



**Rotterdam Convention on the Prior
Informed Consent Procedure for
Certain Hazardous Chemicals and
Pesticides in International Trade**

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English only

**Conference of the Parties to the Rotterdam Convention
on the Prior Informed Consent Procedure for Certain
Hazardous Chemicals and Pesticides in International Trade
Eighth meeting**

Geneva, 24 April–5 May 2017

Item 5 (b) (ii) of the provisional agenda*

**Matters related to the implementation of the
Convention: listing of chemicals in Annex III
to the Convention: intersessional work on the
process of listing chemicals in Annex III**

**Comments on the proposals to amend Articles 16 and 22 of the
Rotterdam Convention**

Note by the Secretariat

As referred to in the note by the Secretariat on the intersessional work on the process of listing chemicals in Annex III to the Rotterdam Convention, proposals to amend Articles 16 and 22 of the Rotterdam Convention (UNEP/FAO/RC/COP.8/16/Add.1), the annex to the present note sets out the comments submitted by Parties by 23 January 2017 on the proposals to amend Articles 16 and 22 of the Rotterdam Convention. The present note, including its annex, has not been formally edited.

* UNEP/FAO/RC/COP.8/1.

Annex

Comments submitted by Parties on the proposals to amend Articles 16 and 22 of the Rotterdam Convention

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Colombia

From: [JUAN SEBASTIAN GOMEZ MARTINEZ](#)
To: [Juliette Kohler](#)
Cc: [MARIA LAURA ROJAS VALLEJO](#)
Subject: RV: S, FW: Rotterdam Convention communication - Proposals to amend Articles 16 and 22 of the Rotterdam Convention to be considered at COP-8 boundary="---boundary_1000_3d95c743-f702-4229-99ce-0336ca4b6176"
Date: vendredi, 23. décembre 2016 19:27:31
Attachments: [image002.png](#)

Dear Mrs Kohler,

I am writing in reference to the proposal to amend Articles 16 and 22 of the Rotterdam Convention. Colombia considers the following:

Article 16:

- Colombia has benefited by the Convention under this article in the way it is redacted with technical assistance
- We consider that it is a good option in order to strengthen the implementation of the convention
- Thought amending the convention is a good option, Colombia considers that it may take too long due to internal procedures of the Parties. In this scenario, the effectiveness of the Convention could be hindered.

Article 22:

- This proposal may cause that the articles 6,7 and 9 become inoperative.
- It also could hinder the CRC functions.
- We consider that the process of listing a chemical in the annex III is hampered by the cases that the consensus is unachievable. In this scenario, we consider that the solution ought to be addressed to improve the listing procedure instead of eliminating it.
- The process of amend might take several years due to internal procedures.

The position of Colombia in reference to the different proposals will be reinforced by interinstitutional meetings and presented at the COP.

I would appreciate if you could acknowledge receipt of this message.

Best regards and happy holiday season.

Juan Sebastián Gómez Martínez.

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CANCELLERÍA



Ecuador



OBSERVACIONES DE ECUADOR

Propuestas de enmiendas de los artículos 16 y 22 del Convenio de Rotterdam que se deberán analizar en la octava reunión de la Conferencia de las Partes

"Artículo 16 Asistencia técnica y financiera."

Como entidades a cargo del Convenio de Rotterdam, estamos de acuerdo con la propuesta de enmienda al artículo 16, debido a que fortalece al alcance del artículo hacia la inclusión de sustancias dentro del Anexo III del Convenio.

Para nuestro país es importante que se mantenga esta propuesta de enmienda para poder cumplir con los objetivos del convenio. Sin embargo solicitamos que el Fondo Mundial del Medio Ambiente considere el apoyo a los proyectos bajo el enfoque del Convenio de Rotterdam dándole la importancia que se asigna a los demás convenios puesto que cada uno de ellos fortalece la capacidad en la gestión adecuada en las diferentes fases del ciclo de vida de los productos químicos, manteniendo la sinergia entre los mismos.

"Artículo 22 Aprobación y enmienda de anexos"

Estamos de acuerdo con la propuesta de enmienda al artículo 22, debido a que crea una alternativa de funcionalidad para el convenio, ya que al no llegar a un consenso para la propuesta, aprobación y entrada en vigor de las enmiendas a los anexos de este convenio, esta enmienda permite que se someta a una votación como último recurso para la aprobación con mayoría de tres cuartos de las partes presentes y votantes en la reunión.

