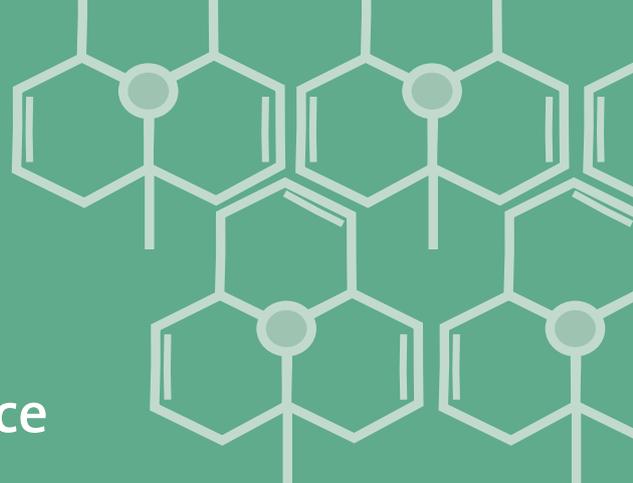




# ROCA

## Rotterdam Convention Alliance



# 7th Conference of the Parties to the Rotterdam Convention

## Summary

### 1.

**The purpose of the Rotterdam Convention is to advance environmental justice by providing a critical right - the Right to Prior Informed Consent – particularly to developing countries and countries with economies in transition, to whom hazardous chemicals and pesticides are increasingly being exported and where resources to safely monitor and manage these dangerous substances are often lacking or nonexistent.**

ROCA calls on all Parties to the Convention to exhibit commitment to environmental authority by aiding consensus process, which enables the Right to Prior Informed Consent provision of the Convention to be implemented.

### 2.

**The Convention provides rights and imposes obligations in order to Achieve Responsible Trade in Hazardous Substances.**

ROCA calls on countries, who are engaged in import and export of a particular hazardous substance, to practice responsible trade by supporting the recommendation of the Chemical Review Committee (CRC) regarding hazardous substance. Exporting countries have a legal and moral duty not to undermine the Right of Prior Informed Consent that the Convention grants to importing countries.

### 3.

**The Convention provides a specific science-based process for determining which substances should be listed in Annex III of the Convention.**

ROCA calls on all Parties to the Convention to act with integrity and support the recommendation of the Chemical Review Committee for COP7 to approve the listing of the following five substances in Annex III: methamidophos; fenthion (ultra low volume (ULV) formulations at or above 640 g active ingredient/L); trichlorfon; liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L; chrysotile asbestos;

### 4.

**The Convention should not be held hostage by a handful of countries**

ROCA calls on all Parties to the Convention to encourage parties to support the removal of the square brackets from Rule 45, Paragraph 1 of the Rules of Procedure, thus allowing a decision to be taken by a two-thirds majority vote, as a last resort, if all efforts to reach consensus have been exhausted, so that a handful of countries, acting in bad faith, may not hold the rest of the world hostage and prevent the implementation of the Convention.

### 5.

**The actions of a handful of countries, are endangering the integrity and effectiveness of the Convention.**

ROCA urges the Chair of COP7, at the opening of the COP, to issue a call that any Party which intends to obstruct the CRC recommendation to list chrysotile asbestos, or any of the other recommended substances, let the other Parties know right then at the outset of the conference, so that an opportunity would be provided to allow the necessary effort to be done to accomplish consensus.

### 6.

**ROCA encourages the Secretariat to continue its efforts to increase notifications in order to render the Convention more effective.**

ROCA urges COP7 to approve the implementation of the Secretariat's proposed areas for priority actions and to develop further strategies to achieve the goal of increased notifications, so as to increase the impact and effectiveness of the Convention.

### 7.

**ROCA urges the parties to COP7 to urgently move forward to implement a compliance mechanism.**

### 8.

**ROCA urges COP7 to build a compliance committee and adopt concrete, effective procedures and mechanisms on compliance.**

ROCA shares the opinion that the Compliance mechanism is a tool to assess the effectiveness of the implementation of the Convention as well as an instrument to reveal problems and assist countries in a timely and most efficient manner. ROCA urges parties to COP7 to approve concrete and effective measures to provide needed financial and technical assistance for developing countries and countries with economies in transition.

### 9.

**ROCA urges parties to COP7 to exercise careful oversight of the synergy process and to ensure effective involvement of civil society.**

## Background

### 1.

#### The purpose of the Rotterdam Convention is to Advance Environmental Justice by providing a Right to Prior Informed Consent

Countries attending the Rio Earth Summit in 1992:

- Noted that control over the trade in hazardous chemicals is an essential element in eradicating poverty and illness and in protecting the environment.
- Expressed concern that hazardous chemicals and pesticides, that are banned or severely restricted in industrialized countries, are increasingly being shipped to low and middle income countries or countries with economies in transition, where resources to safely monitor and manage these dangerous substances are often lacking or nonexistent.
- Expressed determination to protect human health, including the health of consumers and workers, and the environment against potentially harmful impacts from certain hazardous chemicals and pesticides in international trade.

