies on chemicals management, drawing on existing national implementation plans under the Stockholm Convention wherever possible. In order to be able to carry out such activities, funding sources needed to be found. The range of strategies agreed to at COP-3 on enhancing the Rotterdam Convention's funding position reflected the fact that efforts to coordinate actions on chemicals are gathering momentum. The Strategic Approach to International Chemicals Management's Quick Start Programme featured prominently and, looking to the longer term, delegates are exploring the Global Environment Facility and other relevant multilateral environmental agreements, as potential sources of funding.

SYNERGIZING CHEMICALS

Delegates were optimistic regarding the momentum building on efforts to encourage cooperation and coordination among the three chemicals conventions and SAICM. In particular, delegates agreed that the Rotterdam Convention should participate in the *ad hoc* joint working group to examine cooperation and coordination between the Basel, Rotterdam and Stockholm Conventions, mindful of this year's adoption of SAICM and the ongoing reform process in the UN. Some expressed the view that enhanced cooperation and coordination in the chemicals sector is gratifying, given that the UNEP International Environmental Governance process (concluded in 2002) had identified chemicals as the "pilot" area for the UN's efforts to promote synergies among environmental processes.

ALL ROADS LEAD TO ROME

During the last two days of COP-3, ministers and high-level speakers addressed the theme of opportunities and challenges for moving towards full implementation of the Rotterdam Convention, and the challenges seemed to loom larger than the opportunities. The discussions over the listing of chrysotile asbestos in particular raised the specter of a stalled Convention. Nonetheless, at COP-3 progress was made towards more effective cooperation and coordination on chemicals management among the three conventions and SAICM. As one delegation pointed out in its closing remarks, Rome wasn't built in a day, and expressed hope that, when COP-4 returns to Rome, it will finalize essential mechanisms for non-compliance in order to uphold the Convention's standing.

On the road to Rome over the next two years, it remains to be seen whether the Convention faces up to its challenges and embraces its opportunities, leaving behind its tempestuous adolescence and stepping into productive adulthood. Some delegates pointed to immediate opportunities, such as stepping up notifications for potentially hazardous chemicals, improving information exchange between importers and exporters, and utilizing the voluntary procedures regarding chrysotile asbestos. Groundwork will also continue on synergies and

national strategies for implementation and capacity building. These inevitably depend on the availability of funds and while delegates welcomed Switzerland's further funding commitment to the UNITAR pilot project, many highlighted more is needed if the Convention's low implementation levels are to improve. On a more strategic level, there is a clear momentum in the global chemicals governance process, and the next two years are crucial for the Rotterdam Convention to demonstrate its strengths if it is to position itself at the forefront of the chemicals agenda worldwide.

UPCOMING MEETINGS

OECD-EC WORKSHOP ON RISK ASSESSMENT PRACTICES FOR HAZARDOUS SUBSTANCES INVOLVED IN ACCIDENTAL RELEASES:

This workshop will be held from 18-20 October 2006, in Varese, Italy. For more information, contact: Organization for Economic Cooperation and Development (OECD); tel: +33-1-45-249-316; fax: +33-1-45-241-675; e-mail: EHS.contact@oecd.org; internet: <http://www.oecd.org/ehs/>

SAICM MEETING OF THE QUICK START PROGRAMME (QSP) TRUST FUND IMPLEMENTATION COMMITTEE (TFIC):

This meeting will be held on 18 October 2006, in Paris, France. The committee of representatives of the Inter-Organizational Programme for the Sound Management of Chemicals (IOMC) will review and approve projects submitted for funding under the QSP Trust Fund. For more information, contact: UNEP Chemicals, tel: +41-22-917-8334; fax: +41-22-797-3460; e-mail: saicm@chemicals.unep.ch; internet: <http://www.chem.unep.ch/saicm/implementation.htm>

STOCKHOLM CONVENTION REGIONAL AWARENESS RAISING WORKSHOP ON THE GUIDELINES ON BEST AVAILABLE TECHNOLOGIES (BAT) AND BEST ENVIRONMENTAL PRACTICES (BET) FOR AFRICA:

This event will take place from 18-20 October 2006, in Nairobi, Kenya. For more information, contact: Secretariat of the Stockholm Convention; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: ssc@pops.int; internet: <http://www.pops.int>