Elaborado por: Puntos focales de Convenio de Róterdam en Ecuador



NON OFFICIAL TRANSLATION
OBSERVATIONS FROM ECUADOR

Proposals for amendments to Articles 16 and 22 of the Rotterdam Convention to be considered at the eighth meeting of the Conference of the Parties

"Article 16: Technical and financial assistance"

As entities in charge of the Rotterdam Convention, we agree with the proposed amendment to Article 16 because it strengthens the scope of the article towards the inclusion of substances within Annex III of the Convention.

For our country it is important that this proposal of amendment is maintained, in order to be able to fulfill the objectives of the agreement. We do, however, request that the Global Environmental Facility consider supporting projects under the Rotterdam Convention approach by giving it the importance attached to the other Conventions, since each of them strengthens the capacity in the appropriate management in the different phases of the life cycle of chemicals, maintaining synergy between them.

"Article 22: Adoption and amendment of annexes"

We agree with the proposed amendment to article 22, because it creates an alternative functionality for the agreement. If a consensus is not reached for a proposal, approval and entry into force of the amendments to the annexes of this agreement, this amendment allows to vote, as a last resource, for approval by a three-fourths majority of the parties present and voting at the meeting.

Prepared by: Rotterdam Convention Focal Points in Ecuador



European Union

PROPOSAL TO AMEND ARTICLE 16 OF THE ROTTERDAM CONVENTION

COMMENTS OF THE EUROPEAN UNION AND ITS MEMBER STATES

The European Union and its Member States thank the proponent Parties for their proposal to amend Article 16 of the Rotterdam Convention, which we have read and considered with interest.

We believe that relevant and effective decisions have already been taken in various *fora* to foster the provision of technical and financial assistance for implementation of the Rotterdam Convention, including decisions RC-7/8, SC-7/21 and SC-7/22.

In line with decision RC-7/8, it should be recalled that the support provided to countries by the Global Environment Facility already takes into account, subject to its mandate, possible relevant aspects of the Rotterdam Convention within the revised focal area for chemicals and waste.

Furthermore, the European Union and its Member States remain committed to support developing countries in accordance with the provisions of the Rotterdam Convention and relevant COP decisions on the implementation of the integrated approach to financing.

The proposed amendment would entail a complex and difficult process of amendment of the convention, which is not expected to bring any concrete added value. In addition, the amendment would not be in line with the mandate and procedures of the GEF and would therefore require amendments to the GEF, which would entail lengthy and difficult negotiations.

In view of these considerations, we believe that it is important to focus at present on making full and efficient use of existing instruments in implementation of the integrated approach to financing.

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PROPOSAL TO AMEND ARTICLE 22 OF THE ROTTERDAM CONVENTION

COMMENTS OF THE EUROPEAN UNION AND ITS MEMBER STATES

The European Union and its Member States thank the proponent Parties for their proposal to amend Article 22 of the Rotterdam Convention.

We are strongly sympathetic about the intention of this proposal. We understand and share the objective to improve the current situation of the Convention by addressing the blockage faced for the listing of substances in Annex III to the Convention and ensuring that decisions will be adopted based on scientific and technical considerations, in accordance with the Convention.

The European Union and its Member States stand ready to discuss with the proponents the best way to achieve this objective in a manner that would interfere as little as possible with the operation of the Convention, while improving the listing process and removing the current blockages.

As it is essential that any amendments to the Convention provide long term solutions, we are willing to continue to engage with the proponents and other Parties in the consideration of the various possible options in order to make sure that all consequences of any potential modification are understood and a sufficiently broad consensus is reached on an effective solution that would improve the listing process of the Convention.

* * * * *

Guatemala



Misión Permanente de Guatemala
ante la Organización de las Naciones Unidas
y otras Organizaciones Internacionales
Ginebra, Suiza

No. OE/13/077

La Misión Permanente de Guatemala ante la Organización de las Naciones Unidas y otras Organizaciones Internacionales en Ginebra, saluda atentamente a la Secretaría Ejecutiva del Convenio de Rotterdam, en ocasión de hacer referencia a las propuestas de enmiendas de los artículos 16 y 22 del Convenio de Rotterdam.