The countries attending the Rio Earth Summit therefore decided that a legally binding international agreement was urgently required to control traffic in hazardous chemicals. Thus, the Rotterdam Convention was created in 1998 and came into effect in 2004. One hundred and fifty four countries have now ratified the Convention.

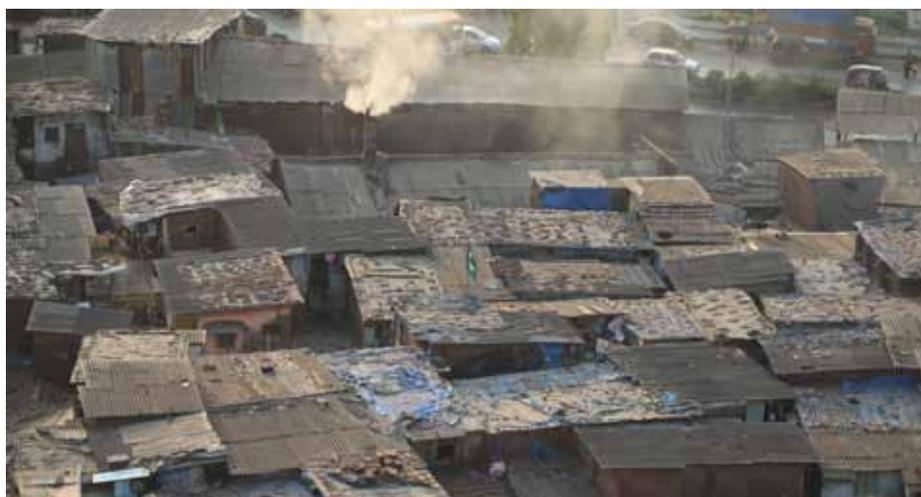
#### RECOMMENDATION

ROCA calls on all Parties to the Convention to exhibit commitment to environmental justice by aiding the consensus process, which enables the provisions of the Convention to be implemented. ■

### 2.

#### The Convention provides a Right to Importing Countries and imposes an obligation on Exporting Countries in order to Achieve Responsible Trade in Hazardous Substances

The Convention does not ban trade of hazardous substances. On the other hand, by ratifying the Convention, countries, which export a hazardous substance, make a commitment, under an international, legally binding Convention, to fulfill the obligations that the Convention imposes on exporting countries. Exporting countries have a legal and moral duty to respect – and not to block - the right of Prior Informed



Asbestos containing roofing materials, © ROCA/GAAA

Consent that the Convention grants to importing countries. The Convention contains legally binding provisions that:

- Call for that countries exporting hazardous substances exercise liable trade.
- Provide a basic human right – the Right of Prior informed Consent – particularly to developing countries and countries with economies in transition, where hazardous substances are increasingly transported.
- Permit low and middle income countries as well as countries with economies in transition to more effectively control their borders and protect health and the environment, empowered with the right to refuse hazardous substances which, in their judgment, they do not have the means and resources to manage safely, or to ensure that required safety measures are in place, if they choose to allow the import of the hazardous substance.

#### RECOMMENDATION

ROCA calls on Parties to the Convention, who export a particular hazardous substance, to practice responsible trade by supporting the recommendation of the Chemical Review Committee (CRC) regarding hazardous substance and to refrain from blocking the right of Prior Informed Consent that the Convention provides to importing countries. ■

### 3.

#### The Convention provides a specific science-based process for determining which substances should be listed in Annex III of the Convention

The Chemical Review Committee (CRC), made up of 32 government-appointed scientific experts is mandated by the Convention to determine whether a specific substance meets the scientific and technical criteria

of the Convention for listing as a hazardous substance under Annex III and, if so, to recommend that it be listed. The CRC follows a specific evidence-based process, prescribed in Annex I and II of the Convention.

The CRC is authorized by the Convention to play this important part in order to ensure that the recommendation whether to list a particular substance in Annex III is made by independent scientific experts, is objective and evidence-based, and is segregated from political pressures that may be exerted by vested interests, who derive financial benefit in exporting the substance, and who may not wish to notify importing countries of the health risks and the costly safety measures required.

#### RECOMMENDATION

- ROCA calls on all Parties to the Convention to act with integrity and support the recommendations of the Chemical Review Committee.
- ROCA particularly calls on countries, which export a hazardous substance and thus have a conflict of interest, not to put their vested interests ahead of their obligations under the Convention and not to block the recommendation of the CRC to list in Annex III the particular substance they export.<sup>5</sup>
- ROCA calls on all Parties to the Convention to support the recommendations of the CRC to list the following substances in Annex III:

##### 1. Methamidophos pesticide

for the reason that it causes serious adverse effects to human health, especially related to neurotoxicity, immunotoxicity and to the endocrine, reproductive systems and foetal development.

