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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN
INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR
THE APPLICATION OF THE PRIOR INFORMED CONSENT
PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND
PESTICIDES IN INTERNATIONAL TRADE

Ninth session

Geneva, 17-21 November 2003

Item 6 (a) of the provisional agenda*

**Issues arising out of the Conference of Plenipotentiaries:
Support for implementation**

**COMPILATION AND ANALYSIS OF THE RESULTS AND CONCLUSIONS OF
WORKSHOPS ON THE ROTTERDAM CONVENTION**

Note by the secretariat

Introduction

1. At its ninth session, the Intergovernmental Negotiating Committee reviewed ongoing activities in support of the implementation of the interim prior informed consent procedure. There was a general discussion on technical assistance. It was stated that, while direct bilateral assistance between countries, as well as through the secretariat, had been available for such things as the holding of regional and subregional workshops, requests for follow-up actions were often not implemented owing to the lack of a mechanism for technical assistance. Parties experiencing difficulties in implementing the Convention were advised to inform the secretariat, which could also inform potential donors of such needs. It was also noted that it was important for developing countries and countries with economies in transition to put requests for assistance in their national development plans.

2. As a consequence of those discussions, and as a complement to further deliberations on a possible strategic approach to technical assistance, the secretariat was requested to compile and analyse the results and conclusions of the regional and subregional workshops on the Rotterdam Convention and to include information received from Governments and donor agencies as well as information on ongoing technical

* UNEP/FAO/PIC/INC.10/1.

¹ See document UNEP/FAO/PIC/INC.9/21, para. 139.

assistance activities in other forums and related conventions that could be of relevance to the Rotterdam Convention.¹

3. In view of the ongoing changes in technical assistance activities in other forums and related Conventions of relevance to the Rotterdam Convention, that information will be made available to the Committee at its tenth session. A number of intergovernmental organizations and convention secretariats have been invited to inform the Committee of their technical assistance activities that could be of relevance to the Rotterdam Convention.

I. WORKSHOPS UNDERTAKEN IN SUPPORT OF THE INTERIM PRIOR INFORMED CONSENT PROCEDURE

4. The present note covers workshops convened between December 1998 and February 2003. Those workshops consist of two distinct types: those focused primarily on awareness-raising, and those focused on practical training in the key operational elements of the Rotterdam Convention.

5. The present chapter considers each type of workshop in turn and outlines their objectives and how they were structured. Further specific information on the workshops, including venue, numbers of participants and so on, may be found in annex V of document UNEP/PIC/FAO/INC.10/3.

A. Awareness-raising workshops (December 1998 – October 2000)

6. The main purpose of the awareness-raising workshops was to inform designated national authorities concerning the Rotterdam Convention and how the interim prior informed consent procedure differed from the voluntary procedure. The main objectives were to clarify how the interim prior informed consent procedure would operate and the roles and responsibilities of the designated national authorities, the secretariat and the Intergovernmental Negotiating Committee during the interim period, and to promote signing, ratification and implementation of the Rotterdam Convention. They were an opportunity to provide detailed information on Parties' obligations and the associated procedures arising out of the Convention and to foster cooperation between designated national authorities within regions. In addition to exchanging experience on the implementation of the procedure, countries were to identify the actions necessary at the national level to implement the procedure, issues that should be addressed by the Intergovernmental Negotiating Committee, and the necessary actions to strengthen the capacity of designated national authorities to implement the procedure.

7. The workshops took the form of a series of lectures by the secretariat and invited experts on the various articles of the Convention, together with reports from selected countries in the regions involved. There were two to three working group discussions based on a set of prepared questions concerning challenges for designated national authorities in operating the interim prior informed consent procedure, challenges in national implementation of the interim prior informed consent procedure and opportunities for regional cooperation.

8. Three awareness-raising workshops were held: for Asia in December 1998; for Africa (English-speaking countries) in June 2000; and for Latin America and the Caribbean (Spanish-speaking countries) in October 2000.

9. In April 2001, in Australia, a further, subregional awareness-raising workshop was held for countries in the South Pacific region, in cooperation with the secretariats of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention) and the Stockholm Convention on Persistent Organic Pollutants. The meeting took the form of a series of formal presentations on the four conventions and working group discussions. The final wrap-up session was aimed at identifying specific actions that might to be taken by participants and/or the various secretariats to

further assist in-country promotion and ultimately implementation of the four conventions within the subregion.