En este sentido, la Misión Permanente de Guatemala ante la Organización de las Naciones Unidas y otras Organizaciones Internacionales en Ginebra, tiene el honor de informar la opinión del Estado de Guatemala concerniente a las propuestas de enmiendas:

- Artículo 16: El Estado de Guatemala apoya la propuesta de enmienda al artículo 16, derivado a que es beneficioso que no solo se tenga Asistencia Técnica, sino también Financiera.
- Artículo 22: el Estado de Guatemala se abstiene de emitir opinión sobre dicho artículo, manteniendo la posición de años anteriores.

La Misión Permanente de Guatemala ante la Organización de las Naciones Unidas y otras Organizaciones Internacionales en Ginebra aprovecha la oportunidad para renovar a la Secretaría Ejecutiva del Convenio de Rotterdam, las seguridades de su más alta y distinguida consideración.

Ginebra, 23 de enero de 2017.

C.O. /



Secretaría Ejecutiva del Convenio de Rotterdam
Ginebra, Suiza

CM

CC: juliette.kohler@brsmeas.org

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India

S.N.	Existing text of Convention	Proposed text	Comments/Suggestions by India
1.	<p>“Article 16</p> <p><u>Technical assistance</u></p> <p>The Parties shall, taking into account in particular the needs of developing countries and countries with economies in transition, cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of this Convention. Parties with more advanced programmes for regulating chemicals should provide technical assistance, including training, to other Parties in developing their infrastructure and capacity to manage chemicals throughout their life-cycle.”</p>	<p>“Article 16</p> <p><u>Technical and financial assistance</u></p> <p>The Parties shall, taking into account in particular the needs of developing countries and countries with economies in transition, cooperate to provide technical and financial assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of this Convention through the Global Environment Facility Trust Fund. Developed country Parties and other Parties with more advanced programmes for regulating chemicals should provide technical and financial assistance to developing country Parties and Parties with economies in transition to develop projects geared at strengthening their capacity to manage chemicals throughout their life-cycle, and taking informed decisions to list chemicals in Annex III of the Convention.”</p>	<p>“Article 16</p> <p><u>Technical and financial assistance</u></p> <p><i>The Parties shall, taking into account in particular the needs of developing countries and countries with economies in transition, cooperate and commit to provide technical and financial assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of this Convention through the Global Environment Facility Trust Fund. Developed Country Parties and other Parties with more advanced programmes for regulating chemicals should provide technical and predictable committed financial assistance to developing country Parties and Parties with economies in transition in developing their infrastructure and capacity to manage chemicals throughout their life-cycle.”</i></p> <p><i>Note: If the above revised text or similar in intent is not agreeable, status quo may be maintained. This suggestion is more so since the aim of this Article is primarily to provide assistance in sound management of chemicals throughout their life cycles among all parties specially developing parties and parties with economies in transition. The goal of this Article is much wider and holistic in line with overall goal of the Convention. The preamble of the Convention clearly draws attention on the basic objective of</i></p>

		<p><i>the Convention which is, strengthening national capabilities, capacities of sound chemicals management, transfer of technology, financial as well as technical assistance and promotion of cooperation among all parties.</i></p> <p><i>Article 16 is the only Article where the above two basic objectives of the Convention are dealt. Amending this Article by mentioning listing process is shifting the focus away from the domestic sound management of chemicals in developing parties and parties with economies in transition by way of technical assistance and financial assistance from developed parties. These provisions cannot be diluted by incorporating some other subject which are dealt in more than 20 articles.</i></p> <p><i>Strengthening the national capabilities and capacities for sound management chemicals including transfer of technology, providing financial and technical assistance and promoting cooperation among all parties is key to the success of the Convention. Shifting the focus of this Article towards procedural part of amendment in Annex III, is not in the overall interest of the objective of this Convention. Therefore, the focus on domestic capacity building, especially developing parties and parties with economies in transition cannot be diluted. The scope of this article should remain as stated in the preamble and objectives of the Convention. Therefore, India strongly objects to the reference of Annex III to this Article in the proposed amendment. Once the capacity building in developing parties and parties with economies in transition are improved, it will naturally enable the parties to contribute to the all parts of the Convention including listing</i></p>
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2.	<p>“Article 22</p> <p><u>Adoption and amendment of annexes</u></p> <p>1. Annexes to this Convention shall form an integral part thereof and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any annexes thereto.</p> <p>2. Annexes shall be restricted to procedural, scientific, technical or administrative matters.</p> <p>3. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention:</p> <p>(a) Additional annexes shall be proposed and adopted according to the procedure laid down in paragraphs 1, 2 and 3 of Article 21;</p> <p>(b) Any Party that is unable to accept an additional annex shall so notify the Depositary, in writing, within one year from the date of communication of the adoption of the additional annex by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous notification of non-acceptance in respect of an additional annex and the annex shall thereupon enter into force for that Party subject to</p>		<i>processes.</i>
		No change proposed in para (1), (2) & (3).	

