Sub-regional Training and Awareness-raising workshop for Designated National Authorities (DNAs) and relevant stakeholders on the Implementation of the Rotterdam Convention and other Multilateral Environmental Agreements such as the Stockholm and Basel Convention

Pretoria, South Africa, 2-6 November 2009
Sub-regional Training and Awareness-raising workshop for Designated National Authorities (DNAs) and relevant stakeholders on the Implementation of the Rotterdam Convention and other Multilateral Environmental Agreements such as the Stockholm and Basel Convention
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Pretoria, South Africa, 2 to 6 November 2009

AGENDA AND TIMETABLE

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Presenter</th>
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</thead>
<tbody>
<tr>
<td>08:30-9:00</td>
<td>Registration of participants</td>
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<tr>
<td>1st Session:</td>
<td>OPENING</td>
<td>Dr. Taelo Letsela</td>
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<tr>
<td>9:00-10:00</td>
<td>Opening Remarks – Representative of the Government of South Africa</td>
<td>M. Kgweenyane</td>
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<td>Opening Remarks – Executive Secretary for the Rotterdam Convention</td>
<td>Gerold Wyrwal</td>
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<td>Opening Remarks – Representative of UNEP</td>
<td>Prof. A. Bary</td>
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<td>Opening Remarks – Representative of FAO</td>
<td>Ms. Rosebud Kurwijila</td>
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<tr>
<td>10:00-10:15</td>
<td>Overview of the agenda and organization of the workshop</td>
<td>Gerold Wyrwal</td>
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<tr>
<td></td>
<td>• Objectives</td>
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<td>• Structure</td>
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<td></td>
<td>• Presentation of participants, moderators and secretariat</td>
<td>T. Sebego</td>
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<td>• Local arrangements</td>
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<tr>
<td>10:15 - 10:30</td>
<td>Break</td>
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<tr>
<td>2nd Session</td>
<td>Introduction to the Rotterdam Convention, status of implementation in countries, Identification of challenges</td>
<td>Botswana</td>
</tr>
<tr>
<td>10:30-11:30</td>
<td>General overview/background of the Rotterdam Convention</td>
<td>Gerold Wyrwal / Joyce Mulila Mitti</td>
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<tr>
<td></td>
<td>• Brief history</td>
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<td></td>
<td>• Scope of the Convention – what it is/what it is not</td>
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<td>• Overview of the Convention obligations, accomplishments</td>
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<tr>
<td>11:30-12:00</td>
<td>Plenary discussion</td>
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<tr>
<td>12:00-13:00</td>
<td>Lunch</td>
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<tr>
<td>13:00-16:00</td>
<td>Status of implementation of the Rotterdam Convention</td>
<td>Designated National Authority</td>
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<td>• Presentation of individual country status reports including key challenges identified</td>
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<td></td>
<td>Break (as appropriate)</td>
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<tr>
<td>16:00-16:15</td>
<td>Common list of key questions and challenges identified by countries in country reports</td>
<td>Joyce Mulila Mitti</td>
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<tr>
<td></td>
<td>• Secretariat to present the compilation of key questions and challenges raised</td>
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<tr>
<td>16:15-17:00</td>
<td>Plenary discussion</td>
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<tr>
<td>17:00-17:15</td>
<td>Preparation for Session 4 breakout groups</td>
<td>G. Wyrwal</td>
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</table>

Objectives of breakout groups - results will assist in framing the discussion in the practical sessions and be reviewed in Session 8 to determine ability of Workshop to address such issues.
### 3rd Session  
**Overview of the Rotterdam Convention**  
**Eritrea**

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>9:00-10:15</td>
<td><strong>Scope of the Convention</strong></td>
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<tr>
<td></td>
<td>- What chemicals are included</td>
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<td></td>
<td><strong>Key players</strong></td>
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<td>- Who they are and what they do (DNA, COP, CRC, Secretariat)</td>
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<td><strong>Operation of the PIC procedure</strong></td>
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<td>- Adding chemicals</td>
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<td>- Notifications of regulatory control actions</td>
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<td></td>
<td>- Proposals for severely hazardous pesticide formulations</td>
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<td>- The PIC procedure</td>
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<td>- Decision guidance documents (DGDs)</td>
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<td>- Import decisions</td>
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<td>- Importing and exporting country responsibilities</td>
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<td>- Export notification: process and export notification form</td>
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<td>- Information exchange</td>
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<tr>
<td>10:15-10:30</td>
<td><strong>Questions – comments</strong></td>
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</table>

### 4th Session  
**Practical training in the implementation of the key obligations**  
**Ethiopia**

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>10:30-10:45</td>
<td><strong>Introduction – Plenary</strong></td>
</tr>
<tr>
<td></td>
<td>- Brief summary presentation on the operation of the Prior Informed Consent procedure</td>
</tr>
<tr>
<td>10:45-11:30</td>
<td><strong>4th Session</strong></td>
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<tr>
<td></td>
<td><strong>Decision Guidance Documents and Import Decisions</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Introduction – Plenary</strong></td>
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<tr>
<td></td>
<td>- Presentation of the process for preparation of import decisions, the importance of the import response and key documents</td>
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<tr>
<td></td>
<td>- Presentation by invited participant on their experience with preparation and submission of import responses</td>
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<td></td>
<td>- Brief explanation of the objectives of breakout groups and outline of the work to be undertaken</td>
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<tr>
<td>11:30-12:00</td>
<td><strong>Breakout groups – Decision Guidance Documents and Import Decisions</strong></td>
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<tr>
<td>12:00-13:00</td>
<td>Lunch</td>
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<tr>
<td>13:00-15:00</td>
<td>ctd. Breakout groups – Decision Guidance Documents and Import Decisions</td>
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<td></td>
<td>- Practical session on completing an import response form based on information available in the DGD</td>
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<td>- Identify challenges or constraints in preparing and submitting an import response</td>
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<tr>
<td>15:00-15:15</td>
<td>Break</td>
</tr>
<tr>
<td>15:15-16:00</td>
<td>Plenary Session - Decision Guidance Documents and Import Decisions</td>
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<td>- Moderator to present a consolidated report of the work of the breakout groups</td>
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**4 b Session**  
Notifications of Final Regulatory Action – Banned and Severely Restricted Chemicals  
*Ghana*

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
<th>Presenter(s)</th>
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</table>
| 16:00-17:00  | Introduction – Plenary  
- How the notification process works, the importance of the process and key documents, challenges;  
- Brief overview on the operation of the Chemical Review Committee (CRC) and guidance on use of bridging information  
- Presentation by invited participant on their experience with preparation and submission of notifications of final regulatory actions  
- Brief explanation of the objectives of breakout groups and outline of the work to be undertaken | *G. Wyrwal*      |

**WEDNESDAY, 4 November**

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<tr>
<th>Time</th>
<th>Activity</th>
<th>Presenter(s)</th>
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</table>
| 9:00-10:30   | Breakout groups – Notifications of banned and severely restricted chemicals  
- Practical session on completing a notification form for submission  
- Identify challenges or constraints with the notification process and the supporting documentation | *G. Wyrwal*      |
| 10:30-10:45  | Break (as appropriate)                                                                                                                   |                  |
| 10:45-12:00  | Plenary Session – Notifications of final regulatory actions  
- Moderator to present a consolidated report of the work of the breakout groups                                                     |                  |
| 12:00-13:00  | Lunch                                                                                                                                     |                  |

**4 c Session**  
Proposals for Severely Hazardous Pesticide Formulations  
*Lesotho*

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<tr>
<th>Time</th>
<th>Activity</th>
<th>Presenter(s)</th>
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</table>
| 13:00-14:30  | Introduction – Plenary  
- Presentation of the incident report form as basis for submission of proposals for severely hazardous pesticide formulations  
- Presentation by a participant on experience in collecting information on incidents associated with pesticides used under the prevailing conditions in the country  
- Brief explanation of the objectives of breakout groups and outline of the work to be undertaken | *G. Wyrwal*      |
| 14:30-14:45  | Break (as appropriate)                                                                                                                   |                  |
| 14:45-16:45  | Breakout groups – Severely Hazardous Pesticide Formulations  
- Practical session on process of completing an incident report form and preparing a proposal for submission  
- Identify challenges and/or constraints in reporting incidents including gaps in the incident reporting process and where guidance may be needed | *G. Wyrwal*      |
<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Location</th>
<th>Presenter(s)</th>
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</thead>
<tbody>
<tr>
<td>09:00-9:30</td>
<td>Plenary Session – Severely Hazardous Pesticide Formulations</td>
<td></td>
<td>• Moderator to present a consolidated report of the work of the breakout groups</td>
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<tr>
<td>09:30-10:15</td>
<td><strong>4th Session</strong> Export Notifications and information to accompany exported chemicals</td>
<td>Liberia</td>
<td>Joyce Mulila Mitti</td>
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<tr>
<td>09:30-10:15</td>
<td>Plenary</td>
<td></td>
<td>Export notification under the Convention</td>
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<td>• Presentation of the key elements- what it is and what it is not</td>
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<td>Presentation by invited expert on the export notification programme in an exporting country</td>
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<td></td>
<td>• How it operates, key elements and key documents</td>
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<td></td>
<td>• Introduction to CAS numbers and Harmonised System Customs Codes, Material Safety Data Sheet</td>
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<td>Brief explanation of the objectives of breakout group and outline of the work to be undertaken</td>
<td></td>
<td>G. Wyrwal</td>
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<tr>
<td>10:15-10:30</td>
<td><strong>Break</strong></td>
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<tr>
<td>10:30-12:30</td>
<td>Breakout groups – Export Notification</td>
<td></td>
<td>groups</td>
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<td></td>
<td>• Practical session on the process of export notification and review of the form– from perspective of the exporting country and the importing country</td>
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<td>• Review the information included in an actual export notification and steps that could be taken in a country upon receipt of such a notification</td>
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<tr>
<td>12:30-13:30</td>
<td><strong>Lunch</strong></td>
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<tr>
<td>13:30-14:00</td>
<td>Plenary Session – Export Notification</td>
<td></td>
<td>• Moderator to present a consolidated report of the work of the breakout groups</td>
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<tr>
<td>13:30-13:45</td>
<td><strong>5th Session</strong> Role of DNA in using and exchanging information available under the Rotterdam Convention</td>
<td>Malawi</td>
<td>G. Wyrwal</td>
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<tr>
<td>13:30-13:45</td>
<td>Overview of opportunities of information exchange ( incl. PIC Circular, list of DNAs, guidance material )</td>
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<td>13:45-14:30</td>
<td>The Rotterdam Convention web site including country profiles</td>
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<td>14:30-15:15</td>
<td>Presentation by invited participant on opportunities on how the information can be used;</td>
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<td>F. Katagira</td>
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<td>15:15-15:30</td>
<td><strong>Break</strong></td>
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<tr>
<td>15:30-16:00</td>
<td>Panel Discussion</td>
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<tr>
<td>Session</td>
<td>Title</td>
<td>Details</td>
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<tr>
<td>6th Session</td>
<td>Opportunities for national and regional co-operation and integration with activities of other multilateral environmental agreements (MEAs) and the Strategic Approach to International Chemicals Management (SAICM)</td>
<td>Uganda</td>
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<td></td>
<td>Existing mechanisms of regional cooperation</td>
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<td>Linkages between the Rotterdam, Basel and Stockholm Conventions and SAICM and opportunities for an integrated approach to implementation at the national level,</td>
<td>G. Wyrwal</td>
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<td></td>
<td>Update on activities under the African Stockpiles Programme and EC-MEA Pesticide Management Programme</td>
<td>K. Helps</td>
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<td></td>
<td>Invited participant: Focal Point for the Stockholm Convention – brief presentation on experience in integrating the work on the three Conventions and SAICM</td>
<td>participants</td>
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<td>Invited participant: outcome of most recent regional 3 Conventions Synergies meetings</td>
<td>participants</td>
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<td>Regional representative: Brief overview of opportunities for regional cooperation, introduction of existing regional organizations and mechanisms</td>
<td>Joyce Mulila Mitti</td>
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<td></td>
<td>Breakout groups: brainstorm on national opportunities to integrate the work of the Rotterdam Convention with ongoing activities on the Basel and Stockholm Conventions and SAICM at the national level.</td>
<td>groups</td>
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<td>Panel Discussion: Identification of opportunities of fostering regional co-operation</td>
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<td>Break (as appropriate)</td>
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<tr>
<td>7th Session</td>
<td>Review outcome of the previous sessions – Identification of possible actions/key next steps/priorities at national and regional level</td>
<td>South Africa</td>
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<td></td>
<td>Brief explanation of the objectives of breakout groups and outline of the work to be undertaken</td>
<td>G. Wyrwal</td>
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<td>National groups: Key next steps/priorities – national and regional</td>
<td>Plenary</td>
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<td>• As appropriate, identify “key next steps” at the national level for the implementation of the Rotterdam Convention</td>
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<td>• Identify those “key next steps” that are common across countries as basis for sharing experience and developing common approaches</td>
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<td>• Identify set of breakout groups priority activities - at both the national level and regionally</td>
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<td></td>
<td>Lunch</td>
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<td>Plenary Session: Key next steps/priorities - national and regional</td>
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<td></td>
<td>• Review breakout groups priority activities</td>
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<td>• Identify an overall set of workshop priority activities</td>
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<td>Time</td>
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| 14:00-14:15 | Plenary Session – review questions and challenges  
  - Review list of questions and challenges identified in Session 2  
  - Consider those addressed by the workshop and those that are outstanding | Gerold Wyrl | South Africa |
| 14:15-14:30 | Workshop review  
  - What went well - what might be improved |                     |           |
| 14:30-14:45 | Closure of the Meeting | Secretariat  
Host |              |
**Concept note**

**Sub-regional training and awareness-raising workshops for Designated National Authorities (DNAs) and relevant stakeholders on the Implementation of the Rotterdam Convention and other Multilateral Environmental Agreements such as the Stockholm and Basel Convention**

**Introduction:**

The technical assistance programme of the Rotterdam Convention is composed of a range of activities that are tailored to the specific needs of individual countries or small groups of countries with a focus on those actions that are deemed necessary for Parties to fully implement the Convention.

A series of meetings have been developed that provide practical training to Designated National Authorities in the implementation of the Convention and raise awareness of the relationship between the Basel, Stockholm and Rotterdam Conventions. Such meetings are aimed at countries that have ratified the Rotterdam Convention only recently, or are experiencing difficulties in meeting their basic obligations under the Convention, or have recently appointed new or additional Designated National Authorities.

A key element to the success of these meetings is bringing together a number of Designated National Authorities within a region, key stakeholders involved in the implementation of the Rotterdam Convention and focal points of other Multilateral Environmental Agreements (MEAs) such as the Basel and Stockholm Conventions, as well as technical representatives from the MEAs. Participation of representatives of regional or subregional organizations or programmes that have an ongoing programme on chemicals or pesticide management, and technical officers from Regional Offices of UNEP and FAO, as well as regional experts and experienced Designated National Authorities from other countries may also be invited.

**Overall Objective:**

The overall objective is to provide assistance to Parties in the implementation of the Rotterdam Convention and thereby to improve institutional capacity in the area of sound chemicals management at the national and international levels.

The specific objectives are:

- To strengthen the capacity of Designated National Authorities to implement the Rotterdam Convention by providing practical training on the key obligations and operational elements of the Convention;
- To facilitate a national dialogue among relevant stakeholders on the implementation of the Rotterdam Convention;
- To raise awareness of the linkages between the Basel, Stockholm and Rotterdam Convention; in particular how the three Conventions can jointly assist Parties to strengthen chemicals management at the national level. Participants will consider how the work on the Rotterdam Convention might be integrated with ongoing chemicals management activities at the national level as well as with relevant regional and global activities including SAICM.
Approach:

In order to facilitate efficient delivery of the meeting participation will be limited to 25 participants from a maximum of eight countries. The meeting will operate through a series of plenary sessions and smaller breakout groups and be convened for up to five days. Participants will be provided with a workshop work book which will be used in the course of the week and also serve as a reference to facilitate follow-up to the meeting.

In preparing for the meeting participants will be requested to prepare a report on the status of implementation of the Rotterdam Convention in their country, as well as on the overall status of chemicals management and key stakeholders involved in their country. This will make the participants aware of the national challenges and they might benefit more from the practical exercises and discussions during the meeting.

On the first day of the meeting participants will be invited to work together to identify a list of questions they have regarding the Convention including some of the main challenges they face in its implementation. This list of issues, along with the national reports prepared prior to the meeting will be used to help frame the relevant technical discussions during the week and will be revisited on the last day of the meeting to ensure that they have been addressed to the satisfaction of the meeting participants.

Plenary sessions will allow for brief introductions of the individual key elements of the Convention by the Secretariat, followed by presentations by one or more meeting participants on their national experience in implementing individual elements. Regional Experts, Regional Officers from FAO and/or UNEP, and experienced Designated National Authorities will share their experience in specific areas.

The work in breakout groups (BOGs) will provide an opportunity to gain practical experience in the implementation of the key obligations of the Convention through a review of decision guidance documents and preparation and submission of import responses; a series of case studies on the preparation and submission of notifications of final regulatory actions; review and completion of the incident report form for severely hazardous pesticide formulations and an exercise on export notification. Experience from the individual BOGs will be shared in Plenary.

Output of the meeting:

The expected outcome of the meeting is that the participants will be more familiar with the objectives, provisions and obligations of the Rotterdam Convention. Participants will have an increased awareness of how the Prior Informed Consent procedure and the information exchange provisions of the Convention might be used to strengthen chemicals management at the national level. Participants will have gained an increased knowledge on the implementation of the key obligations and operational elements of the Convention.

For each country, a report will be prepared which includes a summary of the status of implementation of the Convention, in particular the level of import responses and notifications of final regulatory actions. This status report, in conjunction with the practical training, will assist participants in following up the meeting, with an expected improvement on the level of implementation of the Convention in the participating countries.
This status report may also constitute the basis for identifying specific Technical Assistance needs and for identifying a national plan for the implementation of the Convention in the participating countries.

The meeting will also promote an integrated approach to chemicals management at the national level and foster understanding on how the Rotterdam, Stockholm and Basel conventions and SAICM relate to each other.