REGIONAL WORKSHOP ON CHEMICAL HAZARD COMMUNICATION AND GHS IMPLEMENTATION FOR COUNTRIES OF CENTRAL AND EASTERN EUROPE AND CENTRAL ASIA:

This event will take place from 24-26 October 2006, in Bled, Slovenia. For more information, contact: United Nations Institute for Training and Research (UNITAR); tel: +41-22-917-8166; fax: +41-22-917-8047; e-mail: jonathan.krueger@unitar.org; internet: <http://www.unitar.org/cwg/dbase/eyear.aspx>

INTERNATIONAL MERCURY CONFERENCE – “HOW TO REDUCE MERCURY SUPPLY AND DEMAND”: This event will take place from 26-27 October 2006, in Brussels, Belgium. For more information, contact: European Commission; tel: +32-2-743-8949; fax: +32-2-732-7111; e-mail: michel.lepropre@ecotec.com or geraldine.ferdinand@ecotec.com; internet: <http://ec.europa.eu/environment/chemicals/mercury/conference.htm>

REGIONAL WORKSHOP ON CHEMICAL HAZARD COMMUNICATION AND GHS IMPLEMENTATION FOR COUNTRIES OF THE ARAB REGION: This event will take place from 30 October-2 November 2006, in Alexandria, Egypt. For more information, contact: UNITAR; tel: +41-22-917-8166; fax: +41-22-917-8047; e-mail: jonathan.krueger@unitar.org; internet: <http://www.unitar.org/cwg/dbase/eyear.aspx>

WORKSHOP ON THE BASEL PROTOCOL ON LIABILITY AND COMPENSATION: This event will take place from 30 October - 1 November 2006, in Cairo, Egypt. For more information, contact: Basel Convention Regional Centre in Cairo; tel: +20-25719-688; fax: +20-25717-565; e-mail: basel_cairo@baselegyp.com; internet: <http://www.baselegyp.com/en/general/general.php?page=Questionnaire>

EIGHTEENTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL: MOP-18 will take place from 30 October to 3 November 2006, in New Delhi, India. For more information, contact: Ozone Secretariat; tel: +254-20-762-3850/1; fax: +254-20-762-4691; e-mail: ozoneinfo@unep.org; internet: <http://ozone.unep.org/index.asp>

STOCKHOLM CONVENTION REGIONAL AWARENESS RAISING WORKSHOP ON THE GUIDELINES ON BAT AND BEP FOR LATIN AMERICA AND THE CARIBBEAN: This workshop will take place from 31 October - 2 November 2006, in Mexico City, Mexico. For more information, contact: Secretariat of the Stockholm Convention; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: ssc@pops.int; internet: <http://www.pops.int>

SECOND MEETING OF THE PERSISTENT ORGANIC POLLUTANTS REVIEW COMMITTEE (POPRC): This Stockholm Convention meeting will take place from 6-10 November 2006, in Geneva, Switzerland. For more information, contact: Secretariat of the Stockholm Convention; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: ssc@pops.int; internet: <http://www.pops.int>

SYMPOSIUM ON ILLEGAL INTERNATIONAL TRAFFIC IN HAZARDOUS CHEMICALS AND WASTE: This symposium in support of SAICM will take place from 6-8 November 2006, in Prague, Czech Republic. The symposium will focus on sharing of information on the size and nature of the problem with illegal traffic and the range of measures to counter illegal traffic. For more information, contact: UNEP DTIE – Chemicals Branch; tel: +41-22-917-8334; fax: +41-22-797-3460; e-mail: chemicals@unep.ch; internet: <http://www.chem.unep.ch/unepsaicm/default.html>

SECOND SESSION OF THE FAO PANEL OF EXPERTS ON PESTICIDE MANAGEMENT: This meeting will take place from 7-10 November 2006, in Rome, Italy. For more information, contact: Plant Protection Service, Pesticide Management Unit, Food and Agriculture Organization (FAO); tel: +39-06 570-55757/52753/53441; fax: +39-06-570/56347; e-mail: brenda.jones@fao.org; internet: <http://www.fao.org/ag/agp/agpp/pesticid/Code/Meetings.htm>