	<p>subparagraph (c) below; and (c) On the expiry of one year from the date of the communication by the Depositary of the adoption of an additional annex, the annex shall enter into force for all Parties that have not submitted a notification in accordance with the provisions of subparagraph (b) above.</p>		
3.	<p>“Article 22</p> <p>4. Except in the case of Annex III, the proposal, adoption and entry into force of amendments to annexes to this Convention shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to the Convention.</p>	<p>4. The proposal, adoption and entry into force of amendments to annexes to this Convention shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to the Convention.</p>	<p><i>Cannot be agreed.</i> The Rotterdam Convention entirely revolves on the sanctity of keeping Annex III amendments infallible from vested interest.</p> <p>India cannot agree to deletion of the words “Except in case of Annex III”.</p>
4.	<p>“Article 22</p> <p>5. The following procedure shall apply to the proposal, adoption and entry into force of amendments to Annex III:</p> <p>(a) Amendments to Annex III shall be proposed and adopted according to the procedure laid down in Articles 5 to 9 and paragraph 2 of Article 21;</p> <p>(b) The Conference of the Parties shall take its decisions on adoption by consensus;</p> <p>(c) A decision to amend Annex III shall forthwith be communicated to the Parties by the Depositary. The amendment shall</p>	<p>deleted.</p>	<p><i>Cannot be agreed.</i> The Rotterdam Convention entirely revolves on the sanctity of keeping Annex III amendments infallible from vested interest.</p> <p><i>Note: The proposed amendment by group of 12 African countries (other than South Africa and Zimbabwe) is clearly intended to remove the requirement of consensus among parties in order to amend any part of Annexure III to the Rotterdam Convention.</i></p> <p><i>In its present form, the text of the Convention prescribes that all other Annexures and main text of the Convention can be amended without consensus, but by obtaining 3/4th majority of parties present while voting, in favour of the amendment, if consensus cannot be achieved. It</i></p>