Participants will be familiar with the tools and information materials available to facilitate the implementation of the Convention, such as the resource kit and the Convention’s web site.
LIST OF PARTICIPANTS

Botswana

Mr Molatlegi Modise
Director of Crop Production
Department of Crop Production
Ministry of Agriculture
Private Bag 00435
Gaborone, Botswana
+267-368 9017 - 267-3953336
Fax: + 267 3928 768 & +267 390 7057
E-mail: molmodise@gov.bw

Ms Oabile Kealotswe
Department of Public Health
Ministry of Health
Private Bag 00269
Gaborone
Botswana
Tel. +267 3632129/3170585
E-mail okéalotswe@gov.bw

Mr Moneedi Kgweenyane
Chair
Council of the Africa Institute
P/bag BO 323
Gaborone
Botswana
E-mail: mkgweenyane@gov.bw
Tel: +267 3934479
Fax: +267 3934486

Ethiopia

Mr Wondwossen Sintayehu
Head, Environmental Policy and Legislations
Department
Environmental Protection Authority
Tel: +251 911 604358
Fax: +25111646876/82
Addis Ababa
Ethiopia
E-mail: swondwossen@gmail.com

Mrs Tsehay Azage Belew
Ministry of Agriculture and Rural Development
P.O. Box 62347
Addis Ababa
Ethiopia
Fax: 0116463686
E-mail: tseaz2005@yahoo.co.uk

Ghana

Mr Joseph Cantamanto Edmund
Acting Deputy Director
Environmental Protection Agency, Chemicals
Contol and Management Centre
P.O. Box M326
Accra, Ghana
Fax: +23321662690
E-mail: jedmund@epaghana.org;
kkeku_orchard@yahoo.com
Tel: +233 208168907/Cell: +233 21 66 4697/8) – Office

Eritrea

Mr. Tewolde Gebreyesus Siratu
Director
Environmental Resources Assessment & Information
Ministry of Land, water and Environment
P.O. Box 5713
Eritrea
Fax: +291 1 126095
e-mail: tewoldenv@gmail.com;
tewoldegebreyesus@yahoo.com
E-mail: depenvdg@eol.com.er

Lesotho

Ms Rorisang Motanyane
Principal Crops Production Officer
Ministry of Agriculture and Food Security
P.O. Box 7260
Maseru – 100
Lesotho
E-mail:rorisangmotanyane@yahoo.co.uk
Mr. Thabo Tvsasanyane
Senior Environment Officer
Department of Environment
Ministry of Tourism, Environment and Culture
P.O. Box 10993
100 Maseru, Lesotho
Tel: (+266 22) 311 767
Fax: (+266 22) 311 139/310 194
E-mail: tsasanyanetk@hotmail.com

Mr. Dehwehn Omarley Yeabah
Director
Division of Environmental and Occupational Health
Ministry of Health and Social Welfare
P.O. Box 10-9009
Monrovia-10 1000
Liberia
Fax: +231 6669906/6436761
e-mail: doyeabah@yahoo.com

Ms Caroline Theka
Environmental Affairs Department
Private Bag 394
Lilongwe 3
Malawi
Tel.: +265 1 775 062
Fax: +265 1 773 379
E-mail: caroltheka@yahoo.com

Mr Evans Kapeya
The Registrar
Pesticides Control Board
P.O. Box 51300
Limbe, Malawi
Fax: +265 1 471 312
E-mail: pesticidesboard@malawi.net; ekapeya@live.com

Uganda

Mr Mugabi Stephen David
Assistant Commissioner - Environment Affairs
Department of Environment Support Services
Ministry of Water and Environment
Kampala, Uganda
PO Box: 20026
E-mail: mugabisd@gmail.com

Bulegeya Komayombi
The Commissioner
Crop Protection
Ministry of Agriculture, Animal Industry and Fisheries
P.O. Box 102
Entebbe, Uganda
Fax: +256 41 32 0642
E-mail: kBulegeya@yahoo.co.uk
ccpmaaif@gmail.com

South Africa*

Resources Rep.

Taelo Letsela (PhD)
Executive Director
Africa Institute
Private Bag X441
Pretoria 0001
Tel (+27) (012) 3103627
Cell (+27) 0765943113
Fax (+27) (012) 3201421
E-mail: tletsela@deat.gov.za

Hanna-Andrea Rother, Ph.D.
Senior Researcher & Programme Leader - Health Risk Management
Centre for Occupational & Environmental Health Research (COEHR)
School of Public Health and Family Medicine,
Faculty of Health Sciences,
University of Cape Town
Anzio Rd., Observatory 7925
SOUTH AFRICA
Tel: +27-21-406 6721
Fax: +27-21-406 6163
e-mail: andrea.rother@uct.ac.za
website: www.coehr.uct.ac.za

Dr Alufelwi M. Tshavhungwe
Deputy Director: Chemical Industry &
Related Services
Department of Science and Technology
Building 53 CSIR Campus
Meiring Naude Road
Brummeria
Pretoria 0001
Tel: 012 843 6433
Fax: 086 648 9338
Cell: 078 801 0837
E-mail: Alufelwi.Tshavhungwe@dst.gov.za

Ms Elize Harber
Department of International Relations and
Cooperation
Sub directorate Conservation and WSSD
Tel: 27 12 351 1000
Private Bag X152 Pretoria 0001
Republic of South Africa
Habere@foreign.gov.za

Mr Cornelius Scholtz
Department of International Relations and
Cooperation
Assistant Director: Conservation and WSSD
Follow-up
Directorate: Environment, Science &
Technology
Department of International Relations and
Cooperation
Private Bag X152 Pretoria 0001 Republic of
South Africa
Tel: +27 12 351 1000 ext. 1498 Fax: +27 12
323 6987
E-mail: scholtzc@foreign.gov.za

Mr Ramsook Loykisonal
Department of Health
Deputy Director
Tel: 27 12 312 3256
Cell: 27 82 308 2211
Fax: 27 12 312 3181
E-mail: LoykiR@health.gov.za

Mr Donovan Mitchell
Department of Trade and Industry
International Trade Administration
Commission
Import & Export Control
Tel: +27 12 394 3663
Fax: +27 12 394 0517
e-mail: dmitchell@itac.org.za

Ms Wilna Jansen van Rijsen
South African National Consumer Union
Regulatory Toxicologist
Tel: (27) 012 347 4257
Mobile: 083 379 2111/E-mail
wilnajvr@telkomsa.net

Mr Rico Euripidou
Groundworks
PO Box 2375
Pietermaritzburg
3200
Tel: 27 33 342 5662
Fax: 27 33 342 5665
Cell: 27 83 519 3008
E-Mail: Rico@groundwork.org.za

Ms Nonhlanhla Christobell Zulu
National SHE Manager
Unilever SA (Pty) Ltd
Sheq Department Unilever South Africa
15 nollsworth crescent, la lucia ridge
La Lucia
Tel: +27(031) 570 3565
Fax:+27(031) 570 2371
Cell: +27(079) 161 4699
E-mail: nonhlanhla.zulu@unilever.com
Mrs Veronica Elenis  
South African Revenue Service  
E-mail Velenis@sars.gov.za

Ms Iris Cloete  
Senior Environmental Advisor  
Eskom Corporate Services  
Cloetefi@eskom.co.za  
Cell: 27 82 491 3643  
Work: 27 11 800 3613

Ms Shehaan Brinkhuis  
Department of Environmental Affairs and Development Planning  
Western Cape, 1st Floor Property Centre  
3 Dorp Street, CPT, 8001  
Tel: 021 483 8309/Fax: 021 483 3189  
Shrinkh@pgwc.gov.za

CRC Expert: South Africa

Ms Nitasha Bajnath-Pillay  
Assistant Director: Pollution Information and Chemicals Management  
DEADP – W Cape  
1st Floor Property Centre  
3 Dorp Street  
CPT  
8001  
Tel: 021 483 2968  
Fax: 021 48 33186  
Npillay@pgwc.gov.za

Ms Noluzuko Gwayi  
Deputy-Director  
Chemicals Management  
Directorate: Waste Stream Management  
Department of Environmental Affairs & Tourism  
P/B X 447, Pretoria, 0001  
Phone: +27- (0) 12 310 3393  
Fax: +27- (0) 12 320 0024  
Cell: +27 (0) 82 968 9484  
+27 (0)79 886 6582  
E-mail: ngwayi@deat.gov.za

Regional expert

Tebogo Sebego  
Policy Analyst: International Chemicals Cooperation  
Department of Environmental Affairs  
Private Bag x447, 0001 Pretoria  
Tel: 012 310 3913  
Fax: 012 320 1421  
E-mail: TSebego@deat.gov.za

UNEP  
Ms. Francisca Katagira  
Principal Agricultural Officer  
Plant Health Services Section  
Ministry of Agriculture, Food Security & Cooperatives  
P.O. Box 9071  
Dar es Salaam, Tanzania  
Tel: +255 22 286 5642/Fax: +255 22 286 5642/ fkatagira2002@yahoo.com

FAO  
Prof. Abdouraman Bary  
Programme Officer - MEAs Focal Point (Chemicals)  
Regional Office for Africa (ROA)  
United Nations Environment Programme (UNEP)  
UN Gigiri Complex, T-2, United Nations Avenue  
P.O. Box 30552 00100  
Nairobi  
Kenya  
Tel.: +254 20 7623494  
Fax: +254 20 7624300  
E-mail: Abdouraman.Bary@unep.org
Joyce Mulila Mitti
Plant Production and protection Officer
Food and Agriculture Organisation of the
United Nations (FAO)
Harare, Zimbabwe
Tel: +263-4-253656/8
Mob: +263-912-273188
Email: joyce.mulilamitti@fao.org

Secretariat of the Rotterdam Convention

Kevin D. Helps
Senior Officer, Obsolete Pesticides,
Prevention and Disposal, Plant Production
and Protection Division
Room 916
Department of Environmental Affairs and
Tourism
9th floor south Tower

Fedsure Forum Building
Pretoria 0001
South Africa
Tel: +27 (12) 354 8526
Fax: +27 (12) 320 2646
E-mail: Kevin.Helps@fao.org

Gerold Wyrwal
Secretariat of the Rotterdam Convention,
AGPP,
Food and Agriculture Organization of the
United Nations (FAO)
Viale delle Terme di Caracalla
00100 Rome, Italy
Tel: (+39 06) 5705 2753
Fax: (+39 06) 5705 3224
E-mail: Gerold.Wyrwal@fao.org/web:
http://www.pic.int
COUNTRY REPORTS
COMMON LIST OF KEY QUESTIONS AND CHALLENGES IN IMPLEMENTING THE Rotary Convention IDENTIFIED BY COUNTRIES IN COUNTRY REPORTS

There are three general areas for discussion:

1) **PIC procedure** (*Articles 5, 6 and 10*)
   a) notifications of final regulatory actions to ban or severely restrict chemicals (*Article 5*):
      i) What are the Implications of failing to submit notifications of final regulatory actions to ban or severely restrict chemicals?
      ii) Can we decide to ban, or restrict import of certain pesticides without a legislation?
   b) Import response for Annex III chemicals (*Article 10*):
      i) Do we have to have a legislation in order to give a response on Annex III?
      ii) What should we do if we cannot/ have not provided a import response within 9 months after circulation of the DGD?
   c) Severely hazardous pesticide formulations:
      i) What plans does the Rotterdam Convention have to support developing countries establish poison centres?

2) **Information Exchange** (*Articles 11, 12, 13 and 14*)
   i) How do we institutionalise information exchange mechanism among parties?

3) **Opportunities to promote co-operation**
   i) How can we promote the implementation of the PIC procedures amongst developing countries, especially Africa?
   ii) What opportunities are there for capacity building specially aimed at implementing the three conventions including SAICM?
   b) What measures are in place by the Conventions for parties that do not comply?

**CHALLENGES**

4) **Secretarial support**:
   i) What can the Secretariat do to strengthen infrastructure?
   ii) What’s the scope of the Secretariat’s capacity building;
   iii) Is there any legally binding mechanism that obliges more advanced countries to provide assistance to other countries?

5) **Lack of Capacity**:
   i) There is lack of capacity to carryout risk assessment and conduct Environmental impact assessment of chemicals.
   ii) There is lack of capacity to implement the Convention (know which chemicals are used in the country, issues on poisoning reports, ;
6) Fragmentation:
   i) Responsibility of chemicals is shared among several government sectors and departments and this leads to delayed implementation and decision making.
   ii) Adequate infrastructure to safely manage Annex III chemicals
   iii) Need for national fora to jointly discuss the issues under the Rotterdam Convention;
   iv) Does the Convention require establishment of a national forum to implement the Convention;

7) Inadequate legislation:
   i) There is no umbrella legislation that covers all chemicals. However there are legislations that cover fragments of chemicals.
   ii) Relevant National Legislations on chemicals under the Rotterdam Convention
   iii) lack of clear regulatory framework for management of industrial chemicals
   iv) needs for advice on whether existing laws need only revision, or whether a major revision of legislation is required?

8) Inadequate monitoring:
   i) there is no control of chemicals except Agrochemicals (under Agrochemicals Act) at the points of entry.

9) Lack of awareness on the Rotterdam convention
   a) Lack of awareness among the major stakeholders about the provisions of the convention
   b) Support for a sustained public awareness program on the Rotterdam Convention

10) Poor information exchange in country

11) Resources:
   i) Allotment of budgetary support for the implementation of Rotterdam Convention
   ii) Increase in human resource capacity building and logistical support
   iii) Domestication of all chemical conventions
   iv) Mobilization of adequate resources both local and external for the implementation of the Convention.

12) Preparation of National implementation plan for the Rotterdam Convention

13) Import Response:
   a) Putting in place legal framework (administrative procedures, regulations, guidelines, domestication of the Convention) for the management of chemicals in the Country
   b) The mobilization of resources for the obtaining of national import decisions for transmission to the Secretariat of the Rotterdam Convention
   c) Assessment/survey of inventory of chemicals in Annex III

14) Notifications of final regulatory action:
   a) The putting in place of legal instruments, proper procedures, guidelines and regulations for the Implementation of the Rotterdam Convention

15) SHPF:
   a) There are many challenges among these are:
      i) Lack of reliable data/ on the effects of chemicals on human health and the environment
ii) Lack of infrastructure to handle issues relating to hazardous Pesticides formulation.

iii) Strengthen existing public health infrastructure in order to effectively response to incidences of pesticides poisoning

16) Export Notifications:

17) Information Exchange:
   i) Poor information exchange in country
   ii)

18) Integrated implementation of the three Conventions:
   a) Need for a Manual on how to implement the three Conventions in a joint manner;
STATUS OF IMPLEMENTATION OF THE ROTTERDAM CONVENTION

BOTSWANA
Introduction

In Botswana the usage as well as the demand for chemicals has grown in parallel proportion to the socio-economic development and population growth. In recent years there has been a growing concern among the consuming public and the government cycles of the potential harmful effects to Botswana of these chemicals.

Botswana acceded to the Rotterdam convention on the 2nd February 2008

There are two Designated National Authorities in Botswana and these are; Department of public Health in the Ministry of Health which is responsible for chemicals management and the Department of Crop production in the ministry of Agriculture which is responsible for the management of pesticides used in Agriculture.

STATUS OF IMPLEMENTATION

Botswana has not developed the implementation plan for the convention; however there are some ongoing activities indifferent departments that regulate chemicals in general.

Legislation

The Agrochemicals Act of 1999 provides for the registration and licensing of Agrochemicals, to control or regulate their importation, manufacture, distribution, use, and disposal, so as to prevent pollution to the environment or harm to human, plant or animal life. Therefore as a matter of ensuring compliance to the Rotterdam convention, all chemicals listed under the prior informed consent are not registered under the above Act. All pesticides registered under this Act constitute a national register of agricultural pesticides as per requirement of Article 15 of the convention.

Other Administrative arrangements

There is an administrative arrangement that all licensing Authorities request for chemicals to be cleared by the Department of Health before a license could be issued. This arrangement ensures the monitoring of the chemicals listed in both the Stockholm and the Rotterdam convention.

CHALLENGES

1.0 Lack of Capacity- There is lack of capacity to carryout risk assessment and conduct Environmental impact assessment of chemicals. 
2.0 Fragmentation – Responsibility of chemicals is shared among several government sectors and departments and this leads to delayed implementation and decision making.
3.0 Inadequate legislation - there is no umbrella legislation that covers all chemicals. However there are legislations that cover fragments of chemicals.
4.0 Inadequate monitoring - there is no control of chemicals except Agrochemicals (under Agrochemicals Act) at the points of entry.
5.0 Lack of awareness on the Rotterdam convention
Rotterdam Convention
Sub Regional training and awareness Workshop for DNAs
2nd – 6th November 2009
Pretoria

By Mr. Modise, Ministry of Agriculture
& Ms Kealotswe, Department of Public Health

Introduction
- Botswana acceded to the convention in February 2008
  - Two DNA
    1. Department of Crop Production in the Ministry of Agriculture
    2. Department of Public Health, Ministry of Health
- International trade and chemicals
  - Imports most of the chemicals
  - Increase in demand for chemicals
    ◦ Industrialization
    ◦ Agriculture

Intro. Cont....
- Chemicals management responsibilities in Botswana is shared among several sectors, examples:
  - Agriculture
  - Health
  - Environment

Status of Implementation
- The country has not yet developed an implementation plan for the convention
- National implementation plan has been developed for Stockholm Convention but still await government approval

Existing legislation supportive of PIC
- Agrochemicals Act 1999
  - Provides for the registration and licensing of Agrochemicals
  - Chemicals registered under this Act constitutes a National Register of Pesticides
- Registration also ensures that chemicals listed in the PIC convention are closely monitored.

Existing legislation supportive of PIC
- Waste Management Act
  - Provides for Licensing of facilities dealing with hazardous waste including chemicals listed in the PIC
- Provides for licensing of Waste Carriers
- Facilitates disposal of obsolete chemicals
Other administrative arrangements
- For household and industrial chemicals a clearance is issued by the Department of Public Health before a license is granted to import, distribute and use.
- This arrangement ensures regulation of chemicals listed both in the Stockholm and the Rotterdam convention.

Notifications
- Botswana receives notifications on chemicals that are candidates to the Rotterdam Convention.
  - Information on notifications provides a basis for pesticides registrations and monitoring.
  - Capacity constraints in the implementation of PIC has hindered the process of notification.

Challenges
- Inadequate capacity
  - Skilled manpower
  - Infrastructure
  - Funding
- Lack of coordination in the implementation of various chemical Conventions
- Inadequate legislation

Challenges cont..
- Lack of awareness on hazardous nature of chemicals and the benefits from the various chemical conventions.
- Inadequate Monitoring of potential PIC candidates
  - Lack of Poison Centers

Conclusion
- Develop a comprehensive strategy to implement the chemical conventions.
- Promote coordinated approach to chemicals management.
- Prioritization and mobilization of resources to drive the strategy.
- Promote public awareness on chemical conventions.
Botswana

What next steps need to be taken at national level for each operational element of the Convention?

1. **Import responses**  
   Initiate the process of import response for all the 40 chemicals in Annex III

2. **Notifications of final regulatory action**  
   Initiate the process of Notification for chemicals that are severely restricted.

3. **Severely hazardous pesticide formulations**  
   Initiate process

4. **Export notification**  
   Acknowledge export notification and make decision on products.

5. **Integration of the Rotterdam Convention with other conventions to better manage chemicals**  
   - Set up a National Committee on all issues of chemical  
   - Draw a National Strategy on chemicals management

6. **How do you use any information by the Convention and this workshop when you return to your country?**  
   Create awareness among stakeholders and implement the convention as required.

