



iisd | Reporting Services

Earth Negotiations Bulletin

**COP5
#2**

A Reporting Service for Environment and Development Negotiations

Online at <http://www.iisd.ca/chemical/pic/cop5/>

Vol. 15 No. 184

Published by the International Institute for Sustainable Development (IISD)

Tuesday, 21 June 2011

PIC COP 5 HIGHLIGHTS:

MONDAY, 20 JUNE 2011

The fifth Conference of the Parties (COP5) to the Rotterdam Convention on Prior Informed Consent (PIC) opened in Geneva, Switzerland on Monday, 20 June 2011.

In the morning, delegates heard opening statements, addressed organizational matters and initiated consideration of the budget and matters related to implementation. During the afternoon delegates discussed technical assistance and financial resources.

OPENING PLENARY

COP5 President Noluzuko (Zukie) Gwayi opened COP5, and expressed optimism that participants would use COP5 to improve the effectiveness of the Rotterdam Convention. She noted that support for the attendance of all parties was not available due to the Convention's extreme financial constraints.

Jim Willis, Joint Executive Secretary of the Basel, Stockholm, and Rotterdam Conventions, highlighted the successes of the Rotterdam Convention, including listing 40 chemicals and establishing the Chemical Review Committee (CRC) as a strong, science-based subsidiary body. Willis noted that current challenges include achieving progress on compliance, deciding how to deal with chemicals recommended by CRC but not listed in the Convention, and strengthening technical assistance. He also described the financial crisis facing the Secretariat due to currency fluctuations and arrears in the Italian contribution.

Peter Kenmore, Co-Executive Secretary of the Rotterdam Convention, noted FAO's US\$1 million contribution towards protecting human health and the environment through the sound management of chemicals, focusing specifically on pesticides management. He informed delegates of FAO's initiatives to strengthen communities' capacities to use and manage pesticides and protect human health in developing countries.

Bakary Kante, UNEP, for UNEP Executive Director Achim Steiner, reminded delegates that "decisions taken or not taken" will have a long lasting impact on human health and the environment. He emphasized that "status quo is no longer acceptable" and called for progress in discussions on the listing of new chemicals in Annex III, non-compliance and technical assistance.

OPENING STATEMENTS: The EU stressed the Convention must not shy away from adding chemicals to Annex III. Costa Rica, for GRULAC, underscored the need for financial and technical support for implementation. Zambia, for the AFRICAN GROUP, called for allowing voting when consensus cannot be reached and asked the Secretariat to present an evaluation of the Convention's effectiveness to COP6. SWITZERLAND said improving the Convention's effectiveness must be examined if all four proposed chemicals are not listed at COP5. ITALY discussed efforts to address arrears and

announced it would make payment "without further delay." NIGERIA, supported by ZAMBIA and SOUTH AFRICA, described the "mounting challenges" of implementation and called for provision of adequate technical and financial assistance to allow developing countries to fulfill Convention obligations.

SOUTH AFRICA suggested including technical activities in discussion of the budget, and called for expedited discussion on establishing mechanisms to list any CRC-recommended chemicals on which the COP is unable to reach consensus, including a possible new, voluntary annex to the Convention.

INDIA noted the importance of achieving Convention objectives within the framework of sustainable development, called for development of alternatives to listed chemicals, and emphasized the importance of consensus-based decision-making. CHINA called for consensus-based decision-making and a gradual approach to adding chemicals to Annex III.

ADOPTION OF THE AGENDA

COP5 President introduced the provisional agenda (UNEP/FAO/RC/COP.5/1/Rev.1), and it was adopted without amendment.

ORGANIZATIONAL MATTERS

ELECTION OF OFFICERS: COP5 President Gwayi requested that regional groups provide nominations by Friday morning.

RULES OF PROCEDURE FOR THE CONFERENCE OF THE PARTIES

The Secretariat introduced the issue (UNEP/FAO/RC/COP.5/3) and proposed deleting brackets around a clause stating that, when attempts at consensus are exhausted, a two-thirds majority vote can be used to reach a decision. A number of developing countries opposed this, and delegates agreed to revisit this issue at COP6.

MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION

STATUS OF IMPLEMENTATION: The Secretariat introduced the documents (UNEP/FAO/RC/COP.5/4-6 and UNEP/FAO/RC/COP.5/INF/2-3), noting that some country parties have multiple contact points, which presents a challenge to effective communication.