	<p>enter into force for all Parties on a date to be specified in the decision.</p>	<p><i>is required to understand that Annex III has pivotal status in terms of operations and effectiveness of the Convention. That is reason why the cooperation and support of all parties are mandatory while amending the Annex III. The following may be noted:</i></p> <p><i>(a) Removing the provision of requirement of consensus for amendment to Annex III will dilute the objective and purpose of the Convention. Article I of the Convention, defines objective of the Convention, in terms of shared responsibility and cooperative effort amongst parties in international trade of certain hazardous chemicals and pesticides to protect human health and environment. In any crucial decision, leaving 25 percent of the parties will weaken the overall objective of the Convention. As support of all parties is mandatory in achieving overall objective of the Convention. Therefore, the proposed amendment is undesirable.</i></p> <p><i>(b) It is legally not tenable to amend stringent provision such as "consensus" by less stringent provisions, such as 3/4th parties present and voting. Therefore, the proposed amendment in Article 22 is not legally not tenable, as the parties had acceded to the text of the Convention on the terms regarding amendment of Annex III.</i></p> <p><i>(c) As per para (5) of Article 21, any amendment to the text of the Convention will be applicable only to those parties who has accepted it and deposited the instrument of rectification, acceptance or approval of the amendment. The proposed amendment will create a situation where there are multiple forms and shapes of the text of the Convention and</i></p>
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		<p><i>Annex III. It will create confusion in implementation of Prior Informed Consent (PIC) procedures in International Trade of Hazardous chemicals and pesticides. It will diminish the effectiveness of PIC procedures among parties.</i></p> <p><i>(d) The amendment in the procedure of amendment to Annex III of RC which requires consensus is akin to renegotiating the Convention itself as the role of Annex III is like a pivot around which the entire convention revolves, any amendment to Annex III has to have the consensus as to take all the parties along in the implementation of PIC procedures. The proposed amendment cannot be undertaken as it will undermine the successes and achievements of the Convention so far.</i></p> <p><i>(e) The Article 16 and Article 22 deals with completely different subjects within the Convention, but no separate justification has been given for amendment in each Articles. The justification for amendment to Article 22 are very general in nature and does not support the conclusion for amendments as proposed. The para-wise remarks on the comments given by 12 African parties are as follows:</i></p> <p><i>(i) The proposed amendment does not strengthen the PIC procedure as many chemical may be listed in Annex III without the consent of many parties leading to multiple Annex III(s) leading to confusion and chaos, thereby weakening of PIC procedures in International trade.</i></p> <p><i>(ii) As correctly stated, in this para given by proposing parties, the objective of this Convention is to promote shared responsibility</i></p>
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		<p><i>and cooperative efforts among parties to protect human health and environment. But the proposed amendment is contrary to the goal and it promotes majoritarian dominance at the cost of leaving out minority. This approach will not achieve the objective of the Convention of protecting global health and global environment from the hazards of chemicals and pesticides.</i></p> <p><i>(iii) The Chemical Review Committee (CRC) has to justify its recommendations to the satisfaction of the Conference of Parties(CoP). The CRC being technical committee is represented by only few parties (31 parties). Although the technical and scientific skills exist also among non-CRC parties. During CoP, all parties and their scientific team further evaluates these chemicals before agreeing to the listing in Annex III and then taking the final decision. The CRC recommendations of 31 chemical experts is not binding on chemical experts of 155 parties during COP. Therefore, acceptance/non-acceptance of CRC decisions by COP should be construed as review evaluation of proposed chemical based on scientific and technical principle by a wider group of 155 experts. Non-acceptance of CRC decisions by COP cannot be painted as failure of the COP process or convention itself. It is rather a success that once a chemical is listed, all the parties are committed to act on the chemicals as prescribed by PIC procedures, by a true sense of common and shared responsibility by all parties.</i></p> <p><i>(iv) Establishment of inter sessional working group is a welcome move.</i></p> <p><i>(v) During the inter sessional working group held in Riga,3-5, July, 2016 in Latvia</i></p>
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			<p><i>many ideas emerged but there was no conclusion which might have prompted to amend Article 22 in the proposed fashion. There were equal number of ideas confirming the faith and efficiency of the Convention by having consensus to amend Annex III as well. Therefore, mere establishment of inter sessional working group does not justify the proposed amendment.</i></p> <p><i>(vi) The proposed amendment will not help the African region in its challenges in controlling illegal traffic of unwanted chemicals and in protecting human health and environment. In order to solve these problems predictable and committed technical and financial assistance within the scope of Convention from developed country parties to developing parties and PETs is the way out in tackling this kind of challenges in illegal traffic in hazardous chemical and having sound management mechanism within the region.</i></p> <p><i>Therefore, the justification given by a group of 12 parties (other than South Africa and Zimbabwe) on proposed amendment in the Article 22, is misleading and cannot be considered</i></p>
5.	<p>“Article 22</p> <p>6. If an additional annex or an amendment to an annex is related to an amendment to this Convention, the additional annex or amendment shall not enter into force until such time as the amendment to the Convention enters into force.”</p>	No change proposed in para (6)	

Qatar

From: [Maha A. Al-Hammadi](#)
To: [Juliette Kohler](#)
Cc: [Aisha Ahmed Saleh Albaker](#); [Samera M. Al-Sheeb](#); geneva@mofa.gov.qa
Subject: Qatar's comments on proposal to amend articles 16 and 22
Date: jeudi, 29. décembre 2016 11:09:32
Attachments: [Scan.odf](#)

Dear Ms. Kohler,

I hope my email finds you very well. Regarding the proposal to amend Articles 16 on technical assistance and 22 on adoption and amendment of annexes of the Rotterdam Convention, We in state of Qatar support the proposed amendment for both articles 16 and 22. And looking forward to discuss it in the upcoming COP8.