7. **How do you plan to share information acquired during this workshop?**  
   - Other colleagues:  
   - Other DNAs:  
   - Customs:  
   - NGOs:  
   - Other stakeholders:  

   Organize National Awareness Workshop and consultations
STATUS OF IMPLEMENTATION OF THE ROTTERDAM CONVENTION

ETHIOPIA
Ethiopia acceded to the convention and made it part of its law through the enactment of Proclamation No.278/ 2002. Since the promulgation enactment of this law some efforts have been going on to implement the convention nationally. Additionally, Ethiopia has issued the pesticide Registration and Control Special Decree No. 20/1990 to regulate the importation, sale and use of pesticides. To date this special decree is on the process of being changed and a new draft Proclamation and regulation is submitted for prime ministers office for approval.

Pursuant to the obligations under Article 4 of the PIC Convention, Ethiopia has Designated National Authority for pesticides from the Plant Protection Department (now Animal and Plant Health Regulatory Directorate) of the Ministry of Agriculture & Rural Development (MoARD) and one from the Environmental Protection Authority (EPA) for industrial and other chemicals.

Ethiopia had already developed a National Chemicals Profile in 1999 that identifies the chemical management capacity of the country. Additionally, the National Implementation Plan for the Stockholm Convention has been finalized and submitted to the secretariat of the Stockholm Convention. These documents were used in the preparation for the workshop to assist in identifying the existing capacities and the gaps in chemicals management relevant to the Rotterdam Convention – held in June 2006 with the assistance from the PIC Secretariat.

Ethiopia has made a number of import responses submitted for pesticides. So far the country has sent an import response on 8 pesticides consent to import, 3 pesticides not to consent to import and 8 pesticides to consent to import only subject to specified conditions as an interim decision pursuant to administrative measures.

Ethiopia is not an exporter of chemicals in general. Currently there is one pesticide formulation plant in the country. So far its products are limited to local consumption. The major capacity gap to implement or perform the tasks assigned to DNAs is lack of trained human resources, inadequate regulatory instruments as well as the necessary equipment and information communication infrastructures.

Priorities for Action

In discussing the activities required to implement the Convention in several occasions, high priority was given to the need of putting in place a comprehensive legal structure. The next priority was given equally to issues relating to the development of procedures and workflow between the different governments structures administering the chemicals. Data management is also a matter that triggers attention together with the modality for the exchange of information.

Some activities identified in a draft plan prepared in 2006 identified possibilities of conducting such within the existing resources of the relevant departments. Some of these may be able to be implemented relatively rapidly, and priority should be given to these (low hanging fruits). Other activities were identified to require additional resources/ inputs. Some of these activities, which address chemical management issues more broadly than the scope of the Rotterdam Convention, may be able to get funding from external sources. The sources include cooperation with activities underway under other Conventions, or by accessing the Quick Start and other programs within the SAICM framework.

An urgent priority is the establishment of a standing committee, including both DNAs and other relevant ministries, to develop a more detailed work plan for successive years based on the draft national plan (already drafted in 2006). This work plan should include the plans for progress on the
legal structure, but would also identify actions which may be done in parallel to this to make general progress towards implementation.

**Next Steps**

The first step for further work on the national implementation plan is to establish the committee mentioned above, with representatives from EPA, MoARD and other relevant ministries. To facilitate the work of the committee, ensuring a stable membership is important, and should be a priority for the relevant ministries. During the development of the detailed work plan, ongoing activities on the implementation of the Rotterdam convention, particularly in relation to import responses on pesticides by the MoARD should continue.

Additionally, as there are two DNAs with joint responsibility for the implementation of the Convention, mechanisms should be put in place for cooperation, including easy access to information, as well as consultation.
### General – Pesticide Import, Production & Use in Ethiopia

**Importation**
- The larger volume of pesticide is imported from different countries for the purpose of:
  - Agriculture
  - Industrial application & Health care
- Around 3000 tons, 20 mill USD worth annually.

**Formulation**
- Only one local pesticide formulation plant, capacity 1500 ton of dust and same amount of liquid,
- Major formulated products are:-
  - Malathion
  - Endosulfan
  - Fenthrothion
  - DDT (for malaria vector control)
- Active ingredients & solvents - imported from foreign countries

**Pesticide use pattern**
- Major users are commercial farmers (80%)
- 20% goes to small scale farmers, household, health and industry
- The use of pesticides by small holder farmers is very low.
<table>
<thead>
<tr>
<th><strong>Ethiopian Constitution (No.1/1995)</strong></th>
<th><strong>Environmental Policy of Ethiopia</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>- Right to live in a clean and healthy environment.</td>
<td></td>
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<tr>
<td>- Right to improved living standard &amp; sustainable development.</td>
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<tr>
<td>- Need for consultation and participation.</td>
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<tr>
<td><strong>Goal</strong></td>
<td></td>
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<tr>
<td>- To improve and enhance the health and quality of life of citizens through sound management of natural resources,</td>
<td></td>
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<tr>
<td>- prevention of pollution,</td>
<td></td>
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<tr>
<td>- Use of biological and cultural methods in an integrated manner to control pests,</td>
<td></td>
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<tr>
<td>- Safeguard human and environmental health by adequately regulating agricultural chemicals.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Agricultural Policies &amp; strategies</strong></th>
<th><strong>Council of State Special Decree No.20/1990 for the Registration &amp; Control of Pesticides</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>- <strong>testing for effectiveness</strong> of crop protection technology is required prior to importation and handling,</td>
<td></td>
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<tr>
<td>- the need for the establishment of <strong>plant quarantine</strong> system to control the intrusion of exotic pest etc.,</td>
<td></td>
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<tr>
<td>- <strong>government supports</strong> if the pest population gets beyond the farmers capacity,</td>
<td></td>
</tr>
<tr>
<td><strong>The MoARD is mandated to Register and Control Pesticides.</strong></td>
<td></td>
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<tr>
<td><strong>This decree:</strong></td>
<td></td>
</tr>
<tr>
<td>- Covers the registration &amp; control of agricultural, household &amp; public health pest control products,</td>
<td></td>
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<tr>
<td>- New Pesticide Registration and Control Proclamation under discussion,</td>
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<tr>
<td>- FRA in Ethiopia with no specific chemical.</td>
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</tbody>
</table>

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<tr>
<th><strong>Special Decree 20/ 1990</strong></th>
<th><strong>Environmental Impact Assessment Proclamation (No. 299.2002)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>- <strong>Demands prior registration.</strong></td>
<td></td>
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<tr>
<td>- This, however, is not unique to the banned or severely restricted chemicals but is rather a general provision to the importation &amp; use of pesticides.</td>
<td></td>
</tr>
<tr>
<td>- OTH no regulatory action or legal provision has been put in place for industrial chemicals of the same category.</td>
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</tr>
<tr>
<td><strong>requires that development programme, private, public sector plans and projects are subject to EIA prior to implementation.</strong></td>
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</tbody>
</table>
### Environmental Pollution Control

**Proclamation (No.300/2002)**

Requires:
- control of pollution
- management of hazardous waste, chemical and radioactive substance,
- Respect for environmental standards,
- Punitive and incentive measures etc. are included in the proclamation

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### Sectoral laws and standards

**Sectoral Legal Requirements**
- Labor Proclamation
- Public Health Proclamation (200/2000)

**Standards for Industrial Pollution Control in Ethiopia**
- Adopted in 2008

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### International Agreements

**Rotterdam PIC Convention**
- ratified in July 2002
- Proclamation No. 278/ 2002

**Basel Convention**
- ratified in April 2000
- Proclamation No. 357/2002

**Stockholm POPs Convention**
- ratified in May 2002
- Proclamation No. 279/2002

**Bamako Convention**
- ratified in April 2000
- Proclamation No. 355/2002

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### Designated National Authority

- Pursuant to the obligations under Article 4 of the PIC Convention,
- DNA - Ethiopia:
  - for pesticides – the Animal and Plant Health Regulatory Directorate of the MoARD,
  - for industrial and other chemicals - EPA

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### 3. Import response/ Ethiopia

- Ethiopia has made a number of import responses submitted for pesticides.
  - 8 pesticides consent to import,
  - 3 pesticides not to consent to import,
  - 8 pesticides consent to import only subject to specified conditions as an interim decision pursuant to administrative measures.
4. Priorities for Action

- A comprehensive legal structure (a need for domestication of chemical related MEAs)
- The development of procedures & workflow between the different government structures administering the chemicals
- Data management
Ethiopia

What next steps need to be taken at national level for each operational element of the Convention?

1. **Import responses**
   As Ethiopia responded only for 19 should send IR for the rest in Annex III

2. **Notifications of final regulatory action**
   Develop a system at national level to collect information regarding the status of hazardous pesticides to ban or severely restrictions.

3. **Severely hazardous pesticide formulations**
   Assess any incidences that might have occurred in the country establish poison center and look for assistance to conduct this.

4. **Export notification**
   Ethiopia is not an exporter but in case at stocks already in the country for export should have a system in place.

5. **Integration of the Rotterdam Convention with other conventions to better manage chemicals**
   Prepare joint action plan by the two DNAs and create awareness at national level

6. **How do you use any information by the Convention and this workshop when you return to your country?**
   Report all the issues discussed and the areas that need to be addressed by the country

7. **How do you plan to share information acquired during this workshop?**
   - Other colleagues:
   - Other DNAs:
   - Customs:
   - NGOs:
   - Other stakeholders:

   It has been found that the establishment of a PIC committee is relevant. Therefore to effect this and involve all the above to share what has been acquired.
STATUS OF IMPLEMENTATION OF THE ROTTERDAM CONVENTION

GHANA
1) HOW CHEMICALS ARE MANAGED IN GHANA

a) Overview of the Chemicals Management Infrastructure in the Country Including both Pesticides and Industrial Chemicals

- **Key Legal or Administrative Arrangement for Chemicals Management and role of Stakeholders**

Ghana signed the Rotterdam Convention on the 11th of September 1998 and ratified it on the 30th of May 2003. The objective of the Convention is to promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals, in order to protect human health and the environment from potential harm and contribute to the environmentally sound use of such chemicals, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties.

Ghana currently has no comprehensive legislation covering the management of all chemicals. The Environmental Protection Agency Act 1994(Act 490) specifically section 10, and Part II of the Act 490, constitute the existing legal and administrative infrastructure for implementing the provisions of the Rotterdam Convention. While section 10 of Act 490, provides the basis for dealing with industrial chemicals listed under the Convention, Part II of Act 490 addresses pesticides and other pesticide related activities such as licensing for pesticide dealers and enforcement matters.

The Environmental Protection Agency (EPA) under the Ministry of Environment, Science and Technology (MEST) is the regulatory authority on Pesticides and Industrial Chemicals.

There are a number of laws which are directly or indirectly related to chemicals management. These include the Mercury law, 1998(PNDCL 217), the Food and Drugs Law, 1992, (PNDCL 305B) and the Prevention and Control of Pest and Diseases of Plant Act, 1965(Act 307) among others.

- **Processes for Decision Making on Chemicals (ban, approval severe restriction etc and roles of stakeholders)**

Under the EPA Act, two technical committees have been established. These are the Pesticide Technical Committee (PTC), responsible for matters relating to pesticides and the Hazardous Chemicals Committee (HCC) responsible for matters relating to consumer industrial chemicals. Membership of these two committees is specified in Act 490 and includes all relevant stakeholders involved in the management of chemicals. The HCC has 13 members with the Executive Director of the EPA who is also the DNA as the Chairperson. The PTC comprises 12 members.

The PTC and HCC operate under their own Terms of Reference. However in order to facilitate the work of the two committees, sub-committees (table I) have been established to provide technical input into the work of the main committees.
Table II:

<table>
<thead>
<tr>
<th>Sub-committees of PTC</th>
<th>Sub-committees of HCC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Toxicology, physical and chemical properties</td>
<td>1. Policy and legislation</td>
</tr>
<tr>
<td>2. Ecotoxicology, fate and environment</td>
<td>2. Emergency Response and transport</td>
</tr>
<tr>
<td>3. Bio Efficacy</td>
<td>3. Treatment and disposal</td>
</tr>
<tr>
<td>4. Labelling and advertisement</td>
<td></td>
</tr>
</tbody>
</table>

The sub-committees perform functions referred to it by the main committees. Reports of the sub-committees are presented to the main committees who upon review of the reports, make the necessary recommendations on a particular chemical to the EPA Board for a final regulatory decision which could be approval(registration in case of a pesticide, ban or restriction etc) of a chemical.

**Pesticides**

In the case of pesticide registration, technical dossiers of the pesticides are evaluated by the sub-committees of the PTC and reports are submitted to the PTC. The PTC reviews the reports submitted to it and make recommendations to the EPA Board. The final decision to register or deny registration, ban, suspend or restrict pesticides is taken by the EPA Governing Board.

Information considered in decision making which forms the basis for registration, restriction or banning of pesticides includes but is not limited to the ff:

- Technical dossier on product;
- Efficacy trial report on product;
- Field report on pesticide use;
- Complaints from users; and
- International status of product.

**Industrial chemicals**

Ghana has no specific legislation regulating industrial consumer chemicals. However a permitting system has been established to regulate the import and export of consumer industrial chemicals.

Under the permitting system, Ghana Customs would allow for the clearance of a particular consignment of chemicals from the port, only when a clearance permit has been issued to that effect by the EPA with accompanying conditions of approval. Some of the information reviewed in the decision making process are:

- Material safety data sheet of chemical;
- Technical leaflet of chemical;
- Letter of application indicating the purpose of import or export;
- Bill of laden;
- Certificate of analysis of chemicals; and
- Samples for analysis.

Unlike pesticides, the HCC is not directly involved in this process of decision making of industrial chemicals.

All final decisions on chemicals are recorded in reports which are stored both electronically and as hard copies on file. Applicants are issued with a clearance permit (industrial chemicals) and registration certificates in the case of pesticides.

- **Process for Implementation and Enforcement of Decisions on Chemicals**
The final regulatory decision taken by the EPA Board is communicated through the Executive Director of the EPA where the process of implementation and enforcement begins. Where necessary, letters are sent to all concerned informing them of the final regulatory decision. The decisions on pesticides for instance are recorded in the pesticide register which is available to the general public.

Enforcement is carried out by either environmental or pesticides inspectors who may be EPA staff or staff from other institutions appointed as inspectors (pesticides) under the EPA Act to ensure compliance with the regulations. Other measures adopted to ensure enforcement of decisions include the use of the permitting system and the law enforcement agencies in certain cases. The Customs Excise and Preventive Service (CEPS) of Ghana are required by law to assist in the enforcement of decisions taken on chemicals.

- **Administrative mechanism for the fulfilment of obligations of the Stockholm Convention**

Ghana ratified the Convention in May 2003. Since becoming a Party, Ghana has taken steps to underscore its commitment towards the fulfilment of its obligations under the Convention. An important step in this process is the appointment of a Designated National Authority (DNA). The other national institutional features that facilitate the implementation of the Convention are the Pesticides Technical Committee (PTC), and the Hazardous Chemicals Committee (HCC) under Act 490. Both committees are composed of representatives of relevant stakeholders and have played their roles in ensuring the effective implementation of the Convention. The committees make recommendations to the Governing Board of the EPA for decisions to be taken in the context of the procedures established under the Convention.

Regulatory and administrative procedures exist for export notification of banned and severely restricted chemicals which involves the DNA checking to ensure that a chemical is on Ghana’s positive list. Acknowledgement is within two days of receipt of a notification.

Ghana has received and responded to export notifications from the EU and USA since 2003-and issued import as well as clearance permits.

- **Status of Use, Production, Import and Export of Annex III Chemicals in Ghana**

**Pesticides:**
All pesticide listed under Annex III of the Rotterdam Convention to which Ghana has given import responses are not allowed to be used, produced, imported or exported. There are currently 25 pesticides (formulations) which have been officially banned in Ghana all of which are listed in Annex III of the Rotterdam Convention.

**Industrial Chemicals**
All industrial chemicals listed in Annex III for which Ghana has given final import responses of no consent are not allowed to be used, imported or exported in Ghana.

**b)Role of DNA in Chemicals Management Activities in Ghana**
The DNA is the national authority responsible for the coordination, prompt response, collecting and collating information and disseminating information to key stakeholders and the general public on matters related to the Convention. The DNA also serves as a link between the Convention secretariat and the national structures for the implementation of the convention and management of chemicals in general. There is no separate office or a secretariat for the DNA. However, the office of the DNA exists within the framework of the Chemicals Control and Management Centre (CCMC) of the EPA. The CCMC also serves as the secretariat for both the Stockholm and Basel Conventions. This arrangement allows for synergies among these conventions and facilitates the smooth and effective functioning of the three conventions. Currently, the DNA is the Chairman of the HCC.
• Communication and interaction between the offices of the DNA ns Stockholm and Basel Conventions

There is an effective communication and interaction between the offices of the DNA and the focal points of the Stockholm and Basel Conventions. This is enhanced by the fact that these offices are hosted in the same Ministry (MEST and EPA) and utilise similar resources in the implementation of the three conventions.

2. STATUS OF IMPLEMENTATION OF THE ROTTERDAM CONVENTION
   a) Prior informed consent (PIC) procedure

i) Import Responses

The following import responses are outstanding:

<table>
<thead>
<tr>
<th>Pesticides</th>
<th>Industrial chemicals</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Lindane – no consent-final</td>
<td>• Tetraethyl lead, no consent final</td>
</tr>
<tr>
<td>• HCH (mixed isomers) – no consent-final</td>
<td>• Tetramethyl lead, no consent, final</td>
</tr>
<tr>
<td>• Monochrotophos - no consent-final</td>
<td>• Actinolite asbestos, consent under conditions</td>
</tr>
<tr>
<td>• Mercury compounds – no consent-final</td>
<td>• Tremolite asbestos, consent under conditions</td>
</tr>
<tr>
<td></td>
<td>• Crocidolite asbestos, consent under conditions</td>
</tr>
</tbody>
</table>

The current import responses reflect the current regulatory status especially for pesticides. The list of the industrial chemicals would be updated in due course after the endorsement by the EPA Governing Board.

• Process for Taking Import Decisions for Chemicals Listed in Annex III

The PTC and HCC are informed of the listing made under Annex III of the Convention and briefed on the uses of the chemicals and the impact of taking a regulatory decision among others. Extensive consultations are held with institutions or the chemical industry that may be identified as the main users the chemicals under review. These institutions are officially informed and given time to respond officially to the decisions by the regulatory institution. Where no concerns are raised, the EPA reports back to the PTC or HCC as the case may be. Based on the response from industry, the two committees are then invited to consider the proposals for final regulatory action. The decisions from the two committees are then communicated to the EPA Governing Board for endorsement. The key challenge here is to be able to correctly identify institutions who may be involved in the use of such chemicals and the slow response obtained from identified institutions.