B. Training workshops (May 2002 – February 2003)

10. In response to requests for training in the implementation of the interim prior informed consent procedure, a workshop curriculum was developed that provided practical training on the key operational elements of the interim prior informed consent procedure. The curriculum included case studies and discussion in small groups on the preparation and submission of notifications of final regulatory actions, review of decision guidance documents and preparation and submission of import responses, review and completion of the incident report form for severely hazardous pesticide formulations, and an exercise on export notifications.

11. To ensure that the workshops were meeting the needs of designated national authorities, workshop participants were requested to prepare a list of issues and challenges that, based on their national experience, they had identified in implementing the interim prior informed consent procedure or in working towards ratification of the Rotterdam Convention. A consolidated list of questions and challenges was prepared in plenary session at the beginning of the workshop. This list was reviewed on the last day of the workshop to determine which of the questions and challenges had been addressed by the workshop and those where further work might be needed.

12. The curriculum also provided opportunities for countries to share their experience in the implementation of the interim prior informed consent procedure and in working towards ratification of the Rotterdam Convention. Countries were encouraged to identify opportunities for improved cooperation in the implementation of the interim prior informed consent procedure at the national and subregional levels. The modified workshop format also provided direct feedback to the secretariat on the documents and processes developed to facilitate the implementation of the interim prior informed consent procedure.

13. Since May 2002, five regional training workshops have been held: for Latin America and the Caribbean (English-speaking countries) in May 2002; for Africa (French-speaking countries) in June 2002; for the Near East in October 2002; for Central and Eastern Europe in November 2002; and for Africa (English-speaking countries) in February 2003. Others are planned for the South-West Pacific in September 2003 and for Latin America and the Caribbean (Spanish-speaking countries) in October 2003. A workshop for countries in the Asia region, scheduled for June 2003 in Beijing, was postponed.

II. KEY OUTCOMES OF THE WORKSHOPS CONVENED TO DATE

14. The full reports of all of the workshops were circulated to workshop participants, have been made available at meetings of the Intergovernmental Negotiating Committee and are posted on the Rotterdam Convention web site.

15. The participants agreed that as a result of the workshops they had gained practical experience in the implementation of the key elements of the interim prior informed consent procedure, having worked on the forms and guidance for the preparation and submission of notifications of final regulatory action, import responses, severely hazardous pesticide formulations and export notification. They also understood how these forms were processed by the secretariat and their role in the operation of the interim prior informed consent procedure. Participants confirmed that the forms and instructions were reasonably clear. Some specific points where additional guidance or clarification was needed were provided.

16. The workshops provided an opportunity for participants to identify national and regional priorities in implementing the interim prior informed consent procedure, and in working towards ratification. Participants also considered how existing cooperative mechanisms and activities might be used in addressing those priorities.

17. The workshop participants concluded that as a result of the training received they had gained a clear understanding of the Rotterdam Convention overall, the operation of the interim prior informed consent procedure and the steps needed to proceed to ratification.

18. The principal problems or challenges identified as impeding implementation of the implementation of the interim prior informed consent procedure and ratification of the Convention by the workshops convened up to February 2003 may be broadly characterized as follows:

(a) Inadequate legal or regulatory infrastructure on chemicals for implementing the provisions of the prior informed consent procedure;

(b) Inadequate legal or regulatory infrastructure for the control of industrial chemicals;

(c) Inadequate human and financial resources for implementing the interim prior informed consent procedure;

(d) Need for improved political support in Ministries responsible for implementing the interim prior informed consent procedure;

(e) Need for improved coordination and communication within and between relevant Ministries and designated national authorities in implementing the interim prior informed consent procedure;

(f) Need to improve or establish cooperation and communication between relevant Ministries, designated national authorities and stakeholders in implementing the interim prior informed consent procedure;

(g) Need for improved coordination at both the national and regional levels in implementing the Rotterdam Convention and other relevant conventions;

(h) Lack of capacity/capability to undertake hazard and risk assessments on the effects of chemicals, including effects of pesticides on human health and the environment;

(i) Poor reporting or collection of information on pesticide poisonings and need for the establishment of poison control centres;

(j) Improved access to international literature, databases, risk/hazard evaluations and socio-economic assessments of chemicals.

III. MEASURING THE IMPACT OF THE WORKSHOPS

19. In developing the training workshops, efforts were made to integrate measures of their success. As noted in section B of chapter I above, participants were provided with a set of questions as they registered for the workshop in order to identify any questions or constraints based on their experience in implementing the interim prior informed consent procedure. The consolidated list of questions agreed during the first part of the workshop was reviewed on the last day in order to determine which questions had been addressed in the course of the workshop and to identify those where further discussion or follow-up might be needed. In the workshops held to date, most if not all of the questions relating to the operation of the interim prior informed consent procedure were addressed in the course of the workshops.