20TH MEETING OF THE OECD WORKING GROUP ON PESTICIDES: This meeting will take place from 13-14 November 2006, in Bonn, Germany. For more information, contact: OECD; tel: +33-1-45-249-316; fax: +33-1-45-241-675;

e-mail: EHS.contact@oecd.org; internet: <http://www2.oecd.org/iomc/reports/EventReport.aspx?reports=true> and <http://www.oecd.org/ehs/>

40TH JOINT MEETING OF THE OECD CHEMICALS COMMITTEE AND WORKING PARTY ON CHEMICALS, PESTICIDES AND BIOTECHNOLOGY: This meeting will take place from 14-15 November 2006, in Bonn, Germany. For more information, contact: OECD; tel: +33-1-45-249-316; fax: +33-1-45-241-675; e-mail: EHS.contact@oecd.org; internet: <http://www2.oecd.org/iomc/reports/EventReport.aspx?reports=true>

MEETING ON HEALTH AND ENVIRONMENTAL EFFECTS OF PESTICIDES AND BIOCIDES: The Technical Committee on Classification and Labelling of Dangerous Substances is meeting from 14-16 November 2006, in Arona, Italy. For more information, contact: Institute for Health and Consumer Protection; tel: +39-0332-785959; fax: +39-0332-785730; e-mail: ihcp-contact@jrc.it; internet: http://ecb.jrc.it/classlab/agenda/7706_ag_Pesticides-Biocides_1106.htm

SAICM REGIONAL MEETING: The EU-JUSSCANNZ regional meeting will take place from 20-22 November 2006, in Barcelona, Spain. For more information, contact: UNEP Chemicals, tel: +41-22-917-8334; fax: +41-22-797-3460; e-mail: saicm@chemicals.unep.ch; internet: <http://www.chem.unep.ch/saicm/regionalmeetings.htm>

SECOND MEETING OF THE DDT EXPERT GROUP:

This meeting, held under the auspices of the Stockholm Convention on Persistent Organic Pollutants, will take place from 20-23 November 2006, in Geneva, Switzerland. For more information, contact the Secretariat of the Stockholm Convention, tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: ssc@pops.int; internet: <http://www.pops.int>

EIGHTH MEETING OF THE CONFERENCE OF THE PARTIES (COP-8) TO THE BASEL CONVENTION:

COP-8 will take place from 27 November - 1 December 2006, in Nairobi, Kenya. One of the key issues will be to examine innovative solutions for the management of waste from electronic equipment. For more information, contact: Secretariat of the Basel Convention; tel: +41-22-917-8218; fax: +41-22-797-3454; e-mail: sbc@unep.ch; internet: <http://www.basel.int>

SECOND MEETING OF THE EXPERT GROUP ON BEST AVAILABLE TECHNOLOGIES AND BEST ENVIRONMENTAL PRACTICES:

This expert group of the Stockholm Convention will meet from 4-9 December 2006, in Beijing, China. For more information, contact: Secretariat of the Stockholm Convention; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: ssc@pops.int; internet: <http://www.pops.int>

SAICM REGIONAL MEETING: CENTRAL AND

EASTERN EUROPE: This meeting will take place from 4-6 December 2006, in Riga, Latvia. For more information, contact: UNEP Chemicals, tel: +41-22-917-8334; fax: +41-22-797-3460; e-mail: saicm@chemicals.unep.ch; internet: <http://www.chem.unep.ch/saicm/regionalmeetings.htm>

12TH SESSION OF THE SUB-COMMITTEE OF

EXPERTS ON THE GHS: This meeting of experts on the Globally Harmonized System of Classification and Labelling of Chemicals will take place from 12-14 December 2006, in Geneva, Switzerland. For more information, contact: UNECE;

tel: +41-22-917-2456; fax: +41-22-917-0039; e-mail: info.ece@unece.org; internet: <http://www.unece.org/trans/main/dgdb/dgsubc4/c4age.html>

24TH SESSION OF THE UNEP GOVERNING COUNCIL/GLOBAL MINISTERIAL ENVIRONMENT

FORUM: This meeting will take place from 5-9 February 2007, in Nairobi, Kenya. For more information, contact: Secretary for UNEP Governing Council; tel: +254-20-762-1234; fax: +254-20-762-4489/90; e-mail: beverly.miller@unep.org; internet: <http://www.unep.org>

