

Proposal for a new annex to the Rotterdam Convention

Governments of Canada, Colombia, Costa Rica, Ghana, Jordan, Mali,
Nigeria, Peru, Switzerland, Thailand, and the United Republic of
Tanzania and Zambia.

A new proposal

- On 26 October twelve parties formally submitted a proposal to add a new annex to the Rotterdam Convention, to establish a compliance mechanism.
- This will be considered at the ninth meeting of the Conference of the Parties, in April/May 2019.
- This proposal offers a new approach which may help the COP make progress on an issue which has been under discussion for 14 years in eight COPs.
- This presentation explains the proposal, and also invites Parties to become co-sponsors of the proposal

Why we need a Compliance Mechanism

- A compliance mechanism is a central part of legally-binding Multilateral Environmental Agreements.
- Compliance is essential to achieving the objectives of the Rotterdam convention.
- An effective mechanism can facilitate implementation.
- It can support Parties, particularly any Party having difficulties in meeting its obligations.
- It can give Parties confidence that other Parties are accountable and are fulfilling their obligations.
- A compliance mechanism should be facilitative and cooperative.

Discussions so far

- Article 17 of the Convention requires the COP to agree a compliance mechanism “as soon as practicable”.
- Many hours have been spent in negotiation trying to agree a decision to establish a mechanism.
- The 2015 COP came very close to agreeing a comprehensive text: but part of one paragraph was outstanding, and one Party blocked consensus.
- In 2017, a small group of Parties similarly blocked consensus, and reopened many issues which had been agreed in 2015.

A New Proposal

- Compliance will be on the agenda of the 2019 COP.
- The earlier proposals, for a COP decision, will remain on the table.
- Ideally the COP will be able to agree a decision.
- In case the COP is unable to agree a decision, the proposed new annex establishing a compliance mechanism offers a new way forward.

The Proposed New Annex

- The proposed annex is the same text which was negotiated in 2015 - with minor changes to reflect the context and the passing of time. This text had overwhelming support from Parties in 2015 and 2017.
- It establishes a Compliance Committee, and sets out its procedures.
- It sets out the range of triggers which may merit a referral to the Committee.
- Facilitation is the first approach. The Committee may provide advice, make non-binding recommendations, or provide information to help a party develop a compliance plan.
- It also sets out the measures which the committee may recommend to the COP if further measures are required.

The Procedure for Adopting a New Annex

- The COP will consider the annex proposal, and will try to adopt it by consensus.
- The annex would enter into force one year later, except for any Parties which have indicated that they cannot accept it.
- The procedure for considering new annexes is set out in article 22 of the Convention.
- If all efforts to achieve consensus have been exhausted, it would be possible to adopt the new annex by a three-fourths majority vote. This can be a strong incentive to reach a consensus decision.

Next Steps

- The Secretariat have formally notified all Parties of the proposal.
<http://www.pic.int/TheConvention/Communications/tabid/3464/language/en-US/Default.aspx>
- Parties have been invited by the Secretariat to provide any comments on the proposal, by 31st December: juliette.kohler@brsmeas.org with copy to the group of co-proponents (michel.tschirren@bafu.admin.ch)
- **Parties are welcome to add their support to the proposal, by becoming co-sponsors:**
->Email by the official contact point (OCP) to Juliette.Kohler@brsmeas.org with copy to Michel.Tschirren@bafu.admin.ch