The final regulatory decision is then either published in the pesticide register in the case of pesticides which is a public document, or where necessary, specific institutions are officially informed through letters or reports of the meeting and also in the official report of the EPA. Stakeholders are also informed through the media, during workshops and seminars and similar activities involving the gathering of players in the industry.

National import decision are enforced by the EPA which is the regulatory body working in collaboration with the relevant stakeholders such as CEPS. The chemical industry assists in awareness creation among its members and the need for a collaboration to ensure that these decisions are enforced. However, industry is represented on the HCC and PTC and hence involved
in decision making. Their representatives are responsible for communicating decision to their members.

**ii) Notification of Final Regulatory Actions**

Ghana has not submitted any notification for final regulatory action on any chemical. However, the following has been initiated:
- WHO class 1a pesticides are refused registration and a severe restriction placed on all pesticide formulations of WHO Class 1b
- Industrial chemicals (PCBs, precursors of Narcotics drugs, Mercury, and Sodium Cyanide) have been placed on restriction.
- Commenced process for regulations to ban PCBs.

**iii) Severely Hazardous Pesticide Formulations (SHPFs)**

**Conditions of use of Pesticides**

Pesticides are mostly used by illiterate farmers who lack the requisite skill and knowledge for safe use and handling. The use of Personal Protective Equipment (PPE) are mostly ignored for various reasons which may be due to poverty, ignorance or attitudinal. Most applicants are also unable to read and understand label instructions hence pesticides may be over-used or under used leading to casualties, spray drift and pollution of water bodies and sometime poisoning incidences.

**Monitoring of Pesticide Poisoning Incidents**

In the case of poisoning incidents, the Poison Information Centre has been established and the Ministry of Agriculture, Ghana Health Service and the EPA are the key players in reporting cases of pesticide poisoning. However, the mechanism for the monitoring and reporting of poison incidents is weak and does not function effectively. There is currently a pilot project which is yet to commence which would seek to address some of these challenges faced in the monitoring of poison incidents in Ghana.

It is anticipated that an organized system for reporting poisoning incidents through the chain up to the DNA will be established. Additional personnel (including Physicians), communication systems and public awareness on proper handling of chemicals also needs to be intensified.

**Key Challenges**

- Low capacity of pesticide inspectors to identify and report poison incidents;
- Difficulty in collecting information on poison incidents due to literacy barriers;
- Difficulty is reaching remote communities where intensive use of pesticide occur
- Lack of an established mechanism for information flow from communities and districts to DNA;
- Lack of logistics for the DNA to effectively monitor the process on the field; and
- Lack of logistics for the Poison Information Centre.

Ghana has no experience in preparation and submitting proposals in support of hazardous pesticide formulation to the secretariat.
2. Information Exchange Provisions

i) PIC Circular

The regulatory authority closely monitors information available under the convention on notifications of national regulatory action on SHPF in other countries. Experience gathered would inform decision making in the event that a final national regulatory action is to be considered on chemicals.

- **Export Notifications**

There are both regulatory and administrative procedures in place to deal with export notifications. In the process, the DNA after receiving the notification, checks to ensure that the chemical is on Ghana’s positive list. When this is confirmed, acknowledgement of receipts is then sent within 2 days of receipt of notification.

The information in the export notification is used by the regulatory authority for regulatory purposes and through the PTC the relevant stakeholders are informed. Export notifications are normally sent both electronically and in hard copy. The process of acknowledging receipt of export notification has had no major challenges to date. Ghana received one export notification in 2008 and so far in 2009, only one export notification has been received.

ii) Information to Accompany Export

Following the submission and subsequent approval to export chemicals to the country, the regulatory authority issues import permits prior to importation. Where goods arrive at the port of entry in Ghana, clearance permits are again issued to importers to take delivery of the chemicals. Adequate information, including safety data sheets and labels accompany such imports and thus provide basic data on the chemicals to the regulatory authority.

All chemicals are cleared at the port using the Harmonised code system. Applicants submit a declaration electronically to the EPA, and these are reviewed and where satisfactory, an electronic permit is issued with appropriate conditions depending on the chemical. So far, the regulatory authority has reported no major challenges in the use of the HS code system regarding chemicals under review. All information accompanying imports are available with the regulatory authority and are shared with the relevant authorities such as the Ministry of Agriculture, Customs, Excise and Preventive Service (CEPS) through their representatives on the HCC and PTC. There is the need to widen the network of relevant institutions for information sharing.

iii) Rotterdam Convention Website

The website of the Rotterdam convention is visited occasionally to view current and upcoming events. There is no doubt that the frequency of visits to the site, needs to be improved and also, for the DNA to encourage all stakeholders to visit the site. In a bid to create awareness about the website, the EPA has added the RC website as a link to its Chemical Information Exchange Network (CIEN) Ghana website, which is also linked to the EPA main website. Ghana is also aware of the section on technical assistance and is planning to take full advantage of the opportunities offered under this programme.
iv) Linkages between the Rotterdam, Basel and Stockholm Conventions and SAICM and opportunities for an integrated approach to implementation at the National Level

The EPA serves as the secretariat for both the Rotterdam, Stockholm and Basel conventions as well as matters of SAICM and also as the national authority responsible for the implementation of the conventions. Officers at the secretariat (CCMC) are involved in the implementation of all three conventions and working together allows for clearer understanding and judicious use of limited resources. Ghana is also deeply involved in SAICM activities and has at the moment received some funding to carry out an update of the national profile on chemicals.

Ghana has submitted a cabinet memo to the Government seeking approval for the enactment of a consolidated legislation to give effect to our obligations under these Conventions. On the legal front, the existing legal regime allows for the implementation of the conventions. However there is still the need to enact specific legislation to cover specific aspects of the convention to make it more effective. This forms the basis of the cabinet memo submitted to the Government last year which was re-submitted this year.

There is some cooperation between the national regulatory authority and Customs. However there is the need to properly identify specific areas of collaboration for strengthening. There may also be the need to organise more awareness raising programmes to enhance the capacity of Customs on the conventions. CEPS have a representative on the PTC and she serves as a linkage between the regulatory authority and Customs.

The hosting of the three conventions under the control of the regulatory authority (EPA) and for that matter, one ministry, provides an opportunity for easy operations and facilitates the implementation of country obligations under of the conventions. Also the establishment of the HCC and PTC which has representatives from all the major stakeholders provides a good avenue for cooperation and mobilisation of resources to facilitate the implementation of the three conventions.

3) LIST OF KEY QUESTIONS AND CHALLENGES IN IMPLEMENTING THE ROTTERDAM CONVENTION

Key challenges
- Inadequate capacity to collect and analyse scientific data to ban or severely restrict chemicals;
- Inadequate analytical capacity to analyse chemicals;
- Limited number of trained personnel in toxicology, ecotoxicology and risk assessment;
- The need to have a comprehensive legislation on the management of industrial chemicals;
- Building the capacity of the Poison Information Centre to make it more functional and responsive to the needs of the public;
- Lack of capacity of the pesticide inspectors to identify and report poison incidents;
- Weak system for reporting poisoning incidents through the chain up to the DNA;
- Training of personnel (including Physicians) at various levels on identifying and reporting poisoning incidents;
- Weak communication systems (e.g. telephone hotlines) at various levels for fast and effective reporting of incidents;
- High illiteracy level of farmers to enable them identify and report poison incidents;
- Low level of skills in the proper handling of chemicals;
- Creating an internet link from the poison centre to websites of stakeholders
- Inadequate logistics for the DNA to operate effectively;
- Establishment of a quality control laboratory (EPA, GAEC, PPRSD);
- Prompt reporting of meeting proceedings and recommendations by stakeholders to the decision-making levels in their respective institutions;
• Incorporation of action plan and budgets into work plans of stakeholder institutions with timelines to the action plans;
• Domestication of the three Conventions into the legal framework in Ghana;
• Improvement of the link with the Poison Centre and a feedback mechanism for reporting poison incidents to DNA;
• Problem of multi-sectoral approach to implementation of the Convention; and
• Financial constraints.

**Key questions to the Rotterdam Convention**

- How do we institutionalise information exchange mechanism among parties?
Ghana’s experience in the implementation of the RC
Sub-Regional Training and Awareness Raising Workshop for DNAs and the Relevant Stakeholders on the Implementation of the Rotterdam Convention and other Multilateral Environmental Agreements such as Stockholm and Basel Convention
Pretoria, South African
2-6 November 2009
JOSEPH C EDMUND
GHANA

Introduction

Framework for management of chemicals
• Ghana currently has no comprehensive legislation covering the management of all chemicals.
• The Environmental Protection Agency Act 1994 (Act 490) constitute the existing legal and administrative infrastructure for implementing the provisions of the Rotterdam Convention.

Framework for management of chemicals (2)
• Other national institutional features that facilitate the implementation of the Convention are:
  1) the Pesticide Technical Committee (PTC), under part II of Act 490, formally Act 528 and
  2) the Hazardous Chemicals Committee (HCC) under section 10, of Act 490.
• Membership of the PTC and HCC are specified in Act 490

Framework for management of chemicals (3)
• Section 10 of Act 490, provides the basis for dealing with industrial chemicals listed under the Convention, and
• Part II of Act 490 addresses the registration and licensing of pesticides and other pesticide related activities as well as enforcement matters.

Framework for management of chemicals (4)
• Other laws which are directly or indirectly related to chemicals management include the Mercury law, 1998 (PNDCL 217), the Food and Drugs Law, 1992, (PNDCL 303B) and the Prevention and Control of Pest and Diseases of Plant Act, 1965 (Act 307) among others.
Framework for management of chemicals (5)
- The Environmental Protection Agency (EPA) under the Ministry of Environment, Science and Technology (MEST) is the regulatory authority on Pesticides and industrial chemicals.
- The chemicals control and management centre (CCMC) of EPA severs as the secretariat on all matters relating to pesticides and industrial chemicals.
- The CCMC also doubles as the secretariat for MEAs such as the Stockholm, Basel and Rotterdam Conventions.

Decision making and implementation (2)
- The PTC and HCC review reports, applications for registration of pesticides and all other chemical related matters.
- Where necessary, recommendations are made to the EPA Board for a final regulatory decision which could be approval (registration in case of a pesticide, suspension, ban or restriction etc) of a chemical.

Decision making and implementation (6)
- There are sub-committees working under the PTC and HCC and these perform functions referred to it by the main committees.

Import responses
- Ghana has given import responses to 36 of the 39 chemicals listed in Annex III made up of 13 interim and 23 final.

RC seminar in Accra
- [Image of a seminar in Accra]
### Outstanding import responses

**Pesticides**
- Lindane - no consent-final
- HeCN (mixed isomers) - no consent-final
- Monechrotophos - no consent-final
- Mercury compounds - no consent-final

**Industrial chemicals**
- Tetraethyl lead, no consent, final
- Tetramethyl lead, no consent, final
- Actinolite asbestos, consent under conditions, final
- Tremolite asbestos, consent under conditions, final
- Crocidolite asbestos, consent under conditions, final

Two chemicals are under the spot light:
- Endosulfan: mis-use
- Carbofuran: for hunting grasscutter

### Conditions of use of SHPFs

- Pesticides are mostly used by illiterate farmers most of whom lack the basic skill and knowledge on safe use and handling.
- The use of PPEs are mostly ignored for various reasons which may be due to poverty, ignorance or attitudinal.
- Most applicants are also unable to read and understand label instructions hence pesticides are mostly under-used, over-used which may lead to cases of both acute and chronic poisoning, spray drift and pollution of surface water bodies among others.

### SHPF(2)

- Most poison incidents are due to mis-handling and not because pesticides are in the category of SHPF.
- Cases of impotence has been widely reported

### SHPFs(3)

- Ghana has pesticide inspectors who have received some training on first aid etc.
- Poison incidence are coordinated by the Ghana Health Services which host the Poison Information Centre, with collaboration from the EPA and Ministry of Agriculture (PPRSD)
- Need to have an established mechanism in place to handle poison incidences and to carry out detailed training of inspectors and other health personnel.

### Notification of final regulatory action

- Ghana has not submitted any notification for final regulatory action on any chemical. However, the following has been initiated:
  - WHO class 1a pesticides are refused registration and a severe restriction placed on all pesticide formulations of WHO Class 1b
  - Industrial chemicals (PCBs, precursors of Narcotics drugs, Mercury, and Sodium Cyanide) have been placed on restriction.
  - Commenced process for regulations to ban PCBs.
<table>
<thead>
<tr>
<th>Notifications of final regulatory action(2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Ghana has banned chemicals listed in annex III of the convention but no notification of the final regulatory action has been submitted to the secretariat.</td>
</tr>
<tr>
<td>• These actions are to be forwarded to the EPA Board for consideration.</td>
</tr>
<tr>
<td>• The banned and severely restricted chemicals will be gazetted and this will subsequently be notified to the secretariat.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Export notifications</th>
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<tbody>
<tr>
<td>• Ghana has received and responded to export notifications from the EU and USA since 2003 and issued import permits as well as clearance permits.</td>
</tr>
<tr>
<td>• Regulatory and administrative procedures exist for export notification of banned and severely restricted chemicals which involves the DNA checking to ensure that a chemical is on Ghana's positive list.</td>
</tr>
<tr>
<td>• Acknowledgement is within two days of receipt of a notification.</td>
</tr>
<tr>
<td>• 2008: 1 export notification received from France</td>
</tr>
<tr>
<td>• 2009: 1 to date: one export notification from France</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Export notification(2)</th>
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</thead>
<tbody>
<tr>
<td>• Export notifications are received in both electronic and hard copy</td>
</tr>
<tr>
<td>• Issue import permits prior to importation.</td>
</tr>
<tr>
<td>• Issue clearance permit to importers to take delivery of chemicals from port of entry</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Information exchange</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information contained in an export notification are:</td>
</tr>
<tr>
<td>• Disseminated to relevant stakeholders for tracking of chemicals</td>
</tr>
<tr>
<td>• Used to prepare proposals for consideration by relevant Technical for decision making on chemicals</td>
</tr>
<tr>
<td>• To create awareness on the sound management of such chemicals.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Challenges</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Inadequate capacity to collect and analyse scientific data to ban or severely restrict chemicals</td>
</tr>
<tr>
<td>• Inadequate analytical capacity to analyse chemicals</td>
</tr>
<tr>
<td>• Limited number of trained personnel in toxicology, ecotoxicology; risk assessment</td>
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</table>

<table>
<thead>
<tr>
<th>Challenges(2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Incorporation of action plan and budgets into work plans of stakeholders' institutions. There must be timelines to the action plans.</td>
</tr>
<tr>
<td>• Domestication of the RC into the Legal framework in Ghana</td>
</tr>
<tr>
<td>• Incorporate the Globally Harmonized System for hazard identification and classification into awareness raising and training programmes.</td>
</tr>
<tr>
<td>• Multi-sectoral approach to implementation stalls progress.</td>
</tr>
<tr>
<td>• Financial constraints hamper progress of activities.</td>
</tr>
</tbody>
</table>
Conclusion

- Ghana will request for support in building capacity for collection and analysis of scientific data to support any bans, analysis of chemicals and in the fields of toxicology, ecotoxicology and risk assessment.
- Need to undertake risk evaluation using existing information and criteria stipulated in Annex I of Convention for future regulatory actions to ban or severely restrict chemicals (hazard review, risk evaluation, socio-economic impacts).
- Need to create more awareness and to establish conditions to protect human health and the environment from chemicals not listed on the positive list.
- Need to carry out a review of existing status of restricted and banned chemicals.

Conclusion(2)

- Need to post list of notifications on the GCNET system.
- In terms of responsibilities, industry is expected to look for safer alternatives, while the DNA will coordinate and disseminate information to key stakeholders.

THANK YOU

- Joseph C Edmund
  - CHEMICALS CONTROL AND MANAGEMENT CENTRE
  - ENVIRONMENTAL PROTECTION AGENCY
  - ACCRA, GHANA
    - kweku_orchard@yahoo.com
    - jedmund@epaghana.org
What next steps need to be taken at national level for each operational element of the Convention?

8. **Import responses**
   Initiate steps to provide find responses/submit final responses on outstanding chemicals to Rotterdam Convention.

9. **Notifications of final regulatory action**
   Initiate steps to submit Final Regulatory Action on banned chemicals to Rotterdam Convention.

10. **Severely hazardous pesticide formulations**
    Start with phase one on pilot.
    Project on SHPFs – Forms to be adopted.

11. **Export notification**
    PTC to consider new format on submission and acknowledging receipt of export notifications.

12. **Integration of the Rotterdam Convention with other conventions to better manage chemicals**
    Speed up domestication process of all MEAs. To contact Ministry on status of Cabinet memo on domestication.

13. **How do you use any information by the Convention and this workshop when you return to your country?**
    Report to PTC and HCC during meetings.

14. **How do you plan to share information acquired during this workshop?**
    - Other colleagues: Back to office report copied to all colleagues
    - Other DNAs:
    - Customs: Plan a one-day awareness for custom officers on RC
    - NGOs:
    - Other stakeholders: Develop simple fact sheets highlighting purpose of RC and organizing talks for especially University and high School Students, DGDs etc on the implementation of RC
STATUS OF IMPLEMENTATION OF THE ROTTERDAM CONVENTION

THE KINGDOM OF LESOTHO
1. HOW CHEMICALS ARE MANAGED IN THE COUNTRY

a) Overview of chemicals management infrastructure in the country including both pesticides and industrial chemicals

Lesotho has no policy on the management of chemicals but it has legal instruments, which address environment management in some manner. However many of these instruments are either too general, weak and/or outdated. All of them are sectoral in nature as they were enacted to curb specific problems in a particular sector e.g. the Labour Code Order of 1992 which focuses primarily on the goings on at the workplace. Most of them are not very easy to enforce because of inadequately skilled manpower as well as lack of financial and political will. Penalties are minimal or non-existent in some instances. Many of the legislations are too general in their mention of chemical substances being it their handling, use, storage and so on.

There are about 5 existing legal instruments governing chemicals in the country, namely (a) Environmental Act of 2008 (b) Trading Enterprises Act of 1999 (c) Labour Code 1981 (d) Liquefied Petroleum Gas Regulations of 1997 (e) Ozone depleting substances regulations of 2000 draft.

i) Environmental Act of 2008 (Ministry of Tourism, Environment & Culture)

The Act deals with the overall management of the Environment. With relevance to the Management of Chemicals

The Environment Act takes into consideration among others (with reference to chemicals management):

- The prohibition of discharge of hazardous substances, chemicals and materials or oil into the environment and spiller’s liability.
- Management of toxic and hazardous chemicals and substances
- Handling of toxic or hazardous chemicals or substances
- Total Ban on hazardous chemicals and substances specified in the Second Schedule of the Bill

ii) Trading Enterprises Act of 1999 (Ministry of Trade & Industry, Cooperatives & Marketing)

Licensing and Administrative Procedures

- Applicant fills Form A of the second schedule
- Accompanied by proof of ownership, inspection certificate of premises, health certificate (food handlers), registration certificate, the Memorandum of Associations, Form L and share certificate
- In the case of partnership, deed of partnership issued in terms of the Partnership proclamation of 1957
The Labour Code stipulates guidelines for ensuring safety at the workplace for personnel and property. The regulations cover a wide range of issues like prohibited and toxic substances, removal of dust or fumes as well as the use of protective clothing and equipment. However aspects which address in more detail the use and handling of chemicals are under promulgation.