Reiterating commitment to the implementation of the Convention, the REPUBLIC OF KOREA informed delegates of his country's policies on import and export of hazardous chemicals.

The EU noted that the number of chemicals listed in Annex III is "disappointingly low," and encouraged parties to submit notifications in a timely manner. She called for further

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Melanie Ashton, Tallash Kantai, Keith Ripley, Jessica Templeton, and Liz Willetts. The Digital Editor is Angeles Estrada. The Editor is Pamela S. Chasek, Ph.D. <pam@iisd.org>. The Director of IISD Reporting Services is Langston James "Kimo" Gore 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 Danish Ministry of Foreign Affairs, the German Federal Ministry for Economic Cooperation and Development (BMZ), the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU), the European Commission (DG-ENV), and the Italian Ministry for the Environment, Land and Sea. General Support for the *Bulletin* during 2011 is provided by the Norwegian Ministry of Foreign Affairs, the Government of Australia, the Ministry of Environment of Sweden, the New Zealand Ministry of Foreign Affairs and Trade, SWAN International, Swiss Federal Office for the Environment (FOEN), the Finnish Ministry for Foreign Affairs, the Japanese Ministry of Environment (through the Institute for Global Environmental Strategies - IGES), the Japanese Ministry of Economy, Trade and Industry (through the Global Industrial and Social Progress Research Institute - GISPRI) and the United Nations Environment Programme (UNEP). Funding for translation of the *Bulletin* into French has been provided by the Government of France, the Belgium Walloon Region, the Province of Québec, and the International Organization of the Francophone (OIF and IEPF). Funding for translation of the *Bulletin* into Spanish has been provided by the Spanish Ministry of the Environment and Rural and Marine Affairs. The opinions expressed in the *Bulletin* are those of the authors and do not necessarily reflect the views of IISD or other donors. Excerpts from the *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 300 East 56th St., 11D, New York, New York 10022, United States of America. The ENB Team at PIC COP5 can be contacted by e-mail at <melanie@iisd.org>. 代表団の友

information on the present status of import and export responses, and requested the Secretariat to contact designated national authorities (DNAs) for these responses.

THE PHILIPPINES highlighted the information exchange provided for in Article 14, and requested more information on hazardous chemicals that his country may be importing.

QATAR informed delegates that her country has banned the import of substances listed in Annex III.

BAHRAIN announced it is in the process of acceding to the Convention.

The Secretariat introduced its review of current chemical regulatory processes and their relationship to the definitions of banned or severely restricted chemicals in Article 2 (UNEP/FAO/RC/COP.5/4). The EU proposed drafting a COP decision requiring the Secretariat to develop guidance on the application of Article 2 definitions. NORWAY said notifications received for over 200 chemicals not yet listed in Annex III underscored the need for technical assistance to developing countries and countries with economies in transition. SUDAN suggested that each party nominate only one focal point and DNA for the Basel, Stockholm and Rotterdam conventions. The Secretariat noted that guidance materials on notifications already exist, but promised to develop further guidance.

The EU said that "severe restrictions" requires clarification. The DEMOCRATIC REPUBLIC OF THE CONGO (DRC) called for training of people working in chemicals sectors. COP5 President Gwayi requested the Secretariat to prepare recommendations for consideration and possible adoption at COP6, including guidelines on "severe restrictions."

TECHNICAL ASSISTANCE: On technical assistance (UNEP/FAO/RC/COP.5/18-19), the Secretariat summarized a report on recent activities and said the current work programme would focus on: joint Convention implementation; partnerships; capacity for industrial chemicals management; and support for submissions on severely hazardous pesticides. IRAN identified the need to provide assistance in addition to workshops. The EU emphasized that the plan for industrial chemicals is not linked to this Convention and is managed by external stakeholders, and requested that a table listing costs be provided, as was provided during COP4.