Best Regards,
Maha

Ms. Maha Ali Al-Hammadi
Head of International Chemicals Conventions Team
Radiation Protection and Chemical management Department
Ministry of Municipalities and Environment
Doha – Qatar



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Republic of Moldova

From: [Carolina Banaru](#)
To: [Juliette Kohler](#)
Subject: Proposals to amend Articles 16 and 22 of the Rotterdam Convention to be considered at the eighth meeting of the Conference of the Parties
Date: mercredi, 14. décembre 2016 08:36:17

Dear Juliette,
I have examined the proposals to amend Articles 16 and 22 of the Rotterdam Convention to be considered at the eighth meeting of the Conference of the Parties, also the proposed amendments to Annex III to the Convention and I should like to say that I am agree with it.

Best regards,
Banaru Carolina, focal point for the Rotterdam Convention, Republic of Moldova
Phone: +373 22 204 524

Zimbabwe



ENVIRONMENTAL MANAGEMENT AGENCY

All communications should be addressed to "The Director General"
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6 January 2016

Mr. Rolph Payet
 Executive Secretary
 Secretariat of the Rotterdam Convention
 11-13 chemin des Anémones
 CH-1219, Châtelaine, Geneva
Switzerland

Subject: Proposals to amend Articles 16 and 22 of the Rotterdam Convention to be considered at the eighth meeting of the Conference of the Parties

The Government of the Republic of Zimbabwe acknowledges receipt of the communication on the subject matter that came from Executive Secretaries Mr. Rolph Payet and Mr. William Murray, dated 18 October 2016. The letter communicated to the Parties the text of amendments to Articles 16 and 22 of the Rotterdam Convention proposed by some African Countries based on Article 21 second paragraph.

While a select group of African countries (as advised by the Rotterdam Convention Secretariat through its correspondence of 18 October 2016), have made a proposal to amend Article 22 of the Rotterdam Convention on rules of procedure for adoption and entry into force of amendments to annexes to allow decision making through voting in cases where no agreement is reached, Zimbabwe has not supported this proposal and is not in support of the proposed amendment of Article 22 of the Rotterdam Convention. Zimbabwe's considered proposal is to maintain the status quo that provides for decision-making based on consensus by Parties.

It is Zimbabwe's submission that changing decision-making rules to suit a particular objective to list some chemicals / substances in Annex III is a narrow focus in the grand scheme of the Rotterdam Convention and this has the potential to also compromise the 'effectiveness' of the decision-making process. In principle, the absence of consensus should therefore not question the 'effectiveness' of the Rotterdam Convention, or lack of it. In fact, the effectiveness should be measured from the impact of the final decision made by the Parties.

We believe that consensus is the basis of the Rotterdam Convention while voting is an exception. Zimbabwe therefore considers that the proposed amendment of Article 22 and in particular the elimination of the fifth paragraph to introduce voting to decide on listing substances in Annex III will be against the principle of the Rotterdam Convention of 'sharing responsibilities and cooperative efforts among Parties'. This will also be against Decision RC-7/5 of COP7 in 2015 that provided for discussion of the possible amendments within the framework of the Intersessional Working Process.

With regards to proposed amendment of Article 16 of the Rotterdam Convention, Zimbabwe's considered proposal is for the Rotterdam Convention to extend technical and financial support for capacity building and research on the environmental and health impacts of hazardous chemical substances and ability to comply with the Rotterdam Convention obligations on notifications. This is in light of the limited capacity of some developing countries to conduct risk evaluations and obtain information on chemicals that require particular international attention. Zimbabwe therefore supports the proposal to amend Article 16 of the Rotterdam Convention for consideration at the eighth meeting of the Conference of Parties (COP8).



Signature by Zimbabwe Designated National Authority

*Cc: Chief Secretary to the President and Cabinet
 Secretary for Foreign Affairs
 Secretary for Industry and Commerce
 Permanent Mission of the Republic of Zimbabwe to the United Nations
 Office in Geneva*

Conference Review Paper (CRP) by Zimbabwe on Proposed Amendment of Article 16 of the Rotterdam Convention

The Chemical Review Committee (CRC) of the Conference of Parties (COP) to the Rotterdam Convention proposed listing of chrysotile asbestos in Annex III of the Convention. The COP has faced resistance to list such chemicals as chrysotile asbestos in Annex III within the scope of the Prior Informed Consent (PIC) procedure since COP3. There has been no consensus on this proposal mainly because of lack of conclusive scientific evidence to warrant the listing of chrysotile on the PIC procedure for human health and environmental protection reasons.