Administrative procedures
- Notification of the Labour Commissioner by way of a written report of any industrial accidents, dangerous occurrences and industrial diseases
- Employer keeps a record of all notifications of accidents and dangerous occurrences

Existing database
- Accidents
- The sixth schedule contains a list substances which are considered “toxic”
- A register of all toxic and flammable substances used, manufactured or likely to be formed in the course of the process. This should include names and their quantities.

iv) Liquefied Petroleum Gas Regulations, 1997 (Ministry of Natural Resources)
The regulations control and regulate operations relating to liquefied petroleum gas, LPG. This ranges from the regulation of importation, licensing, movement of containers in and out of Lesotho, duties of dealers and employees, communication of safety information, display of safety procedure to the keeping of records. It also stipulates the penalties, which accompany the contravention, the regulations.

Mechanism to monitor implementation/ Penalties for contravention of regulations
The regulations are mute on inspection
- However a person who contravenes the regulation 3 is liable to a fine not exceeding M10,000.00 or imprisonment

v) Ozone Depleting Substances Regulations 2000 (Ministry of Natural Resources)
These regulations control all the aspects of ozone depleting substances with a great amount of emphasis on the control and ban of ozone depleting substance. It also stipulates the penalties awarded to contraveners of the regulations.

Existing databases
- a list of all banned substances e.g. R-11 and R-12 is compiled
- a list of all importers and exporters of ozone depleting substances is kept by the Authority
- all imported and exported ozone depleting substances is submitted to the Authority on a monthly basis by customs officials

Lesotho currently uses very few regulatory and control approach to control chemicals, let alone non-regulatory mechanisms such as voluntary and incentive schemes. However, strict control applies to Liquefied Petroleum Gas and CFCs. There is no legislation or policy whatsoever on pesticides, fertilizers, industrial chemicals, consumer chemical, waste chemicals and radioactive material.
vi) The Ministry of Agriculture and Food Security

It is responsible for the management of pesticides in the country. Although there is no existing legislation in the management of pesticides, the Ministry liaises and recommends to pesticide dealers regarding which pesticides are safe to sell to farmers. However, sometimes this is not very effective because traders usually buy any kind of pesticides they want without consulting the relevant department. This means any chemical that may be considered highly hazardous, might be found on the shelves, available for any farmer to use. Some safety measures are usually compromised when this happens. Because of lack of comprehensive legislation, no legal action can be taken when this situation prevails. The Ministry advices farmers regarding which pesticides they should buy and gives out information on their safe use, disposal, storage and transportation. This is to ensure that pesticides that farmers use are those that the Ministry has approved. This is done to minimize the negative effects that highly hazardous pesticides can have on the environment, animal and human health.

The Ministry is contemplating drawing up the Plant Protection policy that will include issues of pesticide use and registration of pesticides. This will control which pesticides are allowed in the market in Lesotho and which ones are available to which groups of farmers depending on their toxicity levels. This will make implementation of the Rotterdam Convention possible in that there will be a basis for restricting or banning import of certain pesticides. At the moment there is free importation of pesticides into the country as a result it is possible that some of those pesticides listed in Annex III may be found in use in other areas.

There are no pesticide manufacturing companies in the country therefore we rely solely on import of pesticides through traders of agricultural inputs. We only have to worry about import of pesticides.

As a DNA, the Ministry of Agriculture, in relation to Rotterdam Convention is responsible for:
- Putting together a legislation for regulating imports of pesticides, their use and disposal
- Giving information to farmers and traders regarding safe use of pesticides, safe storage and safe disposal in order to minimize negative effects to the environment, animal and human health
- Advices farmers and traders which pesticides to buy that are less toxic.
- Liaises with Environment in notifying the secretariat on the decisions the country has taken regarding pesticides listed in Annex III
- Liaises with other ministries such as Trade and Environment regarding regulatory mechanisms for different pesticides and the reasons for such a regulatory mechanism.

Department of Environment is another DNA in Lesotho responsible for industrial chemicals

Decisions on chemicals and pesticides are commonly influenced by international protocols, declarations and guidelines set by organizations like WHO, FAO, Secretariats of the related conventions etc. These are tabled before the Cabinet to seek concurrences from relevant institutions.

As mentioned earlier Section 81 – 83 under the Environment Act of 2008 make provisions for the implementation and enforcement of the decisions on chemicals. More specifically Section 94 under the same Act states that where Lesotho is involved in international or regional conventions or agreement, legislation will be initiated & prepared for consideration by the relevant Ministry for purposes of implementation of such international or regional conventions or agreements.
Unfortunately there is lack of hardware to fulfill these obligations and because of this and other reasons there is no information on the status of use and import of Annex III chemicals in Lesotho.

b) Role of the DNA in chemicals management activities in the country
The Department of Environment is the DNA and focal point in matters relating to environmental management in particular, for the 3 Conventions (Basel, Stockholm, Rotterdam). All line ministries, through the Environment Units (EUs) work hand in hand with the Department in ensuring that environmental issues are integrated in all national developmental programmes. On the basis of the Environmental Act 2008, the Department covers all issues relating to environment in line with sustainable development principles and consistent with other international agreements and conventions. The Department works within the National Environment Policy and Action Plan. EUs are frequently and regularly updated about policy issues and they do meet within mandates of committees under the Department. The committees are Committee on Waste Management (COWMAN) and Chemical Management Committee (CHEMAC)

COWMAN is an advisory body to the Department of Environment on issues of waste management in general. Its terms of reference cut across policy advice down to technical interventions on an ad-hoc basis. The fact that there is no legal standing of the committee has for some time been the hampering factor in realizing its impacts. COWMAN comprises almost all line ministries (inclusive of Non-Governmental Organisations representative). Problem areas are identified and requisite data collected to facilitate appropriate measures.

CHEMAC in the same fashion as the above committee was established in line with the recommendations of United Nations Institute for Training and Research/Inter-Organisational Programme for the Sound Management of Chemicals (UNITAR/IOMC) following the Intergovernmental Forum on Chemical Safety (IFCS) forum. The mandate of this committee is advice the Department on active chemicals. There is of course potential for overlaps as was recognized about obsolete/expired stockpiles of pesticides and other agricultural chemicals.

2. STATUS OF IMPLEMENTATION OF ROTTERDAM CONVENTION
a) PRIOR INFORMED CONSENT (PIC) PROCEDURE
i) IMPORT RESPONSES (Articles 10 and 11)
As mentioned earlier lack of capacity and low level of awareness make it difficult to address obligations under Articles 10 and 11.

ii) NOTIFICATION OF FINAL REGULATORY ACTIONS (Article 5)
There are no submissions made on notifications of final regulatory actions to ban or severely restrict chemicals even though Environment Act 2008 provides.

iii) Severely Hazardous Pesticide Formulations (SHPFs) (Article 6)
Pesticides are not restricted for use by certain group of farmers nor are they restricted to certain group of traders. As a result, pesticides are normally found on the shelves in the stores or even sold on the streets. Sometimes traders re-package the pesticides and sell them in other containers that are not their original containers. This means they are being sold without a label and safety data sheets. Human poisonings are normally recorded where people accidentally drank the pesticide mistaking it for a soft drink. Sometimes people intentionally poison others with pesticides. The
fact that anybody can buy any pesticide in the market results to such unfortunate incidents. People also bring pesticides from outside the country. Unfortunately there are no provisions for reporting poisoning incidents except to report to the nearest health institution; this means DNAs are likely not to know any incidents of pesticide poisonings. It is sometimes difficult to trace the type of chemical involved and where it was purchased from making it difficult for medical officers to promptly treat poisoning cases. This means traders of such pesticides cannot be notified of the negative effects their products are causing or being made aware to discontinue sale of such products.

3. INFORMATION EXCHANGE PROVISIONS (Article 14)

i) PIC CIRCULAR:

Given the scarcity of human resources, we have not had use of the available information or even contacted another country reporting a final regulatory action for further information.

EXPORT NOTIFICATIONS (Article 12)

We have not been involved in this kind of activity.

ii) INFORMATION TO ACCOMPANY EXPORT (Article 13)

No action has been taken in this regard.

iii) ROTTERDAM CONVENTION WEBSITE

Information Technology development in Lesotho is at its infancy stage so access to such information leaves much to be desired.

iv) LINKAGES BETWEEN THE ROTTERDAM, BASEL AND STOCKHOLM CONVENTIONS AND SAICM AND OPPORTUNITIES FOR AN INTEGRATED APPROACH TO IMPLEMENTATION AT THE NATIONAL LEVEL

The Department of Environment coordinates the 3 Conventions (Basel, Stockholm, Rotterdam) and Strategic Approach to International Chemicals Management (SAICM). All line ministries liaise with the Department through COWMAN and CHEMAC.

Key stakeholders’ in their implementation are AS FOLLOWS:
1. Ministry of Tourism, Environment & Culture
2. Ministry of Trade & Industry, Co-operatives & Marketing
3. Ministry of Health & Social Welfare
4. Lesotho National Development Corporation
5. Lesotho Council for Non-Governmental Organisations
6. Lesotho Electricity Corporation
7. Ministry of Agriculture & Food Security
8. Lesotho Consumer Organisation
9. Lesotho Revenue Authority
Section 94 under the Environment Act 2008 creates an enabling environment for the implementation of the three Conventions and perhaps it would be necessary to develop regulations.

3. LIST OF KEY QUESTIONS AND CHALLENGES IN IMPLEMENTING THE ROTTERDAM CONVENTION

1. What are the Implications of failing to submit notifications of final regulatory actions to ban or severely restrict chemicals?
2. Can we decide to ban, or restrict import of certain pesticides without a legislation?
3. Do we have to have a legislation in order to give a response on Annex III?
4.
Lesotho

What next steps need to be taken at national level for each operational element of the Convention?

15. **Import responses**
   Initiate the process of submitting interim import responses based on other Conventions pending the outcome of the regulatory bill.

16. **Notifications of final regulatory action**
   Will provide notification of final regulatory action once the pesticides and chemicals management bill is out already at an advance stage of drafting.

17. **Severely hazardous pesticide formulations**
   Initiate the process of providing interim measures on SHPF.

18. **Export notification**
   Lesotho does not produce any chemical hence does not export.

19. **Integration of the Rotterdam Convention with other conventions to better manage chemicals**
   Establish a forum of focal points of the Basel, Stockholm and Rotterdam Conventions for information exchange.

20. **How do you use any information by the Convention and this workshop when you return to your country?**
   - Share the information with the established committee
   - Raise awareness on relevant stakeholders
   - Initiate discussions on the formation of the poison centre

21. **How do you plan to share information acquired during this workshop?**
   - Other colleagues: Discuss at staff meetings and make available the documents
   - Other DNAs: Discuss and raise awareness at the Committee meetings
   - Customs: Share the documents with then and initiate a way forward
   - NGOs:
   - Other stakeholders: Raise awareness to other stakeholders about Rotterdam Convention and other related conventions, their activities and importance of these conventions and their implication to the country.
STATUS OF IMPLEMENTATION OF THE ROTTERDAM CONVENTION

LIBERIA
1. HOW CHEMICALS ARE MANAGED IN THE COUNTRY

a) Overview of chemicals management infrastructure in the country including both pesticides and industrial chemicals

- Briefly describe the key legal or administrative arrangements that are the basis for the chemicals management infrastructure and the Ministries responsible for their implementation.

The Ministries responsible for the implementation of chemicals management are:

a. Ministry of Commerce and Industry
   - Grant Import Permit Declaration
   - Registration of Chemicals entering the country (A registry/Registrar will be established in the ministry)

b. Ministry of Finance (Customs)
   - Inspect the Chemicals and release it to consignees
   - Collect taxes/revenues (The use of Economic Instrument for sound management of chemicals is being strengthened)

c. Ministry of Agriculture
   - Regulates the usage/management of chemicals (pesticides) by farmers/users
   - Grant permits for the Importation of pesticides
   - Established registry for pesticides

d. Ministry of Health and Social Welfare (DNA)
   - Monitor the usage/management of industrial chemicals
   - Received all import responses for Annex III chemicals
   - Received and acknowledge all export notifications
   - Grant permits for imports/exports

e. Environmental Protection Agency
   - Provide legal infrastructure for the usage and disposal of chemicals
   - Monitor the management of chemicals
   - Chair the National Chemicals Control Taskforce (NCCTF)

- Briefly describe the process for decision making on chemicals and pesticides in the country (e.g. approvals, bans, severe restrictions, etc.) setting out the role of the responsible Ministries or Agencies, the information considered in decision making and how these decisions and the underlying basis for the decisions are recorded.

  a. The NCCTF comprises of representatives from relevant agencies of Government, the private sector and academic institutions (universities)

  b. The Taskforce is the highest decision making body as it relates to approvals, bans, and severe restrictions of both industrial and pesticide chemicals

  Eg. When an import response is received by the DNA (from the Ministry of Health and Social Welfare), he inform the chairman of the Taskforce (from the Environmental Protection Agency) and a meeting is convened to discuss the issues and decisions are taken relative to approval.

- Briefly describe the processes in place for the implementation and enforcement of these decisions on chemicals

  a. When decisions are taken as stated above, the DNA communicates said decisions to the Secretariat of the Convention in the case of banned or severe restriction
b. In the case of import response, the DNA and the NCCTF follow-up on the company that imported said chemicals to ensure that it is used for the intended purpose and properly managed.

- What administrative or regulatory mechanisms, if any, have been put in place specifically in order to fulfil national obligations under the Rotterdam Convention?
  a. Partially there is a system in place as mentioned above but not effectively working.
  b. The National Chemicals Control Taskforce has not been well structured to allow it to function adequately.

- Status of use, production, import and export of Annex III chemicals in your country.
  a. Monitoring of chemicals on the Liberia market has not been effective.
  b. Liberia does not produce and export chemicals

c) Role of the DNA in chemicals management activities in the country

- Briefly describe the office of the DNA(s) in the country and for each:
  In light of Article 4 of the Rotterdam Convention, Liberia has one Designated National Authority based in the Ministry of Health and Social Welfare and presently responsible for both industrial chemicals and pesticides with a proposal for the second DNA who will be responsible for pesticides.
  o their role in the implementation of the Rotterdam Convention
  o their place/role in the chemicals management infrastructure in the country.

- Where there is more than one DNA, or where the DNAs are not directly involved in chemicals management in the country, briefly describe the mechanisms in place, if any, for communicating between the DNAs and:
  o the Ministries responsible for decision making on chemicals in the country
  o the Ministries with a role in the implementation and enforcement of the Convention, e.g. Customs, industry and commerce, health, agriculture, environment, etc.
  o industry and non-governmental bodies involved in the trade of chemicals.

- Briefly describe the communication and interaction between the offices of the DNA(s) in the country and the Focal Points of the Stockholm Convention and of the Basel Convention.
  This process is ineffective

2. STATUS OF IMPLEMENTATION OF ROTTERDAM CONVENTION

a) PRIOR INFORMED CONSENT (PIC) PROCEDURE

i) IMPORT RESPONSES (Articles 10 and 11)

- What import responses, if any, are outstanding for the 28 pesticides and 11 industrial chemicals in annex III of the Convention?
  There has been no import request. DDT is being considered for vector control (Malaria)
- Do the current import responses reflect the current regulatory status of the chemical in the country or do they need to be updated?
No and they need to be updated when required.

- Describe the process for taking an import decision for chemicals listed in Annex III and communicating this information to the Secretariat, e.g. what information is considered, who is involved in this process? The exporter, the country of origin, the importer, the intended use.
  - What are the key challenges in taking such decisions and submitting outstanding import responses?
  - Chemical might not be properly use or for the intended purpose.
  - Effective Monitoring mechanism not in place

- Briefly describe the process whereby these import decisions are communicated to relevant stakeholders in the country, including other Ministries such as Customs, and also outside of government, e.g. traders.
  - No procedure in place

- How are national import decisions enforced? What is the role of government authorities, e.g. DNA, Customs etc., as well as those outside government, e.g. industry including grower associations, importers, etc.? Information regarding bans chemicals are forwarded to Customs Officers who in turn reject the entry of said chemicals in the Country. Notwithstanding, there are many industries that bring in chemicals without the knowledge of the office of the DNA.

- Exporting countries: How are import decisions of other Parties communicated to relevant stakeholders and how are they enforced?
  - e.g. to ensure that exports do not occur contrary to the import decisions
  - e.g. role of government authorities such as DNA, Customs, etc.
  - e.g. those outside government, e.g. industry including exporters, formulators, etc.

ii) NOTIFICATION OF FINAL REGULATORY ACTIONS (Article 5)

- How many notifications of final regulatory actions to ban or severely restrict a chemicals have been submitted and how many are outstanding?
  Liberia has banned seven (7) chemicals including DDT.

- Describe the process for communicating/reporting final regulatory actions to the Secretariat:
  Chemicals that are assessed are documented and referred to the NCCTF which evaluates the conditions of the chemicals and through the DNA and Focal Points reports recommended actions to the Secretariat.

- What are the key challenges in reporting notifications of final regulatory action?
  The putting in place of legal instruments, proper procedures, guidelines and regulations for the Implementation of the Rotterdam Convention
  - Allotment of budgetary support for the implementation of Rotterdam Convention
  - Support for a sustained public awareness program on the Rotterdam Convention
  - Adequate infrastructure to safely manage Annex III chemicals.
  - Relevant National Legislations on chemicals under the Rotterdam Convention
• Increase in human resource capacity building and logistical support
• Preparation of National implementation plan for the Rotterdam Convention
• Strengthen existing public health infrastructure in order to effectively response to incidences of pesticides poisoning
• Domestication of all chemical conventions
• Mobilization of adequate resources both local and external for the implementation of the Convention.

iii) Severely Hazardous Pesticide Formulations (SHPFs) (Article 6)

• Briefly describe conditions of use of pesticides in your country and the extent to which hazardous pesticide formulations result in poisoning of humans or the environment,
  Not Applicable
• Briefly describe the provisions in place, if any, to monitor or report pesticide poisoning incidents.
  There is no poison centers in Liberia.
• What are the key challenges in monitoring and recording pesticide poisoning incidents and transmitting this information to the DNA?
  There is no transmission system in place.
• As DNA, what are the principal challenges in preparing and submitting a proposal in support of a hazardous pesticide formulation to the Secretariat?
  There are many challenges among these are:
  a. Lack of reliable data/on the effects of chemicals on human health and the environment
  b. Lack of infrastructure to handle issues relating to hazardous Pesticides formulation.