##### 2. Fenthion (ultra low volume (ULV)

formulations at or above 640 g active ingredient/L) should be listed in Annex

III as it affects the central nervous, cardiovascular and respiratory systems and may irritate eyes and mucous membranes. As with all organophosphates, fenthion is readily absorbed through the skin.

**3. Trichlorfon pesticide** is classified as harmful during oral exposure and as a skin sensitizer, as causing acute neurotoxic, genotoxic, immunotoxic, carcinogenic and teratogenic effects. In addition, trichlorfon effects reproduction and the endocrine system.

**4. Liquid formulations (emulsifiable concentrate and soluble concentrate)** containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L; The effects observed in the pesticide applicators are representative of dermal exposure to paraquat, respiratory distress, nervous system effects as well as digestive system.

**5. Chrysotile asbestos**, which is being put before the COP for the fifth time. The risk assessment concluded that human exposure to chrysotile is associated with an excess risk of asbestosis, lung cancer and mesothelioma. ■

## 4.

### **The Convention should not be held hostage by a handful of countries**

The Rotterdam Convention (RC) Conferences of the Parties (COPs) operate on a consensus basis. In order to ensure that the Convention cannot be made impracticable by a handful of Parties acting in deception, the Rules of Procedure for the COP allow decisions to be taken by a two-thirds majority vote, as a last resort, when "all efforts to reach consensus have been exhausted" (Rule 45, Paragraph 1). There are still square brackets around Paragraph 1, which means that this rule is not yet in effect.

It should be noted that this same provision - allowing for a decision to be taken by a two thirds majority vote, as a last resort, if consensus has proven impossible - is in effect under the Basel Convention (Rule 40 of the Rules of Procedure). The existence of this option, as a last resort, serves, in fact, as an incentive for Parties to achieve consensus. In the twenty years, since the Basel Convention came into effect, all decisions of the COPs have been made by consensus. It has thus proven unnecessary to take a vote.

### **RECOMMENDATION**

**ROCA calls on all Parties to the Convention to support the removal of the square**

**brackets from Rule 45, Paragraph 1 of the Rules of Procedure, so that a handful of countries, acting in bad faith, may not hold the rest of the world hostage and prevent the effective implementation of the Convention.** ■

## 5.

### **The actions of a handful of countries are endangering the integrity and effectiveness of the Convention**

A handful of countries have repeatedly blocked the recommendation of the CRC to list chrysotile asbestos under Annex III. We are concerned that countries who export or use asbestos may seek to block the listing, as it was done in previous COPs, in order to continue to practice irresponsible export of chrysotile asbestos.

### **RECOMMENDATION**

- **ROCA urges the Chair of COP7, after the preliminary organizational matters (Agenda items 1, 2 and 3) have been dealt with, and prior to commencement of discussion of Agenda Item 4 (Rules of procedure), to issue a call that any Party which intends to oppose the CRC recommendation to list chrysotile asbestos, or any of the other recommended substances, let the other Parties know at that moment at the outset of the conference.**
- **ROCA urges that Parties support this call, so that an opportunity would then be provided to allow the necessary work to be done to achieve consensus.**
- **ROCA urges that, if any country expresses an intention to oppose the CRC recommendation to list chrysotile asbestos, which has been put before COP3, COP4, COP5, COP6 and now COP7, then the President and Parties state the reality that COP7 faces a breakdown of the Convention, and that a group of friends of the President of COP7 come up with a suitable solution to solve this problem.** ■

## 6.

### **ROCA encourages the Secretariat to continue its efforts to increase notifications in order to render the Convention more effective**

ROCA supports the proposals submitted to COP7 by the Secretariat to increase the number of notifications of final regulatory action and guidance to assist parties in their preparation. The Secretariat identified three proposed areas for priority actions:

(a) Encourage the increased use of exist-

- ing training and guidance materials and develop additional materials;
- (b) Support parties in their submission of notifications through various initiatives;
- (c) Focus on technical assistance activities to increase capacity and highlight the importance of notifications.

### **RECOMMENDATION**

**ROCA urges COP7 to approve the implementation of these proposed areas for priority actions and to develop further strategies to achieve the goal of increased notifications so as to increase the impact and effectiveness of the Convention.** ■

## 7.

### **ROCA urges COP7 to urgently move forward to implement a compliance mechanism**

Article 17 of the Rotterdam Convention calls on the COP to adopt procedures and institutional mechanisms for determining noncompliance with the provisions of the Convention and for treatment of Parties found to be in non-compliance, but, to date, this has not been achieved.

