



BRS CONVENTIONS COPs HIGHLIGHTS: WEDNESDAY, 13 MAY 2015

The meetings of the Conferences of Parties (COPs) to the Basel, Rotterdam and Stockholm (BRS) Conventions continued on Wednesday, 13 May 2015. Delegates reconvened in the morning to hear reports from contact groups. The Rotterdam Convention (RC) COP then met in the morning and afternoon to address issues including listing chemicals in Annex III, strategic issues, and other matters, and decided to list methamidophos in Annex III.

Contact groups met throughout the day to address issues including: BC legal matters; technical assistance and financial resources; budget; and listing of chemicals under the RC. A "Friends of the President" group met with BC President Jagusiewicz to discuss a possible way forward on the number of translation days for meetings of the OEWG, an issue within the remit of the BC strategic matters contact group. A "Friends of the Co-Chairs" group met throughout the day on compliance under the RC, and in the late afternoon, the contact group on this issue reconvened.

ROTTERDAM CONVENTION COP7

MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION: Consideration of chemicals for inclusion in Annex III to the Convention: Methamidophos: In the morning, President Khashashneh noted that the decision on methamidophos had been deferred to allow Mexico to consult on the issue. MEXICO announced its support for listing the substance in Annex III. RC COP7 adopted the decision (UNEP/FAO/RC/COP.7/7), pending budgetary approval.

Chrysotile asbestos: The Secretariat introduced the documents (UNEP/FAO/RC/COP.7/11 and Add.1), noting this issue had been debated at COPs 3-6, without achieving consensus. President Khashashneh reminded parties that listing a chemical does not prohibit trade, but provides countries with relevant information to make informed decisions.

ZIMBABWE, PAKISTAN, KYRGYZSTAN, KAZAKHSTAN, the RUSSIAN FEDERATION and CUBA opposed listing. INDIA also opposed listing, but suggested "controlled use" of chrysotile asbestos. BELARUS, a non-party, opposed listing. The INTERNATIONAL ALLIANCE OF TRADE UNION ORGANIZATIONS "CHRYSOTILE" also opposed listing, arguing instead for controlled use under International Labour Organization (ILO) Convention 162.

JORDAN, NEPAL, GEORGIA, BENIN, PERU, COLOMBIA, MALAYSIA, NORWAY, HONDURAS, SERBIA, LIBERIA, NIGERIA, the REPUBLIC OF KOREA, MOLDOVA, SAUDI ARABIA, MALDIVES, ARGENTINA,

URUGUAY, DOMINICAN REPUBLIC, NIGER, SWITZERLAND, MONGOLIA, the REPUBLIC OF CONGO, the DEMOCRATIC REPUBLIC OF CONGO, ISRAEL, CAMEROON, KENYA, EQUATORIAL GUINEA, PANAMA, TONGA and EL SALVADOR supported listing. While recognizing the challenges it would pose to specific sectors in its country, BRAZIL said sound scientific evidence on health and environmental impacts had led it to support listing. The US, a non-party, also urged listing.

AUSTRALIA, cited "bitter experience" with health, environmental and economic impacts of chrysotile asbestos long after it had been banned and, supported by NEW ZEALAND, the COOK ISLANDS, SWITZERLAND and TONGA, said it was time to ask if the RC objectives were being met when the only chemicals allowed to be listed are those no longer traded. He introduced a CRP (UNEP/FAO/RC/COP.7/CRP.10) that, *inter alia*, suggests intersessional work on a possible framework that enables information flows for those substances that meet the listing criteria but remain unlisted. The EU concurred that, if chrysotile asbestos was not listed at RC COP7, it was time for a "frank discussion about the credibility of the RC."

WOMEN IN EUROPE FOR A COMMON FUTURE, on behalf of the ROTTERDAM CONVENTION ALLIANCE (ROCA), said listing was being blocked to protect industry interests. She introduced an Indian worker who, after working with chrysotile asbestos for 40 years, suffers from asbestosis, and who pleaded for listing of the chemical. IPEN asked how developing countries can be expected to cope without information if a developed country like Australia has had problems with this.

Noting that he has attended COPs for 15 years and has never heard such participation, RC President Khashashneh proposed, and delegates agreed, to refer it to the listing contact group rather than suspend discussion until RC COP8. President Khashashneh also proposed establishing an intersessional working group composed of parties and observers to explore the means by which the objectives of the RC could be achieved in instances in which the COP is unable to reach consensus on listing of chemicals recommended by the CRC. President Khashashneh tasked the contact group with drafting a decision to establish an intersessional group and work plan, and asked the contact group to consider Australia's CRP on the operation of the RC (UNEP/FAO/RC/COP.7/CRP.10).

CRC: The Secretariat introduced the documents for development for action by the COP (UNEP/FAO/RC/COP.7/6) including: rotation of membership; election of the chair; cooperation and coordination with other subsidiary bodies; effective participation; and procedural aspects. Jurgen Helbig (Spain), CRC Chair, reported on the work of the committee,

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including that CRC10 agreed that notifications for tributyltin and short-chained chlorinated paraffins meet the Annex II criteria and that four new notifications of final regulatory action will be reviewed at CRC11.

RC COP7 adopted the decision in UNEP/FAO/RC/COP.7/6, pending budgetary approval.

Status of implementation: President Khashashneh requested that parties first discuss information on RC implementation, then a proposal to increase notifications of final regulatory action (FRA) and finally, exchanging information on exports and export notifications. The Secretariat introduced information on RC implementation (UNEP/FAO/RC/COP.7/INF/5), underscoring that many countries have not provided import responses to one or more chemicals listed in Annex III.