2. INFORMATION EXCHANGE PROVISIONS (Article 14)

The purpose of this section is to understand the extent to which the information available under the Convention is used in managing chemicals and in strengthening national decision making.

i) PIC CIRCULAR:

The PIC Circular is published every six months. It is sent to all DNAs as a CD-Rom and posted on the Convention website. It also contains summaries of notifications to ban or severely restrict chemicals and proposals for SHPFs causing problems under the conditions of use in a country, a list of notifications found to meet the information requirements of the Convention as well as a complete listing of import responses for chemicals subject to the PIC procedure.

• Briefly describe what use, if any, is made of the information available under the Convention on notifications of national regulatory actions or proposals for severely hazardous pesticide formulations in other countries when making national decision on chemicals.
  o Have you ever contacted another country reporting a final regulatory action for further information? If not, why not?
EXPORT NOTIFICATIONS (Article 12)

Briefly describe your experience in receiving and acknowledging receipt of export notifications. Approximately how many are received annually? None
- Briefly describe how the information contained in an export notification is used in your country. As stated above.
- What are the key challenges faced in acknowledging receipt of export notifications?
  Same as above
For exporting countries, briefly describe the process for preparing and sending export notifications, including the role of government authorities as well as those outside government, e.g. industry, exporters, etc. Not Applicable
- What were the key challenges in developing this process and in its implementation? Not Applicable

ii) INFORMATION TO ACCOMPANY EXPORT (Article 13)

Briefly describe your experience in receiving imports of chemicals banned or severely restricted in the exporting country or listed in Annex III. Are they appropriately labelled, are safety data sheets provided?
Liberia has not received imports of chemicals banned or severely restricted.
- Briefly describe your experience in using the Harmonized System Customs Codes (HS Codes) for chemicals in Annex III. Not Applicable
- Briefly describe how the information accompanying such imports is used in your country. Same as stated above
- What are the key challenges faced?
  - Lack of communicating/reporting system.
  - Lack of a harmonized system of labelling and classification of chemicals
For exporting countries, briefly describe the process for ensuring that exports of chemicals that are banned or severely restricted domestically or listed in Annex III are appropriately labelled and accompanied by safety data sheets, including the role of government authorities and those outside government, e.g. industry, exporters etc. Not Applicable
- What were the key challenges in developing this process and in its implementation? Not Applicable

iii) ROTTERDAM CONVENTION WEBSITE

The Convention website is continually updated, information available on chemicals included in Annex III is made available under a clearing house mechanism and there is also information on alternatives or in support of regulatory decisions of other countries.
Through the website you can also consult the PIC database on a country basis for the latest data on ratifications, DNAs’ contact details, import responses and notifications.

- Have you ever consulted the website for additional information on chemicals in Annex III? Yes but not frequent
- Do you make use of the information on contact details of DNAs, for the latest import responses submitted, etc.? Yes but not frequent
• Are you aware of the section on a) technical assistance under the Rotterdam Convention and b) the reports made available? Yes

iv) LINKAGES BETWEEN THE ROTTERDAM, BASEL AND STOCKHOLM CONVENTIONS AND SAICM AND OPPORTUNITIES FOR AN INTEGRATED APPROACH TO IMPLEMENTATION AT THE NATIONAL LEVEL

• Briefly describe the linkages at national level between the Rotterdam, Basel and Stockholm Conventions and SAICM and the national authorities responsible for their implementation. There is interaction between the Focal Points and the SAICM process. These interact with environmental units Focal Points of Government Ministeries and Agencies

• Please describe any existing linkages or possible opportunities for an integrated approach to implementation of the Rotterdam, Basel and Stockholm Conventions. This could include opportunities at national, sub-regional and regional levels including linkages to SAICM.

• Describe the existing legal basis and its potential to allow to fully implement all three Conventions or need for revision;

• Describe possible linkages between the national authorities for the three conventions and the customs authorities;

• Identify opportunities for national authorities to manage jointly and link the information available under the individual Conventions and possible advantage of a clearing house mechanism provided by the Secretariat;

• Review opportunities for national authorities to jointly mobilize financial resources for a joint implementation of the three Conventions and SAICM (Rotterdam, Basel, Stockholm and SAICM )

3. LIST OF KEY QUESTIONS AND CHALLENGES IN IMPLEMENTING THE ROTTERDAM CONVENTION

Based on the preceding sections, briefly summarize the key challenges regarding implementing the Rotterdam Convention and list your key questions which you would like to discuss during the workshop. The key questions could be structured along the subtitles of the outline provided above (see above: 2. STATUS OF IMPLEMENTATION OF ROTTERDAM CONVENTION).

Import Response
- Putting in place legal framework(administrative procedures, regulations, guidelines, domestication of the Convention) for the management of chemicals in the Country
- The mobilization of resources for the obtainment of national import decisions for transmission to the Secretariat of the Rotterdam Convention
- Assessment/survey of inventory of chemicals in Annex III

Export Notifications
You might also identify any further issues relevant to the implementation of the Rotterdam Convention that you consider would be useful to discuss with the Secretariat.

Your key questions should be based on your previous experience in implementing the Convention. Before closing the first day of the workshop, the Secretariat will capture and compile in plenary a common list of key questions and challenges, in line with the structure of Session 4 and 5 of the workshop agenda.
Country report on the implementation of the Rotterdam Convention in Liberia

• Sub-Regional Training and Awareness-Raising Workshop for Designated National Authorities
  Pretoria, South Africa
  2-6 November 2009
  Presented by:
  Dehwehn Omarley Yeabah
  Director
  Designated National Authority
  Ministry of Health and Social Welfare
  Republic of Liberia

Introduction

• Liberia acceded to the Convention on August 20, 2004. Meeting this obligation confirms Liberia commitment to the successful implementation of the Prior Informed Consent (PIC) process of the Rotterdam Convention.

• Liberia commitment was again strengthened by the establishment of the Environmental Protection Agency (EPA) in 2003, as the entity responsible for Environmental Management in Liberia, including chemicals management.

• Liberia has one Designated National Authority (DNA) from the Ministry of Health and has proposed additional DNA for pesticides.

Background - Liberia

Liberia is located on the West Coast of Africa bordered by Sierra Leone on the west, Guinea on the north, Côte d’Ivoire on the east, and the Atlantic Ocean on the south.

Liberia has a population of 3,476,608 people and covers 111,369 square kilometers (43,000 sq mi).

Laws and Policies related to Chemicals Control and Management in Liberia

• The Act creating the Environmental Protection Agency (EPA) and the Environmental Protection and Management Law of 2003

• Agriculture Law of 1973

• Revised Public Health and Safety Law of 1976

• A draft Legislation on POPs has been produced

• A final draft Policy on Healthcare Waste Management has been produced

LEGAL ADMINISTRATIVE ARRANGEMENTS FOR MANAGEMENT OF CHEMICALS IN LIBERIA

• The Ministries responsible for the implementation of chemicals management are:

  ▶ Ministry of Commerce and Industry
    • Grant Import Permit Declaration
    • Registration of Chemicals entering the country (A registry/catalogue will be established in the Ministry)

  ▶ Ministry of Finance (Cadieme)
    • Inspect the Chemicals and release it to consignees
    • Collect taxes/revenues (The use of Economic Instrument for sound management of chemicals is being strengthened)

  ▶ Ministry of Agriculture
    • Regulate the usage/management of chemicals/pesticides by farmers/users
    • Grant permits for the importation of pesticides
    • Established registry for pesticides

  ▶ Ministry of Health and Social Welfare (DOH)
    • Monitor the usage/management of industrial chemicals
    • Performed impact response for Annex III chemicals
    • Received and acknowledged all export notifications
    • Grant permits for import/export

  ▶ Environmental Protection Agency
    • Provide legal infrastructure for the usage and disposal of chemicals
    • Monitor the management of chemicals
    • Chair the National Chemicals Coordinating Taskforce (NCCTF)
### Decision Making and enforcement on Industrial Chemical and Pesticides

These involve:
- National Chemical Control Task Force (NCCTF)
- DNA
- Environmental Protection Agency, Commerce and Industry, Finance-Customs, Labor, Justice and Port Health Officers

### Status of the Implementation of Rotterdam Convention in Liberia

- Conducted stakeholders workshop on the implementation of the Rotterdam Convention in Liberia 2008
- Conducted workshop on the Role of Customs Officers in the implementation of the Rotterdam Convention in Liberia held in 2009
- The National Chemical Control Task Force (NCCTF) convened five working sessions aimed at discussing the banning of addition chemicals and the restrictive use of DDT for pesticides.

### Status of the Implementation of the Rotterdam Convention

- No consent to import to seven of Annex III Chemicals and pesticides including DDT
- Discussion is ongoing between MOH, EPA and MOA for the importation and use of DDT for Vector control (Malaria)
- The monitoring and surveillance of Annex III Chemicals are very weak
- No system in place for the yet for the regulation of severely hazardous chemicals

### Role of DNA

- Liberia has one DNA based in the Ministry of Health and Social Welfare. At present he is responsible for industrial chemical and pesticides with a proposal for the second DNA who will be responsible for pesticides.
- DNA makes use of the RC website and is aware of technical assistance under the Rotterdam Convention.
- There is no budgetary allotment and logistical support for the office of the DNA

### Liberia’s Challenges

- The putting in place of legal instruments, proper procedures, guidelines and regulations for the Implementation of the Rotterdam Convention.
- Allotment of budgetary support for the implementation of Rotterdam Convention.
- Support for a sustained public awareness program on the Rotterdam Convention.
- Adequate infrastructure to safely manage Annex III chemicals.
- Relevant National Legislations on chemicals under the Rotterdam Convention.
- Increase in human resource capacity building and logistical support.
- Preparation of National implementation plan for the Rotterdam Convention.
- Strengthen existing public health infrastructure in order to effectively response to incidences of pesticides poisoning.
-Domestication of all chemical conventions.
-Mobilization of adequate resources both local and external for the implementation of the Convention.
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<tr>
<th>Recommendations</th>
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<tr>
<td>• Need for adequate budgetary allocation for the implementation of the Rotterdam Convention</td>
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<td>• Put in place the requisite infrastructures for the implementation of the Rotterdam Convention</td>
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<td>• Increase sustained public awareness all aspect of chemical management in both the private and public sectors</td>
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<td>• Develop a National Action Plan on the implementation of the Rotterdam Convention</td>
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<td>• THAT thanks for listening END</td>
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<td>• That the National Chemical Control Taskforce review the lists of chemicals in article III and take the appropriate decisions</td>
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Liberia

What next steps need to be taken at national level for each operational element of the Convention?

Convene series of National Review forum to discuss way forward in scale-up. Accelerating the implementation of the Rotterdam Convention in Liberia. Appoint a National Registrar and another DNA for pesticides.

22. **Import responses**
Initiate/accelerate the process of import responses for chemicals in Annex III

23. **Notifications of final regulatory action**
Initiate/accelerate the process of Notifications of final regulatory action on decision on Annex II chemicals.

24. **Severely hazardous pesticide formulations**
Same as above

25. **Export notification**
Initiate/accelerate the process of exportation notification i.e. improve on information sharing on export notification to stakeholders

26. **Integration of the Rotterdam Convention with other conventions to better manage chemicals**
Initiate/accelerate the process and collaboration/cooperation with Focal personas/points of Stockholm and Basel conventions, i.e conduct joint reviews sessions of level of implementation, jointly plan and share project activities, Joint Awareness raising and M&E

27. **How do you use any information by the Convention and this workshop when you return to your country?**
Convene series of National Review forum for stakeholders, Focal points and other partners of the Pic process. DGD documents and a way forward.

28. **How do you plan to share information acquired during this workshop?**
   - Other colleagues:
   - Other DNAs:
   - Customs:
   - NGOs:
   - Other stakeholders:

Initiate a National/stakeholders meetings, DNA and Focal Points meetings, meetings with industries, dealers, users, NGOs, etc. Encourage joint awareness raising
STATUS OF IMPLEMENTATION OF THE ROTTERDAM CONVENTION

MALAWI
1. HOW CHEMICALS ARE MANAGED IN MALAWI

a) Overview of chemicals management infrastructure in the country including both pesticides and industrial chemicals

Legal and Administrative arrangements

Management of chemicals in Malawi rests with various government institutions depending on their respective legal mandates. The institutions are involved in chemical management at various stages of the chemical lifecycle ranging from production, importation, transport, distribution, marketing, use/handling, storage as well as disposal. There are however, specific ministries that ensure that there is minimal damage to the environment from chemicals. These include the Ministries responsible for Environmental Affairs, Agriculture and Food Security, Irrigation and Water Development, Labour and Health.

Management of chemicals in Malawi is characterized by a fragmented institutional arrangement; whereby there is no nationally designated institution specializing in coordination of all chemical management issues, as such institutions operate in broad mandates. The implementation of institutional mandates is also narrow and limited; as such implementation of mandates is not efficient. This is attributed to lack of infrastructure and resources, in most institutions, necessary to enforce laws under their jurisdiction.

There is no single legislation in Malawi dealing specifically with chemicals, and the management of chemicals. Instead there are various pieces of legislation, guidelines, policies and standards which address different aspect of chemicals management. However, legislation, guidelines, policies and standards dealing with chemicals management are fragmented and uncoordinated. Legislation dealing with chemicals includes; the Environment Management Act, 1996 implemented by the Ministry of Energy, Natural Resources and Environment; the Water Resources Act and Regulations implemented by the Ministry responsible for water; the Public Health Act, 1982 implemented by the Ministry of Health and Population; the Occupational Health Welfare and Safety Act implemented by the Ministry of Labour and the Malawi Bureau of Standards Act, 1974.

Malawi has an Act that deals specifically with pesticides. The Pesticides Act No.12 of 2002 provides for the importation, exportation, manufacture, distribution, storage, disposal, sales, repackaging and use of all pesticides in Malawi. The Act defines a pesticide as ‘any substance or mixture of substances intended to be administered on animals, plants, or humans for preventing, destroying or controlling any pest and includes any substance intended for use as a plant growth, regulator, defoliant, desiccant or agent for thinning fruit or preventing the premature fall of fruit, and substances applied to crops either before or after harvest to protect the commodity from deterioration during storage and transport.’ The Pesticides Act is implemented by the Ministry of Agriculture and Food Security.

Other Important regulatory frameworks containing provisions for management of pesticides include the Pharmacy, Medicines and Poisons Act of 1996 implemented by the Ministry of Health and Population; the Plant Protection Act of 1957 implemented by the Ministry of Agriculture and Food Security in which fumigants are regulated; the Seeds Act of 1996 which regulates seed treatment with pesticides; the Occupational Safety, Health and Welfare Act, 1997, the Customs and Excise Act of 1968 implemented by the Department of Customs and Excise of the Ministry of Finance responsible for the clearing of imports and exports of all commodities including chemical substances; and the Decentralization Act, 2002 which empowers local authorities, City, Town and
District Assemblies, to appropriate infrastructure for collection, categorizing, recycling and disposal of municipal waste.

**Process for decision making on chemicals and pesticides in the country (e.g. approvals, bans, severe restrictions, etc.) setting out the role of the responsible Ministries or Agencies, the information considered in decision making and how these decisions and the underlying basis for the decisions are recorded.**

Decision making on chemicals is done on a consultative basis with key stakeholders such as relevant departments and ministries, research institutions, non governmental organizations and the private sector.

There are also various inter ministerial commissions and coordinating mechanisms which have been established for more effective management of chemicals. The Pesticides Control Board (PCB) was established by the Pesticides Act. The members of the PCB include EAD, Agricultural Research Service, Department of Animal Health & Livestock Development, Malawi Revenue Authority, Malawi Bureau of Standards, Ministry of Industry and Trade, Consumers Association of Malawi, Bvumbwe Police Sub-station, Croplife Malawi, Bunda College, Illovo Sugar, Ministry of Justice, NASFAM and Pharmacy Medicines & Poisons Board. The functions of the PCB include enforcement of pesticides legislation; provision of guidance to the Malawi Government on pesticides procurement procedures; endorsement of pesticides that are eligible for registration and ensuring proper coordination amongst stakeholders on pesticide management.

The National Council for the Environment was established under the Environment Management Act (EMA) which does not have a definition of ‘chemicals’. The Act refers to chemicals indirectly by providing for the management of ‘hazardous substances’. A hazardous substance is defined as “any chemical, waste, gas or gaseous matter, medicines, drugs, plant, animal or micro-organism which is injurious to human health or the environment”. The functions of the Council include advising the minister on all matters and issues affecting the protection and management of the environment and the conservation and sustainable utilization of natural resources including issues on chemicals. The NCE consists of representatives from the Ministries of defence, justice, tourism, gender, agriculture & food security, Industry and trade, land, housing and surveys, transport and public works, labour, irrigation and water development, health and population, education and human resources, natural resources, energy and environment, MBS, National Herbarium and Botanical Gardens, and Technical Committee for Environment (TCE) chairperson.

The TCE consists of members who have sufficient knowledge and training in the protection and management of the environment and the conservation and sustainable utilization of natural resources. The functions of the TCE include examining any scientific issue which may be referred to it by the Minister, the Council, the Director or any lead agency relating to the protection and management of the environment and sustainable utilization of natural resources; carrying out investigations and conduct studies into the scientific, social and economic aspects of any activity, occurrence, product or substance and recommending to the Council the criteria, standards and guidelines for environmental control and regulation, including the form and content of environmental impact assessment. Chemicals are one of the issues that the TCE and NCE are mandated to discuss.

**Processes for the implementation and enforcement of these decisions on chemicals**

Decisions on chemicals are implemented through regulations and standards.
**What administrative or regulatory mechanisms, if any, have been put in place specifically in order to fulfil national obligations under the Rotterdam Convention?**

Since Malawi has recently ratified the Rotterdam convention, no specific administrative or regulatory mechanisms have been put in place.

**Status of use, production, import and export of Annex III chemicals in your country.**

Malawi since banned the use, production, import and export of Annex III chemicals, realising the negative impacts on the environment.

d) **Role of the DNA in chemicals management activities in the country**

There are two DNA’s in Malawi. The Environmental Affairs Department (EAD) is the DNA for industrial chemicals and the Pesticides Control Board is the DNA for pesticides. The EAD is responsible for environment and natural resources management in Malawi, including chemicals. The PCB is responsible for importation, exportation, manufacture, distribution, storage, disposal, sales, repackaging and use of all pesticides in Malawi.

Various ministries and institutions are mandated by law to perform different duties as regards chemicals management. Brief overview of functions of specific institutions is provided below.