20. Similarly, at the conclusion of each of the practical training modules participants were asked to evaluate the module, to state whether they now understood that aspect of the interim prior informed consent procedure and to identify any outstanding questions. Based on the feedback obtained during the workshops, the training needs of the participants were met, insofar as they stated that the processes associated with the implementation of the interim prior informed consent procedure and how it operates were understood.

21. Further tangible measures of the impact of the workshops include whether there was an increase in the number of import responses for chemicals subject to the interim prior informed consent procedure, of notifications of final regulatory actions submitted to the secretariat or communications with the designated national authorities.

22. A tabular summary covering the countries that participated in the first five training workshops, up to February 2003, has been prepared and is given in annex to the present note. It may be summarized as follows:

Region	Import responses	Designated national authorities
Latin America and Caribbean	1/13 countries submitted an additional import response	Two updated information on their DNAs
Africa (French-speaking)	3/23 countries submitted additional import responses	One new DNA and five updated information on their DNAs
Near East	1/9 countries submitted additional import responses	Three updated information on their DNAs
Central and Eastern Europe	3/13 countries submitted additional import responses	Two new DNAs and five updated information on their DNAs
Africa (English-speaking)	1/13 countries submitted additional import responses	One updated information on its DNA

23. A total of 71 countries participated in the five workshops. Following the workshops, none of those countries has submitted any notification of final regulatory action or a proposal for a severely hazardous pesticide formulation.

24. Six months after the workshops, a letter was sent to participants, with a copy to the designated national authority if different from the meeting participant, regarding the status of implementation of the interim prior informed consent procedure. The letter highlighted whether further import responses or notifications of regulatory actions to ban or severely restrict chemicals had been submitted to the secretariat since the workshop.

25. The limited information available suggests that while workshop participants may have the necessary knowledge for the operation of the interim prior informed consent procedure, there are other factors that preclude their being in a position to ensure its effective implementation. One reason may be that while designated national authorities were invited to participate in the workshops, some Governments sent individuals who were not associated with the designated national authority. The result was that the people directly responsible for the implementation of the interim prior informed consent procedure were not always the ones being trained. Further reasons for the low rate of responses would include those points listed in chapter II.

IV. SUMMARY

26. The workshops have provided some insight into the problems faced by countries in implementing the interim prior informed consent procedure and in working towards ratification of the Rotterdam Convention

27. The feedback from the workshops suggests that the training needs of the participants have been met with respect to the key operational elements of the interim prior informed consent procedure. The challenges or difficulties identified reflect a lack of infrastructure and resources to regulate chemicals or of political will to identify chemicals management issues as a priority. Such generic issues are not amenable to resolution by a workshop. There is a need for a clearer definition of the specific needs of countries or groups of countries. It may be that such issues are better addressed at the individual country level or among smaller groups of

countries as part of a larger programme on chemicals management. It is not realistic to try to address such issues through training concerning the Rotterdam Convention alone.

28. As has been noted by the secretariat at previous sessions of the Intergovernmental Negotiating Committee, technical assistance is largely demand driven. The workshops have identified a general need for technical assistance to improve the capacity of countries to manage chemicals safely. However, countries have not followed up the workshops with any specific requests or proposals to the secretariat for such assistance. Also, it would appear that countries do not include chemicals management issues in their development assistance strategies. In the absence of such requests, it is difficult to mobilize funds or develop meaningful programmes for technical assistance.

29. Further consideration is needed concerning how better to define the challenges and constraints that have been identified through the workshops so that they can be addressed as part of a broader strategy of capacity-building in chemicals management.

Annex

**Impact of the Workshop (Jamaica, Senegal, Islamic Republic of Iran, Ukraine and Namibia) on the Implementation of the Rotterdam Convention
Notifications, SHPF, ICRs and DNA nominations received by the Secretariat**

Participating countries	Notification Before WS	Notification After WS	Proposal for SHPF Before WS	Proposal for SHPF After WS	ICRs Before WS	ICRs After WS	DNAs During and after WS	Other feedback
JAMAICA WS (8-12 April 2002)								
1. Antigua	-	-	-	-	-	-		
2. Argentina	-	-	-	-	-	30 (12/9/03)		
3. Bahamas	-	-	-	-	-	-		
4. Barbados	-	-	-	-	10	-		
5. Belize	-	-	-	-	11	-		
6. Dominica	-	-	-	-	11	-		
7. Grenada	-	-	-	-	-	-	update	
8. Jamaica*	-	-	-	-	26	-		
9. St. Kitts	-	-	-	-	-	-		
10. St. Lucia	-	-	-	-	15	-		
11. St. Vincent and Grenadines	-	-	-	-	-	-		
12. Suriname	-	-	-	-	22	-		
13. Venezuela	-	-	-	-	6	-	update	
SENEGAL WS (10-14 June 2002)								
1. Benin	-	-	-	-	8	-		
2. Burkina Faso*	-	-	-	-	10	-		
3. Burundi	-	-	-	-	19	10 (24/4/03)		
4. Cameroon*	-	-	-	-	8	-		
5. Cape Verde	-	-	-	-	6	-		
6. Central African Republic	-	-	-	-	6	-		
7. Chad	-	-	-	-	27	-		
8. Congo	-	-	-	-	11	-	update	