THIRD MEETING OF THE CONFERENCE OF THE PARTIES TO THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS (COP-3):

POPs COP-3 will convene from 30 April - 4 May 2007, in Dakar, Senegal. For more information contact: Stockholm Convention Secretariat; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: ssc@pops.int; Internet: <http://www.pops.int/>

FOURTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE ROTTERDAM CONVENTION (PIC

COP-4): The next meeting of the Conference of the Parties will take place in Rome, Italy, from 20-25 October 2008. For more information, contact: Rotterdam Convention Secretariat; tel: +41-22-917-8296; fax: +41-22-917-8082; e-mail: pic@unep.ch; internet: <http://www.pic.int>

GLOSSARY

CRC	Chemical Review Committee
CTE	Committee on Trade and Environment
DGDs	Decision guidance documents
DNOC	Dinitro-ortho-cresol
FAO	UN Food and Agriculture Organization
GEF	Global Environment Facility
GHS	Globally Harmonized System of Classification and Labelling of Chemicals
HS	Harmonized Commodity and Description Coding System
ICRC	Interim Chemical Review Committee
PIC	Prior Informed Consent
POPs	Persistent Organic Pollutants
QSP	SAICM Quick Start Programme
SAICM	Strategic Approach to International Chemicals Management
WCO	World Customs Organization
WHO	World Health Organization
WTO	World Trade Organization

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VOLUME 95, No. 5, MONDAY, 7 JUNE 2004

**SUMMARY REPORT OF THE INTERNATIONAL CONFERENCE
FOR RENEWABLE ENERGIES - RENEWABLES 2004:
1-4 JUNE 2004**

The International Conference for Renewable Energies (*renewables 2004*) took place from 1-4 June 2004, in Bonn, Germany. Approximately 3600 participants from 154 countries attended the Conference, including several Heads of State, 121 Ministers and representatives from governments, intergovernmental organizations (IGOs), non-governmental organizations (NGOs), the scientific community and the private sector.

The *renewables 2004* programme consisted of nine Plenary Sessions, including a Multi-Stakeholder Dialogue and a Ministerial Segment. The Multi-Stakeholder Dialogue addressed: the value of, and opportunities for, renewable energy - policy frameworks and regulatory certainty; and promoting renewable energy - finance and capacity for the future. Other Plenary Sessions addressed best-practice examples and success stories.

The Ministerial Segment included three Ministerial Roundtables that considered policies for renewable energy market development, financing options, and strengthening capacities, research and policy



Members of major groups and delegations in the main plenary room.

developing countries, and the mobilization of financial resources for new and renewable sources of energy. However, it was only following the 1992 UN Conference on Environment and Development (UNCED) that renewable energy issues began to feature more promi-

"IISD proved to be as professional as their reputation is. The group covered all events taking place at the conference venue itself as well as many side events which were located in the vicinity of the conference hall. IISD produced a well-designed bulletin including informative text and pictures of all important meetings, discussions and results of the main conference events. This bulletin was very useful for participants to follow events they could not attend or were also interested in. IISD also published plenty of information and photos on their web site. This service was a real added value to our own conference coverage. The services of IISD, being an independent organization, were especially appreciated by the conveners of the conference, ie the Federal Ministry for Economic Cooperation and Development and the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety"

Dr. Heinrich Schneider
Conference Secretariat
International Conference for
Renewable Energies, Bonn 2004

This product was developed in 2003 specifically for large conferences that include both substantive discussions and side events. Building on the success of the *Earth Negotiations Bulletin* and *ENB on the Side*, "Your Meeting" Bulletin was created as a conference daily report. IISD Reporting Services was hired to publish in this format at the World Forestry Congress, Renewables 2004 and the IUCN World Conservation Congress. "Your Meeting" Bulletin is a 4-6 page daily report and summary issue that includes coverage of policy discussions and/or negotiations, and extensive reporting from side events and special events during the conference.

For further information or to make arrangements for IISD Reporting Services to cover your meeting conference or workshop, contact the Managing Director:

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