### **RECOMMENDATION**

**ROCA urges COP7 to create a compliance committee and adopt concrete, effective procedures and mechanisms on compliance.** ■

## 8.

### **ROCA urges COP7 to approve concrete and effective measures to provide needed financial and technical assistance**

In order for the Convention to be effectively implemented, it is essential that developing countries and countries with economies in transition be provided with needed technical and financial assistance.

### **RECOMMENDATION**

**ROCA urges COP7 to:**

- **Request the Secretariat to continue its collaboration with relevant partners, such as the Global Environment Facility and its implementing agencies and the participating organizations of the Inter-Organization Programme for the Sound Management of Chemicals, to ensure that provisions relevant to the Rotterdam Convention are taken into account in the development of technical assistance projects and activities.**

- Encourage countries to incorporate sound chemicals management into their national development plans and programmes to help raise the profile of chemicals management and draw attention to its importance to donor countries and private sector;
- Encourage countries to involve civil society organizations in the activities aimed at awareness raising on hazardous pesticides and chemicals, and implementing practical solutions at the national level.
- Encourage countries to carry out educational work and training with PIC Secretariat to draw attention to the benefits of understanding and using PIC to address problem pesticides and hazardous chemicals.
- Encourage donor countries to continue and enhance their contributions that support financial and technical support to developing countries and countries with economies in transition, and Recommend to the GEF (Global

Environment Fund) that it restores its past practice of allowing NGOs with the capability to do so to execute GEF Medium Sized Projects (MSPs).

## 9.

### ROCA urges COP7 to exercise careful oversight of the synergy process

Coordination and cooperation among the three Conventions on chemicals and waste – Basel, Rotterdam and Stockholm – can bring increased effectiveness. It is essential, however, that the unique mandate of each Convention not be weakened in the measures being proposed and adopted to achieve synergy. It is also critical that civil society be involved in strategies across the three Conventions to achieve chemical safety goals and to advance public awareness and education, as well as in monitoring the effectiveness of the synergy process.

In addition, the success of the synergy initiative is also dependent on the ef-

fective involvement of civil society both in chemical safety issues across the three Conventions as well as in public awareness and outreach. The synergy process should be under critical evaluation of the success and effectiveness of a common system for the development, management and distribution of information and outreach materials.

### RECOMMENDATION

#### ROCA urges COP7 to:

- Ensure that the elements and goals unique to each of the three Conventions are not sacrificed in the goal of achieving synergies among the three Conventions. 11
- Ensure effective involvement by civil society in all aspects of promoting synergies among the three Conventions, in particular in public awareness and outreach activities on all three Conventions.
- Monitor and critically evaluate the success and effectiveness of the synergy process. ■

## ROCA

### (Rotterdam Convention Alliance)

is an alliance of environmental, labor and health organizations around the world working to promote the full and effective implementation of the Rotterdam Convention. ROCA envisions a world in which a global problem with public health effects, environmental contamination and lack of awareness caused by harmful chemicals does not occur without prior, informed consent.

This ROCA Position Paper is supported by the following organisations:

- A Walk to Remember Victims of Asbestos, Canada
- AMAR – Environment Defense Association, Brazil
- APROMAC – Environment Protection Association, Brazil
- Asian Ban Asbestos Network (A-BAN)
- Asian Network for the Rights of Occupational and Environmental Victims (ANROEV)
- Ban Asbestos France
- Ban Asbestos Network Japan (BANJAN)
- Ban Asbestos Network of India
- Bernie Banton Foundation, Australia
- Bundesverband der Asbestose Selbsthilfegruppen (association of the German asbestosis victims groups), Germany
- Center for Environmental Solution, Belarus

- Centre for Occupational & Environmental Health Research, School of Public Health and Family Medicine, South Africa
- CREPD, Cameroon
- ECAT Tirana (Environmental Center for Administration and Technology), Albania
- Eco-Accord, Russia
- Ecologistas en Acción, Spain
- Health and Environmental Alliance (HEAL), Belgium
- Indonesian Toxics-Free Network, Indonesia
- IndyACT, Jordan
- International Ban Asbestos Secretariat, UK
- IPEN, International POPs Elimination Network
- Island Sustainability Alliance CIS Inc (ISACI), Cook Islands
- KANCED, Canada
- L'association Henri Pézerat, France
- Occupational and Environmental Network of India (OEHNI)
- PAN-Ethiopia, Ethiopia
- Quercus - National Association for Nature Conservation; Portugal
- Red de Acción en Plaguicidas y Alternativas en México (RAPAM) A.C., Mexico
- Thanal, India
- The European Society for Environmental and Occupational Medicine
- The Rideau Institute, Canada
- ToxicsWatch Alliance (TWA), India
- TOXISPHERA – Environmental Health Association, Brazil
- Women in Europe for a Common Future

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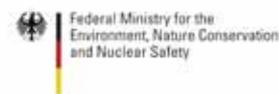
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