The REPUBLIC OF KOREA underscored the importance of cooperating with other organizations, such as the UN Institute for Training and Research (UNITAR), in technical assistance. BRAZIL discussed its plans to convene a national stakeholder workshop on the Convention in an effort to ensure compliance. Highlighting the importance of pilot projects to ensure control of hazardous substances, JORDAN proposed its national project be funded by the Voluntary Trust Fund. The AFRICAN GROUP proposed an evaluation of technical assistance activities. BURKINA FASO said technical assistance activities should be further expanded. ECUADOR underscored the need for further work on hazardous industrial chemicals. JAPAN stressed the need for activities to be directly applicable to the Convention and non-duplicative. Expressing concern at the financial situation faced by the Convention, PANAMA stressed the need to take decisions on this matter at COP5. SWITZERLAND highlighted the need to prioritize technical assistance activities and, supported by AUSTRALIA, proposed discussing this issue in the budget contact group. BOLIVIA highlighted the need for long-term finance.

TANZANIA, supported by DRC, called for training of stakeholders to raise awareness of the dangers of chemicals.

CUBA suggested increasing the activities contained in the 2012-2013 workplan and highlighted the need to clarify available resources to facilitate proposed activities. SENEGAL emphasized the need to share experience in data collection and transmission, to identify dangerous chemicals in developing countries, and to train health workers to deal with cases of toxicity. NIGER suggested that technical assistance could be promoted through sub-regional centers, including universities and hospitals.

FAO described the activities of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) to support implementation of the Rotterdam Convention.

Delegates agreed to expand the mandate of the contact group on budget to address technical assistance.

FINANCIAL RESOURCES: The Secretariat introduced the documents (UNEP/FAO/RC/COP.5/17, UNEP/FAO/RC/COP.5/INF/7, and UNEP/FAO/RC/COP.5/INF/18).

Commenting on the UNEP Consultative Process on Financing Options for Chemicals and Wastes, Bakary Kante, UNEP, noted that a fifth meeting is required to streamline the four tracks for financing chemicals and waste, and said that the recommendations from this meeting would be discussed at the next UNEP Governing Council meeting.

The EU welcomed the actions taken by the Secretariat to continue working with the Global Environment Facility (GEF), the FAO and UNITAR to ensure that the Convention provisions are taken into account in the development of technical assistance projects. The EU supported the GEF as the funding mechanism.

Calling for the timely payment of host-country contributions, the AFRICAN GROUP cautioned that any reallocation of funds should be carefully considered and should not negatively affect developing country participation.

JAPAN welcomed GEF's decision to broaden funding for chemicals management. CUBA said that without a COP5 decision establishing a sustainable and reliable funding mechanism, it could not support more listings in Annex III. BOLIVIA called for an independent mechanism modeled after the Montreal Protocol's Multilateral Fund. UNITAR stressed its support for Convention implementation, including new guidance material on mobilization of resources for the sound management of chemicals. President Gwayi asked the Secretariat to draft a decision, taking note of the Secretariat's activities to continue collaboration with relevant partners, as well as plenary interventions.

PROGRAMME OF WORK OF THE SECRETARIAT AND ADOPTION OF THE BUDGET

On the adoption of the budget (UNEP/FAO/RC/COP.5/23-24), the Secretariat expressed concern that outstanding arrears currently totaled US\$2 million and outlined budget scenarios. JAPAN strongly supported maintaining the operational budget at the 2009-2011 level in nominal terms, adding that a change in host country allocations would have a negative impact and increase the burden of others. The EU, with NORWAY, suggested convening a contact group on the issue, underscored the need to increase efficiency, and suggested Jim Willis be given the flexibility to address staffing issues. SWITZERLAND noted its financial contributions and proposed that its contributions be split equally between the core budget in support of synergistic processes and funding for developing country participation in the Convention. SUDAN, with the DRC, called for financing for developing countries participation. COP President Gwayi proposed establishing a contact group, chaired by Kerstin Stendahl (Finland), to develop a draft decision on the budget, taking into consideration the priorities of the draft programme of work and parties' interventions.

IN THE CORRIDORS

As participants launched into the COP5 workload, repeated concerns were raised over the dire financial situation constraining the work of the Secretariat. With Italy's arrears currently at US\$2 million, many participants breathed a sigh of relief when Italy confirmed it would resolve these "without further delay." However not everyone was satisfied, stating they would "believe it when the funds arrived." Some seasoned delegates said that this is a recurrent situation directly impacting the Secretariat's work. They predicted more grueling than usual budget and technical assistance deliberations, stating that the group would also need to consider strategic ways to prevent this situation in the future, as well as to ensure all parties make their core contributions within the stipulated timeframe.