The COP7 to the Rotterdam Convention, in its decision (RC-7/5) in 2015, established inter-sessional work to unlock challenges that the COP has been facing in several attempts to generate consensus with regards to the listing of chemicals as proposed by the CRC to the COP. Scientific evidence is a prerequisite for a decision to be taken on listing chemicals in Annex III of the Rotterdam Convention. Within the framework of the Convention, it is of paramount importance to conduct in-depth independent scientific researches in the territories of the Parties objecting to the listing of the target chemicals to establish evidence of health and environmental impact of the chemicals. Country-specific scientific studies are critical for countries to develop well-informed and evidence-based national positions. This is against the background that developing countries, especially the least developed among them, lack financial resources and technical capacity to undertake comprehensive impact assessment studies.

Zimbabwe has always expressed commitment to undertake independent scientific researches on the significance of asbestos-related diseases in the country as a result of both occupational and non-occupational exposure to chrysotile asbestos. Lack of financial and technical resources has weighed down on the capacity to roll out in-depth scientific researches on the effects of chrysotile asbestos.

The limited capacity of some developing countries to conduct risk evaluations and obtain information on chemicals that require particular international attention should not be under-estimated. Zimbabwe's considered proposal is for the Rotterdam Convention to extend technical and financial support for capacity building and research on the environmental and health impacts of hazardous chemical substances and ability to comply with the Rotterdam Convention obligations on notifications. Zimbabwe therefore supports the proposal to amend Article 16 of the Rotterdam Convention for consideration at the eighth meeting of the Conference of Parties (COP8).

Conference Review Paper (CRP) by Zimbabwe on Proposed Amendment of Article 22 of the Rotterdam Convention

The Chemical Review Committee (CRC) of the Conference of Parties (COP) to the Rotterdam Convention proposed listing of chrysotile asbestos in Annex III of the Convention. The COP has faced resistance to list such chemicals as chrysotile asbestos in Annex III within the scope of the Prior Informed Consent (PIC) procedure since COP3. There has been no consensus on this proposal mainly because of lack of conclusive scientific evidence to warrant the listing of chrysotile on the PIC procedure for human health and environmental protection reasons.

The COP7 to the Rotterdam Convention, in its decision (RC-7/5) in 2015, established inter-sessional work to unlock challenges that the COP has been facing in several attempts to generate consensus with regards to the listing of chemicals as proposed by the CRC to the COP. The primary objective has been to develop options for improving the effectiveness of the decision-making process of COP.

It should be recalled that Parties to the Rotterdam Convention decided on procedures that require consensus by all parties for the listing of a substance. Following this procedure, it is possible to ensure that, substances proposed for listing are carefully evaluated based on science, and that their listing does not depend on the varying interests but rather on science-based facts for environmental or human health reasons.

While a select group of African countries (as advised by the Rotterdam Convention Secretariat through its correspondence of 18 October 2016), have made a proposal to amend Article 22 of the Rotterdam Convention on rules of procedure for adoption and entry into force of amendments to annexes to allow decision making through voting in cases where no agreement is reached, **Zimbabwe has not supported this proposal and is not in support of the proposed amendment of Article 22 of the Rotterdam Convention.** Zimbabwe's considered proposal is to maintain the status quo that provides for decision-making based on consensus by Parties.

It is Zimbabwe's submission that changing decision-making rules to suit a particular objective to list some chemicals / substances in Annex III is a narrow focus in the grand scheme of the Rotterdam Convention and this has the potential to also compromise the 'effectiveness' of the decision-making process. In principle, the absence of consensus should therefore not question the 'effectiveness' of the Rotterdam Convention, or lack of it. In fact, the effectiveness should be measured from the impact of the final decision made by the Parties.

We believe that consensus is the basis of the Rotterdam Convention while voting is an exception. Zimbabwe therefore considers that the proposed amendment of Article 22 and in particular the elimination of the fifth paragraph to introduce voting to decide on listing substances in Annex III will be against the principle of the Rotterdam Convention of 'sharing responsibilities and cooperative efforts among Parties'. This will also be against Decision RC-7/5 of COP7 in 2015 that provided for discussion of the possible amendments within the framework of the Intersessional Working Process.