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 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


• 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