The Ministry of Agriculture and Food Security provides advisory services in the use of fertilizers and pesticides with regard to efficient usage for farmers to maximize crop yields. In the case of pesticides, the Ministry in conjunction with farmers jointly conducts sprays for migratory pests such as locusts and army worms. For non-migratory pests, farmers are informed of their control through training sessions, posters, radio messages and pamphlets in local languages.

The Ministry of Industry and Trade is responsible for the promotion of both internal and external trade. Apart from other functions it is responsible for the administration of the Control of Goods Act, 1968 which regulates importation and exportation of certain goods including chemicals.

The Petroleum Control Commission is a parastatal organization responsible for the importation and distribution of various petroleum products into the country i.e. Petrol, Diesel, Paraffin, greases, Jet M and Avgas.

Local Authorities refer to City, Municipal, Town and District Councils. These organizations offer a range of services within their areas of jurisdiction. Among the services offered under the Local Government Act and waste bye-laws is the control and management of wastes.

The Ministry of Labour is responsible for the administration and enforcement of the provisions of Occupational Safety, Health and Welfare Act, 1997 through the Occupational Safety and Health Directorate. The legislation is aimed at protecting workers against occupational accidents and diseases. This is promoted through systematic inspections of all registered workplaces.

The Ministry of Health and Population provides preventive health and medical services. In preventive health care, pesticides are used for the control of vectors such as mosquitoes for malaria control. The Ministry through the Pharmacy, Medicines and Poisons Board regulates traders in medical products and raw materials in the field of pharmacy in Malawi.

The Malawi Bureau of Standards is mandated to promote standardization in industry and commerce through preparation of modification, amendment of specification and codes of practice. The Bureau also provides facilities for testing and calibration of precision of instruments, gauges and scientific
apparatus. In particular the Bureau makes sure that imports, exports and use of chemicals are done according to the standards through the testing and issuing of certificates.

The Ministry of Justice deals with all legal aspects in the country. Its main functions can be divided into three: the Judiciary which deals with interpretation of the law; Legislative that deals with drafting, repealing and amending of laws and; Administrative organ deals with registration of companies, birth and death certificates, marriages and administration of estates. This means that all other institutions guided by Acts of parliament, seek legal guidance from the Ministry of Justice.

The Ministry of Natural Resources, Energy and the Environment through Environmental Affairs Department has responsibility to promote sustainable, social and economic development through the sound management of the environment. The above responsibility is implemented through the Environment Management Act (EMA, 1996). The act provides for the creation of regulations on all aspects of environmental management including chemicals and waste management.

**Briefly describe the communication and interaction between the offices of the DNA(s) in the country and the Focal Points of the Stockholm Convention and of the Basel Convention.**

The Focal Point of both the Stockholm Convention and the Basel Convention is the Environmental Affairs Department which is the DNA for industrial chemicals under the Rotterdam Convention. The DNA for pesticides is the Pesticides Control Board (PCB). Therefore, due to various roles played by the DNAs, neither institution can make a decision without consultation.

2. **STATUS OF IMPLEMENTATION OF ROTTERDAM CONVENTION**

   a) **PRIOR INFORMED CONSENT (PIC) PROCEDURE**

      i) **IMPORT RESPONSES (Articles 10 and 11)**

         • **What import responses, if any, are outstanding for the 28 pesticides and 11 industrial chemicals in annex III of the Convention?**

            As earlier explained, Malawi recently ratified the Rotterdam Convention and has only responded to six chemicals namely methyl bromide, chlordane, DDT, monochrotrophos, endosulfan and aldicarb. However, it is envisaged that more import responses shall be communicated to the Secretariat.

         • **Do the current import responses reflect the current regulatory status of the chemical in the country or do they need to be updated?**

            Yes, the current import responses reflect the current regulatory status of the chemical in Malawi.

         • **Describe the process for taking an import decision for chemicals listed in Annex III and communicating this information to the Secretariat, e.g. what information is considered, who is involved in this process?**

            o **What are the key challenges in taking such decisions and submitting outstanding import responses?**

            The DNAs are involved in decision making on a particular chemical/pesticide. Once a decision has been made, this Secretariat is informed. The key challenges are in finding alternatives to the pesticides/chemicals in question.
• **Briefly describe the process whereby these import decisions are communicated to relevant stakeholders in the country, including other Ministries such as Customs, and also outside of government, e.g. traders.**
  
  Import decisions are communicated to the public through Government notice and press releases.

• **How are national import decisions enforced? What is the role of government authorities, e.g. DNA, Customs etc., as well as those outside government, e.g. industry including grower associations, importers, etc.?**
  
  Enforcement of national import decisions is done through involvement of the relevant key stakeholders e.g. customs, police and inspectorate teams from both government and industry.

• **Exporting countries:** How are import decisions of other Parties communicated to relevant stakeholders and how are they enforced?
  e.g. to ensure that exports do not occur contrary to the import decisions
e.g. role of government authorities such as DNA, Customs, etc.
e.g. those outside government, e.g. industry including exporters, formulators, etc.

Malawi does not produce any chemical/pesticide and therefore is not an exporting country.

ii) **NOTIFICATION OF FINAL REGULATORY ACTIONS (Article 5)**

• **How many notifications of final regulatory actions to ban or severely restrict a chemicals have been submitted and how many are outstanding?**
  
  Six notifications of final regulatory action have been submitted for methyl bromide, chlordane, DDT, monochrotophos, endosulfan and aldicarb.

• **Describe the process for communicating/reporting final regulatory actions to the Secretariat:**
  
  Final regulatory actions are communicated to the Secretariat by filling in the necessary forms and e-mailing the documents to the Secretariat.

• **What are the key challenges in reporting notifications of final regulatory action?**
  
  - Information collection
  - Adequately filling in all relevant parts of the forms
  - Adequacy of information submitted

iii) **Severely Hazardous Pesticide Formulations (SHPFs) (Article 6)**
• Briefly describe conditions of use of pesticides in your country and the extent to which hazardous pesticide formulations result in poisoning of humans or the environment. Due to high illiteracy levels in Malawi, most pesticides users do not read the label and as a result there is improper use of the pesticide, leading to poisoning by various pesticides.

• Briefly describe the provisions in place, if any, to monitor or report pesticide poisoning incidents. Currently there are no provisions in place to monitor or report pesticide poisoning incidents as the country has no poison centres.

• What are the key challenges in monitoring and recording pesticide poisoning incidents and transmitting this information to the DNA? Due to the absence of the poison centres, there is lack of expertise to diagnose and report incidences of poisonings.

• As DNA, what are the principal challenges in preparing and submitting a proposal in support of a hazardous pesticide formulation to the Secretariat? Due to substantive data on actual figures relating to a specific pesticide formulation, it is difficult to report to the Secretariat.

2. INFORMATION EXCHANGE PROVISIONS (Article 14)

The purpose of this section is to understand the extent to which the information available under the Convention is used in managing chemicals and in strengthening national decision making.

i) PIC CIRCULAR:

The PIC Circular is published every six months. It is sent to all DNAs as a CD-Rom and posted on the Convention website. It also contains summaries of notifications to ban or severely restrict chemicals and proposals for SHPFs causing problems under the conditions of use in a country, a list of notifications found to meet the information requirements of the Convention as well as a complete listing of import responses for chemicals subject to the PIC procedure.

• Briefly describe what use, if any, is made of the information available under the Convention on notifications of national regulatory actions or proposals for severely hazardous pesticide formulations in other countries when making national decision on chemicals.
  o Have you ever contacted another country reporting a final regulatory action for further information? If not, why not?

No, we did not consult another county reporting a final regulatory action for further information because we were unaware of the procedures to be followed in informing neighbouring countries. Therefore, there is need for this awareness raising workshop.

EXPORT NOTIFICATIONS (Article 12)

Briefly describe your experience in receiving and acknowledging receipt of export notifications. Approximately how many are received annually?

• Briefly describe how the information contained in an export notification is used in your country.
• What are the key challenges faced in acknowledging receipt of export notifications?

Malawi has not received any export notification.

_For exporting countries_, briefly describe the process for preparing and sending export notifications, including the role of government authorities as well as those outside government, e.g. industry, exporters, etc.

• What were the key challenges in developing this process and in its implementation?

This is inapplicable to Malawi as she is not an exporting country.

ii) INFORMATION TO ACCOMPANY EXPORT (Article 13)

Briefly describe your experience in receiving imports of chemicals banned or severely restricted in the exporting country or listed in Annex III. Are they appropriately labelled, are safety data sheets provided?

• Briefly describe your experience in using the Harmonized System Customs Codes (HS Codes) for chemicals in Annex III.
• Briefly describe how the information accompanying such imports is used in your country.
• What are the key challenges faced?

This is inapplicable to Malawi as she is not an exporting country.

_For exporting countries_, briefly describe the process for ensuring that exports of chemicals that are banned or severely restricted domestically or listed in Annex III are appropriately labelled and accompanied by safety data sheets, including the role of government authorities and those outside government, e.g. industry, exporters etc.

• What were the key challenges in developing this process and in its implementation?

This is inapplicable to Malawi as she is not an exporting country.

iii) ROTTERDAM CONVENTION WEBSITE

The Convention website is continually updated, information available on chemicals included in Annex III is made available under a clearing house mechanism and there is also information on alternatives or in support of regulatory decisions of other countries.

Through the website you can also consult the PIC database on a country basis for the latest data on ratifications, DNAs’ contact details, import responses and notifications.

• Have you ever consulted the website for additional information on chemicals in Annex III?
  No

• Do you make use of the information on contact details of DNAs, for the latest import responses submitted, etc.?
  Not yet.
iv) LINKAGES BETWEEN THE ROTTERDAM, BASEL AND STOCKHOLM CONVENTIONS AND SAICM AND OPPORTUNITIES FOR AN INTEGRATED APPROACH TO IMPLEMENTATION AT THE NATIONAL LEVEL

- Briefly describe the linkages at national level between the Rotterdam, Basel and Stockholm Conventions and SAICM and the national authorities responsible for their implementation.

Malawi has strong linkages at national level to implement the activities of the Rotterdam, Basel and Stockholm conventions and SAICM because the Environmental Affairs Department is the national authority responsible for their implementation.

- Please describe any existing linkages or possible opportunities for an integrated approach to implementation of the Rotterdam, Basel and Stockholm Conventions. This could include opportunities at national, sub-regional and regional levels including linkages to SAICM.

Considering the objectives of the conventions which are essentially aimed at proper management of chemicals and pesticides, there are opportunities for an integrated approach to the implementation of the Rotterdam, Basel and Stockholm Convention at national level including linkages to SAICM.

- Describe the existing legal basis and its potential to allow to fully implement all three Conventions or need for revision:

There is currently no single legislation dealing with the management of chemicals in Malawi. The formulation and enactment of legislation dealing with chemicals will enable Malawi to draft chemicals legislation, or more specifically an Act, that takes into account the objectives of the three conventions with the intention of ensuring that the conventions are fully implemented.

- Describe possible linkages between the national authorities for the three conventions and the customs authorities:

The EAD and customs authorities have already established a rapport in the importation of chemicals and pesticides. There is need to strengthen and support this linkage to ensure that all stakeholders are aware of procedures that are in place.

- Identify opportunities for national authorities to manage jointly and link the information available under the individual Conventions and possible advantage of a clearing house mechanism provided by the Secretariat:

Involvement of many stakeholders encompassing a holistic approach will exist and promote joint implementation of the conventions at the national level.
**Review opportunities for national authorities to jointly mobilize financial resources for a joint implementation of the three Conventions and SAICM (Rotterdam, Basel, Stockholm and SAICM)**

Management of chemicals requires a well defined legal and institutional framework coupled with adequate infrastructure, technical, human, and financial resources. In Malawi, allocation of financial resources depends on approval by the parliament for line ministries. With the absence of a nationally designated government institution to coordinate chemicals management issues, it is difficult for the parliament to allocate adequate resources specifically for chemical management. This does not give chemicals management the priority that it deserves as it does not feature highly on government agenda.

The establishment of a nationally designated government institution, for a joint implementation of the three conventions and SAICM, to coordinate chemical management issues will ensure parliament allocates adequate resources specifically for chemical management.

3. **LIST OF KEY QUESTIONS AND CHALLENGES IN IMPLEMENTING THE ROTTERDAM CONVENTION**

- How can we promote the implementation of the PIC procedures amongst developing countries, especially Africa?
- What plans does the Rotterdam Convention have to support developing countries establish poison centres?
- What opportunities are there for capacity building specially aimed at implementing the three conventions including SAICM?
- What measures are in place by the Conventions for parties that do not comply?
# National Status of Rotterdam Convention Implementation in Malawi

## Outline
- Background
- Current status
- Major challenges
- Outlook for the future

## Background
- Malawi ratified the Rotterdam Convention on 26th February 2009.
- Prior to ratification, Malawi participated in development of the National Action Plan.
- Currently there are two DNAs:  
  - Environmental Affairs Dept – industrial chemicals
  - Pesticides Control Board - pesticides

## Current status
- No specific legislation that covers chemicals management
- No single institution mandated with chemicals management – different ministries dealing with chemicals management as they see fit
- Inadequate resources allocated for chemicals management

## Major Challenges
- Lack of poison centres
- Lack of technical, human and financial infrastructure
- Lack of specific legislation that addresses chemicals management
- Lack of national data on chemical use, incidents
Outlook to the future

- Development of chemical legislation
- Establishment of poison centres
- Collection of data on chemical use, incidents

Zikomo
Malawi

What next steps need to be taken at national level for each operational element of the Convention?

8. **Import responses**
   Malawi as a country will have to submit to the Secretariat its import responses for all 40 chemicals in Annex III.

9. **Notifications of final regulatory action**
   Malawi as a country will have to submit to the Secretariat its import responses for all 40 chemicals in Annex III.

10. **Severely hazardous pesticide formulations**
    Malawi as a country will have to submit to the Secretariat its import responses for all 40 chemicals in Annex III.

11. **Export notification**
    Because Malawi does not manufacture chemicals, it is not an exporting country and therefore there will be no notification response.

12. **Integration of the Rotterdam Convention with other conventions to better manage chemicals**
    Considering that the focal point for all 3 conventions and SAICM is the same office, I think it will be easier to look into synergies that the Rotterdam Convention can be integrated to better chemicals.

13. **How do you use any information by the Convention and this workshop when you return to your country?**
    Will share this information with my immediate colleagues that deal with the Conventions and make strategies on how we can move forward. For example, I will suggest that we need a chemical committee that will help us review the chemicals in Annex III in readiness for communicating to the Secretariat, and will obviously help us in the review of other chemicals too.

14. **How do you plan to share information acquired during this workshop?**
    - Other colleagues: through reports and section meetings and briefs
    - Other DNAs: through reports and meetings
    - Customs: meetings
    - NGOs: through press releases
    - Other stakeholders: through press releases
South Africa

What next steps need to be taken at national level for each operational element of the Convention?

29. **Import responses**
I response outstanding and a process of submitting it will be started.

30. **Notifications of final regulatory action**
South Africa will continue to notify the Secretariat of the action it has taken on listed chemicals.

31. **Severely hazardous pesticide formulations**
At the moment we do not what has been declared. The first step is to consult the DNA and find any information missing.

32. **Export notification**
South Africa will continue to notify importing countries of chemicals if wants to export.

33. **Integration of the Rotterdam Convention with other conventions to better manage chemicals**
Through coordinators and cooperation that has been advocated through the Ad Hoc Joint working group we will start to implement the recommendations of promoting synergies. We will also use the Basel Regional Centre in South Africa to implement activities of the Rotterdam Convention and other MEA’s.

34. **How do you use any information by the Convention and this workshop when you return to your country?**
I will write a report and disseminate to my colleagues, publish on the website and also report at the National Committee on Chemicals Management (NCCM) where issues relating to chemicals are discussed.

35. **How do you plan to share information acquired during this workshop?**
- Other colleagues:
- Other DNAs:
- Customs:
- NGOs:
- Other stakeholders:

I will write a report summarizing the discussion of this meeting, present at the NCCM and have a discussion. All the entities mentioned in 7. above are part of this committee. I will also put the outcomes of the workshop to the Department of Environmental Affairs website. Industry will report on what it is doing. It will submit info to the DNA.
Tanzania, (United Republic of)

What next steps need to be taken at national level for each operational element of the Convention?

36. **Import responses**
   Complete the 3 that have not been completed. To give final response to the interim responses.

37. **Notifications of final regulatory action**
   Respond to all Notifications to make final regulatory notifications all chemicals in Annex III using the bridging information.

38. **Severely hazardous pesticide formulations**
   Continue with monitoring activities

39. **Export notification**
   Respond to export notifications as they are sent.

40. **Integration of the Rotterdam Convention with other conventions to better manage chemicals**
   Undertake activities indicated in the National Implementation Plan (NIP) with regard to Stockholm Convention, especially promoting of alternatives.

41. **How do you use any information by the Convention and this workshop when you return to your country?**
   Complete the import responses for chemicals which we have not done. Also complete notifications.
   Prepare proposals and request assistance from Subregional Office.

42. **How do you plan to share information acquired during this workshop?**
   - Other colleagues: Share the documents from the workshop
   - Other DNAs: Network
   - Customs: Provide a list of Annex III chemicals and their codes
   - NGOs: Update them on Convention chemicals and activities also provide them with documents.
   - Other stakeholders: Continue with awareness creation on the Convention
STATUS OF IMPLEMENTATION OF THE ROTTERDAM CONVENTION

UGANDA
HOW CHEMICALS ARE MANAGED IN THE COUNTRY

Overview of chemicals management infrastructure in the country including both pesticides and industrial chemicals

The national profile provides for existence of legislation and regulations, and institutional frameworks for chemical management. The legislation and regulations are fragmented but in general the legal framework is not adequate and there is need for development of a comprehensive package in order to address all aspects of chemicals management. The fragmented pieces of legislation include; the Constitution of Uganda 1995, NEA Cap. 153, Public Health Act Cap 269, Factories Act Cap 198, Water Act Cap 152, Control of Agricultural Chemicals Act Cap 28, and East Africa Community Customs Management Act 2004, however, a National Policy on Chemical Management is lacking.

The chemicals administrative arrangements are scattered or based on sectors and not centralised under one institution. Broadly management of agro-based chemical is under the mandate of Ministry of Agriculture, Animal Industry and Fisheries, while for Industrial chemicals it’s the mandate of Ministry of Water and Environment. The two ministries work hand in hand with the National Drug Authority and Agricultural Chemicals Board for approval of the various chemicals entering into the country for the various uses.

The process of decision making on chemicals lies with each sector because of the decentralised nature of management. Each sector coordinates the approvals, bans, and restrictions of its own chemicals. The Agricultural Chemicals Board is responsible for chemicals under agriculture sector, and National Drug Authority handles mainly health related chemicals, while for industrial chemicals there is no regulatory body directly responsible, except on a few occasions when the National Environment management Authority (NEMA) is consulted but most of the imports are classified as raw materials.