Participating countries	Notification Before WS	Notification After WS	Proposal for SHPF Before WS	Proposal for SHPF After WS	ICRs Before WS	ICRs After WS	DNAs During and after WS	Other feedback
9. Côte d'Ivoire	-	-		-	-	-		
10. Democratic Republic of the Congo	-	-	-	-	11	-		e-mail (13/5/03)
11. Gabon	-	-	-	-	19	-		
12. Gambia*	-	-	-	-	31	-		e-mail (3/4/03)
13. Guinea*	-	-	-	-	16	-	update	
14. Guinea-Bissau	-	-	-	-	-	-	update	
15. Madagascar	-	-	-	-	17	-	update	
16. Mali*	-	-	-	-	-	-		
17. Mauritania	-	-	-	-	-	-		
18. Morocco	-	-	-	-	11	6 (20/2/03)	update	
19. Niger	1	-	-	-	24	-		
20. Rwanda	-	-	-	-	7	19 (13/7/02)		
21. São Tomé and Príncipe	-	-	-	-	-	-		
22. Senegal*	-	-	1	-	-	-		
23. Togo	-	-	-	-	17	-	nomination	
IRAN WS (19-23 October 2002)								
1. Afghanistan	-	-	-	-		-		
2. Egypt	-	-	-	-	-	-		
3. Iran (Islamic Republic of)	4	-	-	-	13	-		
4. Jordan*	-	-	-	-	31	-	update	
5. Kuwait	-	-	-	-	17	-	update	
6. Lebanon	-	-	-	-	11	-	update	
7. Oman*	-	-	-	-	9	1		
8. Syrian Arab Republic	-	-	-	-	21	-		
9. United Arab Emirates*	-	-	-	-	23	-		

Participating countries	Notification Before WS	Notification After WS	Proposal for SHPF Before WS	Proposal for SHPF After WS	ICRs Before WS	ICRs After WS	DNAs During and after WS	Other feedback
UKRAINE WS (25-29 November 2002)								
1. Armenia	8	-	-	-	27	-	update	
2. Bosnia and Herzegovina	-	-	-	-	7	-		
3. Bulgaria*	-	-	-	-	11	-	update	
4. Czech Republic*	2	-	-	-	18	13 (17/1/03)		
5. Estonia	-	-	-	-	6	-		
6. Georgia	-	-	-	-	-	-	nomination	
7. Hungary*	10	5 (8/1/03)	-	-	23	5 (8/1/03)	update	
8. Kyrgyzstan*	-	-	-	-	-	-	nomination	
9. Lithuania	-	-	-	-	-	-		
10. Romania	-	-	-	-	-	-	update	
11. Russian Federation	-	-	-	-	-	-		
12. Slovenia*	-	-	-	-	12	18 (12/2/03)	update	
13. Ukraine*	-	-	-	-	0	-		
Namibia WS (17-21 February 2003)								
1. Botswana	-	-	-	-	-	-		
1. Ethiopia*	-	-	-	-	11	-		
2. Ghana*	-	-	-	-	-	-	update	
3. Kenya	-	-	-	-	21	-		
4. Liberia	-	-	-	-	18	-		
5. Malawi	-	-	-	-	-	-		
6. Mauritius	-	-	-	-	28	2 (26/2/03)		
7. Mozambique	-	-	-	-	11	-		
8. Namibia	-	-	-	-	-	-		
9. Sierra Leone	-	-	-	-	-	-		
10. Sudan	-	-	-	-	26	-		

Participating countries	Notification Before WS	Notification After WS	Proposal for SHPF Before WS	Proposal for SHPF After WS	ICRs Before WS	ICRs After WS	DNAs During and after WS	Other feedback
11. Swaziland	-	-	-	-	-	-		
12. United Republic of Tanzania *	-	-	-	-	26	-		
13. Zambia	-	-	-	-	6	-		

* Ratified
