

FIFTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE ROTTERDAM CONVENTION: 20-24 JUNE 2011

The fifth meeting of the Conference of the Parties (COP5) to the Rotterdam Convention on the Prior Informed Consent Procedure (PIC) for Certain Hazardous Chemicals and Pesticides in International Trade opens today in Geneva, Switzerland.

COP5 will address those issues that eluded consensus during the last meeting of the Conference of the Parties, namely, mechanisms and procedures for non-compliance and the inclusion of chrysotile asbestos in Annex III of the Convention. The meeting will also consider, *inter alia*: the possible inclusion of endosulfan, alachlor and aldicarb in Annex III of the Convention; and items related to cooperation and coordination among the Basel, Stockholm and Rotterdam Conventions.

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 severely restricted chemicals.

At the UN Conference on Environment and Development held in Rio de Janeiro in 1992, delegates adopted Agenda 21, which called for an international strategy for action on chemical safety (Chapter 19), and urged 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 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.

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 6-11: In the period prior to the Convention's entry into force, the INC met six times. The meetings 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. They also prepared draft decisions for the first Conference of the Parties, including on financial arrangements and dispute settlement procedures. Chemicals added to the interim PIC procedure during these sessions include ethylene dichloride and ethylene oxide, monocrotophos, four forms of asbestos, dinitro-ortho-cresol (DNOC), and dustable powder formulations of benomyl, carbofuran, thiram, tetraethyl lead, tetramethyl lead, and parathion. The inclusion of a fifth form of asbestos, chrysotile, has been discussed since INC-10 and, to date, not agreed.

COP1: 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.

COP2: The second COP to the Rotterdam Convention met from 27-30 September 2005 in Rome, Italy. 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 among the Basel, Rotterdam and Stockholm conventions. Delegates agreed to forward a bracketed text on a compliance mechanism to COP3 and to task the Secretariat with a study on financial mechanisms.

COP3: The third COP to the Rotterdam Convention met from 9-13 October 2006 in Geneva, Switzerland. COP3 considered several reports on activities within the Convention's mandate and adopted 16 decisions on, *inter alia*: the programme of work; implementation of the Convention; financial mechanisms; and cooperation and coordination among the Basel, Rotterdam and Stockholm conventions. Delegates did not reach agreement on the mechanisms and procedures for non-compliance and deferred the decision on including chrysotile asbestos in Annex III (Chemicals subject to the PIC procedure) to COP4.

COP4: The fourth COP to the Rotterdam Convention convened from 27-31 October 2008, in Rome, Italy. COP4 adopted 13 decisions, including the addition of tributyltin compounds to Annex III of the Convention. The meeting also adopted: a programme of work and budget for the triennium 2009-11; a decision on implementation; and the recommendations of the *Ad Hoc* Joint Working Group on Enhancing Cooperation and Coordination among the Basel, Rotterdam and Stockholm Conventions (AHJWG). However, it could not agree on the inclusion of endosulfan or chrysotile asbestos in Annex III, or on mechanisms and procedures for non-compliance. Delegates agreed to revisit these issues at COP5.

INTERSESSIONAL HIGHLIGHTS

CRC 5-7: The fifth session of the Chemical Review Committee (CRC5) convened in Rome, Italy, from 23-27 March 2009, and recommended the inclusion of alachlor and aldicarb in the Convention's PIC Procedure. The sixth session of the CRC was held in Geneva, Switzerland, from 15-19 March 2010. It approved a revised DGD on endosulfan and recommended the inclusion of endosulfan in the Convention's PIC Procedure.

The seventh session of the CRC was held in Rome, Italy, from 28 March - 1 April 2011, and recommended the inclusion of azinphos-methyl in the Convention's PIC Procedure. This recommendation will be considered, together with CRC7's recommendation to include perfluorooctane sulfonic acid, its salts and the precursor perfluorooctane sulfonyl fluoride, bromodiphenyl ethers (BDEs) including tetraBDE, pentaBDE, hexaBDE, heptaBDE, octaBDE, nonaBDE, and decaBDE contained in commercial mixtures, at COP6, scheduled to convene in 2013.

CONSULTATIVE PROCESS ON FINANCING OPTIONS FOR CHEMICALS AND WASTES: Launched by UNEP Executive Director Achim Steiner in May 2009, in recognition of the need for adequate resources in the field of chemicals and wastes management, the purpose of the consultations is to analyze the current situation with regard to financing for chemicals and waste management at the national level. The expected outcome of this process is a set of strategic, synergistic proposals for improving the implementation of party obligations under chemicals-related multilateral environmental agreements. The final meeting of this process is expected to convene in late 2011.

Ex-COP: The simultaneous extraordinary Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions were held from 22-24 February 2010 in Bali, Indonesia. Delegates adopted an omnibus synergies decision on joint services, joint activities, synchronization of the budget cycles, joint audits, joint managerial functions, and review arrangements. As a result of the section of the decision on Joint Managerial functions, Jim Willis (US) was appointed as the Joint Head of the Basel and Stockholm Convention Secretariats and UNEP-part of the Rotterdam Convention Secretariat in April 2011.

STOCKHOLM CONVENTION COP5: The fifth meeting of the Conference of the Parties (COP5) to the Stockholm Convention on Persistent Organic Pollutants (POPs) was held from 25-29 April 2011, in Geneva, Switzerland. COP5 considered several reports on activities within the Convention's mandate and adopted over 30 decisions on, *inter alia*: listing endosulfan in Annex A (for elimination) of the Convention; financial and technical assistance; synergies among the three conventions; and endorsing seven new Stockholm Convention regional centres, in Algeria, Senegal, Kenya, South Africa, Iran, India and the Russian Federation.

19TH SESSION OF THE COMMISSION ON SUSTAINABLE DEVELOPMENT (CSD19): CSD19 convened from 2-14 May 2011, in New York, the US. Delegates focused on the thematic cluster on transport, chemicals, waste management, mining and the 10-Year Framework Programme on Sustainable Consumption and Production SCP. A negotiated outcome containing policy recommendations on its thematic cluster could not be agreed, and after failing to agree to convene a resumed session in June 2011, CSD 19 adjourned.