An inter-ministerial commission and coordinating mechanism is in place and is responsible for implementation and enforcement of decisions on chemicals. The composition includes; National Drug Authority – NDA: Corporate body under Ministry of Healthy and is mandated to regulate imports, production, distribution, marketing, export and use of pharmaceuticals in public and the private sector. Agricultural Chemicals Board: An inter-ministerial body coordinated by the MAAIF and is mandated with control and regulation, importations, manufacture, storage, distribution, exportation and other related issues of agro-chemicals. National Environment management Authority (NEMA): Corporate body under Ministry of Water and Environment and is mandated with ensuring that there is a framework for chemicals management as it relates to their registration, labelling, packaging, advertisings, distribution, storage, transportation and handling of chemicals and material, monitor residual effects of human health and environment, and disposal of expired and surplus chemicals and materials Industry and non-governmental bodies involved in the trade of chemicals participate as Board members, members of technical committees, working-groups and other committees in these established coordinating mechanisms. They provide input during stakeholders review workshops in form of advice, decision-making, day-to-day activities of governance and implementation of chemicals management.

As a party to the convention, some country initiatives have been put in place. Two country DNAs were put in place to coordinate the agrochemicals and industrial chemicals from Ministry of
Agriculture (MAAIF) and Ministry of Water and Environment respectively. Also, Focal points were identified under NEMA to that effect.

Thousands of tons of chemicals are unloaded into Uganda every year for use in agriculture, forestry, veterinary, health and industry. Pesticides as one of these chemicals form a very important to Uganda’s national economy because of their extensive use in agriculture and public health. Trade liberalisation has led increase in flow of goods into and out of the country. Due to increased trade activities it’s assumed that there has been an increase in the use chemicals especially in the industrial and agricultural sectors. Chemical production is still minimal in Uganda and constitutes less than 2% of the total demand of chemicals implying that most chemicals are imported. In a descending order of importation, the main types of chemicals imported into Uganda include; petroleum products, fertilizers, pesticides / acaricides, as well as some industrial raw materials for processing and mining industries.

**Role of the DNA in chemicals management activities in the country**

**The roles of DNAs in the implementation of the Rotterdam Convention**

- Emphasizing the need for synergy among the Chemical related Conventions as a state policy;
- Establishing key mechanisms for effective coordination of national activities;
- Reviewing existing organizational structures at national and local levels with a view to facilitating synergistic implementation of the chemical related Conventions;
- Promoting understanding of obligations relating to the environmental Conventions especially inter-institutional, interdepartmental and inter-territorial visions and collaboration;
- Streamlining terms of reference of the Convention through affiliated focal point institutions to facilitate synergy;
- Creating a pool of related and proposed synergy programmes;
- Promoting and stressing the participatory role of all relevant stakeholders;
- Promoting harmony among sectoral plans and programmes, and among organizations at the local level;
- Proposing legislation for streamlining of national policies, within main Convention for implementation;
- Formulating appropriate mechanisms for social incentives, especially at the local level, supporting interactions among the environmental Conventions and promoting conservation of available natural resources;
- Evaluating and endorsing proposed case studies and projects promoting collaboration among the environmental Conventions;

**The role / place of the DNAs in chemicals management infrastructure**

- Encouraging, where needed, the preparation of national action plans and programmes pertinent to the chemical Conventions;
- Developing guidelines leading to enhanced cooperation, and facilitating consultations with experts from national and international sources as necessary;
- Coordinating and networking with partners for developing synergy;
- Integrating the concerns of global chemical management organizations with national objectives and activities;
- Develop and train qualified manpower and trainers required to develop synergy in projects and activities at local levels;
- Identify capacity-building priorities to be able to access resources from international agencies
- Strengthen local and institutional capacities through appropriate means and training activities

The country has 2 DNAs in place to coordinate the agrochemicals and industrial chemicals from Ministry of Agriculture (MAAIF) and Ministry of Water and Environment respectively. However, there is no formal mechanism for communication between the DNAs. Chemical management information is fragmented and scattered in various sectors that have / hold different mandates. The sectoral nature of the implementing institutions limits on the communication and interactions between the DNAs and Focal Points (FPs) thus creating an information gap. There is need for an integrated approached within the TORs for the DNAs and FPs that will bring the players together leading to eventual reduction in the communication gap thus strengthening their capabilities and capacities for service delivery.

STATUS OF IMPLEMENTATION OF ROTTERDAM CONVENTION

PRIOR INFORMED CONSENT (PIC) PROCEDURE

i) IMPORT RESPONSES (Articles 10 and 11)
There are no outstanding import responses for the 28 pesticides and 11 industrial chemicals in annex III of the Convention while for the industrial chemicals, nothing much has been done. The import responses are in place however, they need to be updated as the current regulatory framework is weak because of lack of regulations governing industrial chemicals. The process for taking an import decision for chemicals listed in Annex III and communicating this information to the Secretariat is not in place. Currently, this is not being done especially in regard to industrial chemicals because there is no single law governing the management of industrial chemicals. The key challenges in taking such decisions and submitting outstanding import responses include; limited awareness and also being there are no regulations on industrial chemicals.

The process whereby import decisions are communicated to relevant stakeholders in the country, including other Ministries such as Customs, and also outside of government including traders is not clearly spelt out. Since there is no regulation on management of industrial chemicals, this is not being done. The national import decisions are enforced through number of stakeholders. If a decision is taken, the DNA will be responsible for enforcement and therefore the customs authorities will be informed including those who are impacted upon such as the users, communities and civil society. Import decisions of other Parties is received from the Secretariat and circulated to the responsible DNA who will then inform the customs authorities and other stakeholders.

NOTIFICATION OF FINAL REGULATORY ACTIONS (Article 5)

On notifications of final regulatory actions to ban or severely restrict a chemical, Non- have been submitted for industrial chemicals for consideration. The process for communicating/reporting final regulatory actions to the Secretariat has not been happening due to lack of technical capacity and awareness. The key challenges in reporting notifications of final regulatory action mainly include absence of regulations governing industrial chemicals and therefore, there is no clear mechanism for reporting.

Severely Hazardous Pesticide Formulations (SHPFs) (Article 6)
In any case where such pesticides are to be used, the main provision is conducting an Environment Impact Assessment. Base on the finding, decision to use such chemical will be taken with some conditions that will have to be met by the user.
2. INFORMATION EXCHANGE PROVISIONS (Article 14)
The information available under the Convention on notifications of national regulatory actions or proposals for severely hazardous pesticide formulations in other countries when making national decision on chemicals is not being utilised due to the lack of a clear framework for governing the management of chemicals in the country. For Countries reporting on final regulatory action have not been contacted for further information because of the weak framework and non operationalization of the DNAs and Focal points.

EXPORT NOTIFICATIONS (Article 12)
There is no experience in receiving and acknowledging receipt of export notifications since they have not been coming, and we have received none in the recent past. The utilisation of information contained in an export notification is almost not there Since nothing much is happening regarding industrial chemicals. The key challenge faced in acknowledging receipt of export notifications Poor information flow and lack of awareness and capacity.
The process for preparing and sending export notifications is almost not there since Uganda is not a major exporter of chemicals and this has not been applied in the recent past. The key challenges in developing this process and in its implementation are not yet known much as preparing notifications is one of the obligations of a party.

INFORMATION TO ACCOMPANY EXPORT (Article 13)
While receiving imports of chemicals banned or severely restricted in the exporting country or listed in Annex III, banned chemicals must be clearly labelled and safety data sheets attached. There is almost no experience in using the Harmonized System Customs Codes (HS Codes) for chemicals in Annex III because of lack of awareness and limited capacity. The information accompanying such imports is used to raise awareness among the workers on the dangers and the general public. The key challenges faced may sometimes be poor storage thus providing open access to unauthorized people. Since Uganda is not an exporter of chemicals the process for ensuring that exports of chemicals that are banned or severely restricted domestically or listed in Annex III are appropriately labelled and accompanied by safety data sheets, is almost not in place.

ROTTERDAM CONVENTION WEBSITE
The DNAs and Focal Points continuously consulted the website for additional information on chemicals in Annex III sor convention activities and other fora that requires information harmonisation. The information on contact details of DNAs, for the latest import responses submitted, will be used when required. The country DNAs and Focal Points are fully aware of the technical assistance under the Rotterdam Convention and the reports made available.

LINKAGES BETWEEN THE ROTTERDAM, BASEL AND STOCKHOLM CONVENTIONS AND SAICM AND OPPORTUNITIES FOR AN INTEGRATED APPROACH TO IMPLEMENTATION AT THE NATIONAL LEVEL
Linkages at national level between the Rotterdam, Basel and Stockholm Conventions and SAICM and the national authorities responsible for their implementation do exist to some degree. A number of chemicals being regulated are similar and therefore there is a lot of synergy. In Uganda, the Ministry of Water and Environment is responsible for industrial chemicals under the Rotterdam Convention and the National Environment Management Authority is responsible for the implementation of the Basel, Stockholm and SAICM Conventions.
Possible opportunities for an integrated approach to implementation of the Rotterdam, Basel and Stockholm Conventions do exist in the country. For example, existing legal framework that only requires mainstreaming, institutional arrangement that only require re-organisation, inter-ministerial commission and coordinating mechanisms much as they are sectoral in nature and technical infrastructure that only require re-equipping.

Existing legal framework provides for management of chemicals but on a sectoral level. There is need for a policy formulation in regard to mainstreaming chemical management into the different sectors, and there is need to develop regulations for operationalising some sections in the laws for the management of industrial chemicals and there after implementing the three conventions will be much easier.

Linkage amongst national authorities for the three conventions and the customs authorities does exist whereby the customs authorities are members of the committees that are in charge of management of the chemicals. The key opportunities for national authorities to manage jointly and link the information available under the individual Conventions and possible advantage of a clearing house mechanism provided by the Secretariat is existing policy and legal framework and the national Development plans.

Opportunities for national authorities to jointly mobilize financial resources for a joint implementation of the three Conventions and SAICM (Rotterdam, Basel, Stockholm and SAICM) can be through national capacity building regarding the three conventions and that will provide an opportunity to jointly mobilize resources.

3. LIST OF KEY QUESTIONS AND CHALLENGES IN IMPLEMENTING THE ROTTERDAM CONVENTION

Key challenges include;
- lack of clear regulatory framework for management of industrial chemicals
- Lack of awareness among the major stakeholders about the provisions of the convention
- Poor information exchange in country
STATUTORY IMPLEMENTATION
OF THE ROTTERDAM
CONVENTION - UGANDA
PRESENTED BY:
MUGABI STEPHEN DAVID &
BULEGEYA KOMAYOMB

HOW CHEMICALS ARE
MANAGED IN THE COUNTRY

a) Chemical management infrastructure
Legislation / regulations, and institutional frameworks for
chemical management exist.
The legislation and regulations are fragmented but in general the
legal framework is not adequate and there is need for
development of a comprehensive package in order to address
all aspects of chemicals management.
A comprehensive National Policy on Chemical Management is
lacking in the country.
Chemicals management arrangements are scattered or based
on sectors and not centralised under one institution.

HOW CHEMICALS ARE
MANAGED

Broadly management of agro-based chemical is under the mandate of
Ministry of Agriculture, Animal Industry and Fisheries, while for Industrial
chemicals it’s the mandate of Ministry of Water and Environment.
The two ministries work hand in hand with the National Drug Authority,
Agricultural Chemicals Board, and National Environment Management
Authority for approval of the various chemicals entering into the country
for the various uses.
The process of decision making on chemicals lies with each sector because
of the decentralised nature of management. Each sector coordinates the
approvals, bans, and restrictions of its own chemicals.
An inter-ministerial commission and coordinating mechanism is in place and
is responsible for implementation and enforcement of decisions on
chemicals. The composition includes;

HOW CHEMICALS ARE
MANAGED

The composition includes;
National Drug Authority – NDA: Corporate body under Ministry of Healthy and is
mandated to regulate imports, production, distribution, marketing, export and use
of pharmaceuticals in public and the private sector.
Agricultural Chemicals Board: An inter-ministerial body coordinated by the MAAIF and
is mandated with control and regulation, importations, manufacture, storage,
distribution, exportation and other related issues of agro-chemicals.
National Environment management Authority (NEMA): Corporate body under Ministry
of Water and Environment and is mandated with ensuring that there is a
framework for chemicals management as it relates to their registration, labelling,
packaging, advertising, distribution, storage, transportation and handling of
chemicals and material, monitor residual effects of human health and environment,
and disposal of expired and surplus chemicals and materials
Industry and non-governmental bodies involved in the trade of chemicals participate
as Board members, members of technical committees, working-groups and other
committees in these established coordinating mechanisms.

HOW CHEMICALS ARE
MANAGED

Under obligations to fulfil the Rotterdam Convention Two
country DNAs were put in place to coordinate the
agrochemicals and industrial chemicals from MAAIF and
MWE. Also, Focal points were identified under NEMA to
that effect.
Thousands of tons of chemicals are unloaded into Uganda
every year for use in agriculture, forestry, veterinary,
health and industry.
Due to increased trade activities it's assumed that there
has been an increase in the use chemicals especially in
the industrial and agricultural sectors.
Chemical production is still minimal in Uganda and
constitutes less than 2% of the total demand of
chemicals implying that most chemicals are imported.

HOW CHEMICALS ARE
MANAGED

b) Role of the DNA in chemicals management activities in the country
The roles of DNAs in the implementation of the Rotterdam Convention
Emphasizing the need for synergy among the Chemical related Conventions as a
state policy;
Establishing key mechanisms for effective coordination of national activities;
Reviewing existing organizational structures at national and local levels with a view
to facilitating synergistic implementation of the chemical related Conventions;
Promoting understanding of obligations relating to the environmental/Conventions
especially inter-institutional, interdepartmental and inter-territorial visions and
cooperation;
Including terms of reference of the Convention through affiliated focal point
institutions to facilitate synergy;
Creating a pool of related and proposed synergy programmes;
Promoting and stressing the participatory role of all relevant stakeholders;
Promoting harmony among sectoral plans and programmes, and among
organizations at the local level;
The process for preparing and sending export notifications is almost not there since Uganda is a key challenge faced in acknowledging receipt of export notifications. The utilization of information contained in an export notification is almost not there since nothing is happening due to lack of technical capacity and awareness.

However, there is no formal mechanism for communication between the DNAs. Chemical management information is fragmented and scattered in various sectors that have different mandates. The sectoral nature of the implementing institutions limits the communication and interactions between the DNAs and Focal Points (FPs) thus creating an information gap. There is need for an integrated approach within the TORs for the DNAs and FPs that will bring the players together leading to eventual reduction in the communication gap thus strengthening their capabilities and capacities for service delivery.

**STATUS OF IMPLEMENTATION OF ROTTERDAM CONVENTION**

**IDENTIFICATION OF PRIORITY AREAS**

- Proposing legislation for streamlining of national policies, within main Convention for implementation;
- Formulating appropriate mechanisms for social incentives, especially at the local level, supporting interactions among the environmental Conventions and promoting conservation of available natural resources;
- Evaluating and endorsing proposed case studies and projects promoting collaboration among the environmental Conventions;
- Proposing new or revised categories for the TORs for the DNAs and FPs;
- Develop and disseminate resource materials and training for developing countries;
- Strengthen local and institutional capacities through appropriate means and training activities

**IMPLEMENTATION OF ROTTERDAM CONVENTION**

The national import decisions are enforced through a number of stakeholders. If a decision is taken, the DNA will be responsible for enforcement and therefore the Customs authorities will inform those who are impacted such as the users, communities and civil society.

**NOTIFICATION OF FINAL REGULATORY ACTIONS**

On notifications of final regulatory actions to ban or severely restrict a chemical, Non- has been submitted for industrial chemicals for consideration. The process for communicating/reporting final regulatory actions to the Secretariat has not been happening due to lack of technical capacity and awareness. The key challenges in reporting notifications of final regulatory action mainly include absence of regulations governing industrial chemicals and therefore, there is no clear mechanism for reporting.

**Severely Hazardous Pesticide Formulations**

Base on the finding, decision to use such chemical will be taken with some conditions that will have to be met by the user.

**INFORMATION TO ACCOMPANY EXPORT**

The information available under the Convention on notifications of national regulatory actions or proposals for severely hazardous pesticide formulations is not being utilised due to the lack of a clear framework for governing the management of chemicals in the country. Countries reporting on final regulatory action have not been contacted for further information because of the weak framework and non operationalisation of the DNAs and Focal points.

**INFORMATION EXCHANGE PROVISIONS**

There is almost no experience in using the Harmonized System Customs Codes (HS Codes) for chemicals in Annex III because of lack of awareness and limited capacity. The information accompanying such imports is used to raise awareness among the workers on the dangers of the chemicals. The key challenges faced in this area are poor storage thus providing open access to the general public.

**ROTTERDAM CONVENTION WEBSITE**

The DNAs and Focal Points continuously consult the website for additional information on chemicals in other fora that requires information harmonisation.

**HOW CHEMICALS ARE MANAGED**

- The information on contact details of DNAs, for the latest import responses submitted, will be used when necessary.
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Possible opportunities for an integrated approach to implementation of the Rotterdam, Basel and Stockholm Conventions do exist in the country. e.g. existing legal framework that only requires mainstreaming, institutional arrangement that only require re-organisation, inter-ministerial commission and coordinating mechanisms much as they are sectoral in nature and technical infrastructure that only require re-equipping.

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The existing policy and legal framework and the national Development plans are key opportunities for national authorities to manage jointly and link the information available under the individual Conventions and possible advantage of a clearing house mechanism provided by the Secretariat.

Opportunities for national authorities to jointly mobilize financial resources for a joint implementation of the three Conventions and SAICM can be through national capacity building regarding the three conventions and that will provide an opportunity to jointly mobilize resources.
Uganda

What next steps need to be taken at national level for each operational element of the Convention?

43. **Import responses**
Respond to export notification regarding Amitaraz.

44. **Notifications of final regulatory action**
Compile import and use responses on Annex III of Rotterdam Convention support from RC Secretariat as needed.

45. **Severely hazardous pesticide formulations**
Survey and monitoring of pesticide use to establish any hazardous pesticides formulations that warrant. Notifications to the RC Secretariat. Support from RC Secretariat as needed.

46. **Export notification**
None as yet since there is no exportation of hazardous chemicals from the country.

47. **Integration of the Rotterdam Convention with other conventions to better manage chemicals**
Initiate a stakeholder workshop to develop country action plan. Support from RC Secretariat is needed.

48. **How do you use any information by the Convention and this workshop when you return to your country?**
Linking and raising awareness to other stakeholders and guidance on their roles. Support from RC Secretariat needed.

49. **How do you plan to share information acquired during this workshop?**
- Other colleagues:
- Other DNAs:
- Customs:
- NGOs:
- Other stakeholders:

A national workshop to develop country action plan is necessary. Support from RC Secretariat needed.