The EU requested the Secretariat to inform parties on their implementation status and suggested the use of a survey to do so. President Khashashneh proposed that the COP take note of the information document in the meeting report and accommodate the EU request to conduct a survey on the matter.

The Secretariat then introduced a proposal to increase notifications of FRA (UNEP/FAO/RC/COP.7/4), noting that the number of parties who have submitted notifications remains low.

The EU called upon parties to submit as many notifications as possible, stating that without doing so, listing will be “slow,” and suggested amendments including requesting the Secretariat to inform parties about the existence of various definitions and the implications of using different definitions for the implementation of the RC. SWITZERLAND called for supporting developing countries to submit notifications.

President Khashashneh suggested that the Secretariat prepare a draft decision, taking into consideration amendments suggested by the EU. RC COP7 agreed to discuss this item later in the week.

On exchanging information on exports and export notifications, the Secretariat introduced the documents (UNEP/FAO/RC/COP.7/5 and INF/13). The EU expressed concern regarding the lack of acknowledgement of receipt of the export notification, saying that this lack of acknowledgement led to the EU resending 1,400 notifications in 2014. She suggested that the decision be amended to request the Secretariat, within available resources, to facilitate exchange of information and to report to each COP on implementation.

With that amendment, RC COP7 adopted the decision, pending budgetary approval.

OTHER MATTERS: The Secretariat reported on the status of designation of official contact points and designated national authorities. RC COP7 took note of the information.

The Secretariat then reported on an analysis of the possible synergies on preventing and combatting illegal traffic and trade in hazardous chemicals and wastes (UNEP/CHW.12/INF/51), saying that BC COP12 already asked the Secretariat to prepare recommendations for consideration by BC COP13, and requested that the information be presented to RC COP7 for their consideration.

MALI and CENTRAL AFRICAN REPUBLIC suggested that the Bamako Convention be included in synergies because it addresses the import of hazardous wastes. President Khashashneh observed that the Bamako Convention is regional, not global, and has more substantive overlap with the BC than the RC, and that their comments would be noted in the meeting report.

RC COP7 took note of the information.

CONTACT GROUPS

TECHNICAL ASSISTANCE AND FINANCIAL RESOURCES: Delegates met in the contact group in the morning and afternoon, and went through a first reading of a Co-Chairs’ text on SC regional and sub-regional centres and on

BC regional and coordinating centres. Discussions focused on, *inter alia*: text referencing the sound management of chemicals and wastes in the sustainable development goals; the need for time to review the evaluation criteria for regional centres; and a call for the Secretariat to report on the assessment on improving the centres’ effectiveness and efficiency and the “possible streamlining” of the centres. The group also considered a request to the Secretariat to continue to foster a coordinated approach in its relations with the BC and SC regional centres, while recognizing the specificities, legal autonomy and mandate of the centres under each convention. Some delegates opposed this, emphasizing that this would undermine synergies among the conventions.

BC LEGAL MATTERS: The group met in the morning to discuss its draft decision. Participants discussed the scope of work for the SIWG on legal clarity and OEWG10, including on a process to review annexes to the convention, using the legally-binding options identified in the follow-up to the Indonesian-Swiss CLI as a basis. A participant suggested adding Annex IX (non-waste), recalling discussions in the e-waste TGs on reuse and direct reuse, and the group agreed to include related aspects of Annex IX.

BUDGET: The group met to discuss the BC draft financing and budget decision for 2016-2017, considering new text proposed by two regional groups regarding an experimental establishment of a single joint trust fund for the BRS conventions. One party supported this, noting that the three conventions already work together in a synergized manner. Another called for a comparative study to discover whether this has been done before. One regional group explained that, even though the BRS Conventions are the only synergized MEAs, there are lessons to be learned from the Convention on Biological Diversity, where the Convention and its Protocols will be conducting concurrent meetings for the first time in 2016.

RC LISTING OF CHEMICALS: In the afternoon, the group reviewed each objection raised by particular parties to the listing of trichlorfon, fenthion and paraquat. On fenthion, one developing country did not agree that listing requirements had been met. On paraquat, two developing countries did not agree that listing requirements had been met, despite detailed explanations by CRC members about their work. On trichlorfon, one developing country did not agree that listing requirements had been met, despite explanations and counter-arguments offered by CRC members and the parties that submitted the FRAs on which the CRC recommendation was based.

IN THE CORRIDORS

On Wednesday morning, delegates were greeted with a stern reminder from SC President Lissinger Peitz that “two weeks have become two days” to finish work, as delegates must meet deadlines for submitting decisions to the budget group and plenary. In response, a slew of contact groups, plenary sessions, Friends of the Co-Chairs or President and informal consultations ensued, working amid a palpably pessimistic atmosphere. A delegate admitted he is “less than optimistic” about reaching consensus on a number of difficult issues. This view was echoed by participants in the RC listings contact group who, according to one delegate, were “witnessing trenches being dug.”

In another group, after President Lissinger Peitz intervened to try encourage compromise, discussions became somewhat contentious as negotiators expressed the importance of meeting the needs of their constituents. An optimistic delegate hoped that, at least on some issues, discussions may be turning “from winter to spring,” especially after a party that produces chrysotile asbestos supported its listing. Another delegate hoped that this shift may provide the momentum needed to find a way forward.