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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

Bonn, 30 September-4 October 2002

Item 6 (a) of the provisional agenda\*

ISSUES ARISING OUT OF THE CONFERENCE OF PLENIPOTENTIARIES

Support for implementation

Note by the secretariat

1. At the Conference of Plenipotentiaries, the President summed up a number of statements made during the Conference as follows:

“During the Rotterdam Conference, the African group and several other delegations expressed their concern about the technical and financial assistance necessary for the implementation of the Convention. They also voiced their concern about technical and financial assistance, as well as information exchange, during the interim period. Such information should cover scientific, technical, economic and legal information concerning chemicals within the scope of the Convention, including toxicological, ecotoxicological and safety information. It was suggested that the next meetings of the Intergovernmental Negotiating Committee could address those questions.

Some delegations indicated that they would be willing to make financial contributions for the operation of the secretariat and towards providing technical assistance to promote sustainable chemicals management in the interim period between the Diplomatic Conference and the first meeting of the Conference of the Parties. These announcements were welcomed by participating States.”<sup>1</sup>

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\* UNEP/FAO/PIC/INC.9/1.

<sup>1</sup> UNEP/FAO/PIC/CONF/5, annex II.

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2. Paragraph 15 of the resolution on interim arrangements adopted by the Conference of Plenipotentiaries reads as follows:

“Calls on States and regional economic integration organizations with more advanced programmes for regulating chemicals to provide technical assistance, including training, to other States and regional economic integration organizations in developing their infrastructure and capacity to manage chemicals throughout their life-cycle, particularly in view of the urgent need of their participation in effective operation of the Convention once it enters into force.”<sup>2</sup>

3. Article 16 of the Rotterdam Convention, entitled “Technical assistance”, reads as follows:

“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.”

4. It is not clear to what extent the cooperation called for in the resolution on interim arrangements and in article 16 has taken place. Some developed countries have provided direct support to other countries relevant to the objectives of the Convention. Also, a number of countries have provided financial assistance to the secretariat for regional and subregional workshops on the Convention. As part of those workshops, participants have requested a number of possible follow-up actions, including actions related to technical assistance. These requested actions have frequently not been implemented, usually because of the lack of a mechanism for technical assistance, including modalities for accessing resources, or because countries do not identify their chemicals management needs as a priority when seeking development assistance.

5. Member organizations of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC), and donors through bilateral assistance arrangements, are undertaking projects in support of capacity-building that may have a direct, positive relationship to country needs under the Rotterdam Convention. Such projects include the development of national profiles and capacity-building activities on chemical safety such as supporting the development of chemicals legislation, prevention and removal of obsolete pesticide stocks, inventorying and managing polychlorinated biphenyls (PCBs) and promoting sustainable pesticide alternatives, in particular integrated pest management.

6. Also, a number of activities under the Stockholm Convention are being undertaken which are of relevance to activities which may take place under the Rotterdam Convention. Activities supported by the Global Environment Facility (GEF) could be of particular interest. GEF is presently providing financial support for enabling activities in connection with POPs, including financial support for the development of implementation plans to GEF-eligible countries which have signed or acceded to the Stockholm Convention. Many elements of these implementation plans could be of direct relevance to those countries' ability to implement the Rotterdam Convention.

7. At its most recent meeting, from 15 to 17 May 2002, the GEF Council agreed, inter alia, to a proposal to amend paragraph 2 of the GEF instrument by adding a new subparagraph (f), which would read “Persistent organic pollutants”. The effect of this amendment would be to create a new focal area on POPs. The GEF Council also agreed to a proposal to revise the first sentence of paragraph 3 of the GEF instrument to read “The agreed incremental costs of activities to achieve global environmental benefits concerning chemicals management as they relate to the above focal areas shall be eligible for funding”. A decision on these proposals will be taken by the GEF Assembly at its second meeting, in Beijing in October 2002. The effect of these decisions could include additional opportunities for financial support for chemicals management projects with global environmental benefits.

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<sup>2</sup> Ibid., annex I.

8. The extent to which the very slow pace of ratification of the Rotterdam Convention is related to the provision of technical assistance, or the lack of it, is not clear.
9. The Committee may wish to consider:
  - (a) Requesting the secretariat to compile and analyse the results and conclusions of the regional and subregional workshops on the Rotterdam Convention; information received from Governments; and ongoing technical assistance activities in other forums that could be of relevance to the Rotterdam Convention, and to prepare a report for the Committee at its tenth session on technical assistance needs and opportunities for synergies as the basis for a possible strategic approach to technical assistance;
  - (b) Inviting the GEF implementing agencies to consider, on the basis of the outcome of the GEF Assembly meeting in Beijing in October 2002, whether there may be appropriate projects relating to one or more GEF focal areas that could have the incremental benefit of strengthening the capacity of countries to implement the Rotterdam Convention, and if so to develop appropriate proposals;
  - (c) Discussing possible approaches that could lead to a “fast start” under article 16 once the Convention enters into force.

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