



PRIOR INFORMED CONSENT

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

Adopted on September 10, 1998 in Rotterdam

The convention is signed by 73 countries (as of July 6, 2001)

The convention is ratified by 15 countries (as of July 6, 2001), not yet in force, 50 ratifications are required



Problem

The use of pesticides in agriculture is one of the greatest dilemmas the environmental movement faces at present. While pesticides have helped to increase food production to feed a growing world population, the health and environmental problems associated with their use are now widely recognised.

Regulations on pesticide use tightened considerably in the North in the 1970s, due to awareness about their hazards. As a result, Northern pesticide manufacturers directed their goods to markets in the South where regulations were lax. Additionally, the Green Revolution in the 1960s resulted in a high demand for pesticides in developing countries. A number of the pesticides which ended up in the South were banned or severely restricted in industrialised countries. Although the toxicity of the substances left its marks in both the North and South, health problems were exacerbated in developing countries that lacked facilities such as safe storage of pesticides and proper equipment for applying pesticides.

History of concern

Widespread concern about deaths related to pesticide use in the South resulted in a series of non-binding resolutions in the 1980s at the United Nations forum. A voluntary prior informed consent (PIC) procedure was adopted in 1989. Since the voluntary procedure had no means to enforce mandatory reporting and enforcement, some European and developing countries successfully pushed to make it legally binding. Northern pesticide manufacturers also accepted a PIC-based legally binding agreement since it was less stringent than direct bans on pesticide trade.

But in spite of growing concern about chemical safety, and of the national and international measures enacted in the 1980s, trade of pesticides and chemicals has increased in the 1990s by tens of millions of pounds.

The Convention

The convention initially included 27 chemicals carried forward from a pre-existing voluntary PIC procedure. Four more have been added since its adoption. Industrialised countries like the US remain major producers and exporters, developing countries remain the key shipment destination. As Brazil, China and Mexico are the growing markets among this group of nations, the Rotterdam Convention needs to start including more industrial chemicals. During the past decade, the economic realities of globalisation have further added to the problems of pesticide production. The liberalisation of agricultural trade under the multilateral trading framework, spearheaded by the World Trade Organisation (WTO), has encouraged the production of higher yielding

ozone depletion

hazardous waste

prior informed consent

right to information

commission on

sustainable development

climate

biodiversity

desertification

persistent organic pollutants

forests

trade and environment

multilateral agreement

on investment

global environment facility

institutions for environment



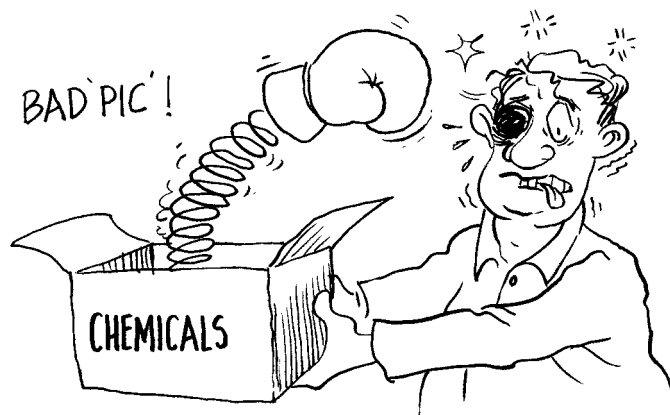
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and higher input crops for export markets and thus fostered intensification of agriculture.

The Convention is only a first step to tackle international trade in pesticides and industrial chemicals, since it does not impose controls on hazardous exports. It only enables countries to decide which substances they want to receive, and express 'prior informed consent' before receiving imports of a specified list of chemicals.

Lobbying by industry and some Northern governments ensured that the convention did not go beyond the scope of the voluntary procedure. Thus, the convention is only a mechanism for information exchange to enable governments to make informed decisions. In itself, it will not extend to ban or restrict hazardous chemicals or pesticides.

Although the secretariat of the convention has received financial support to begin implementation, its working programme needs additional resources to be fully implemented.



Challenges ahead

The Rotterdam Convention's standing in the larger framework of global chemical management is an evolving one, many issues are yet to be addressed.

A convention with insufficient resources allocated to its implementation is worth little. Activities to facilitate the implementation of the convention might well come to an end if the financial situation does not

improve. The main hurdle to the effectiveness of the Rotterdam Convention will be finance. But often, chemical controls are low on donor's list.

During the negotiations, developing countries wanted a decision on compliance, including a mechanism for enforcement and liability for contravention, with most, if not all, responsibility shifting to exporters. But exporting countries claimed they did not want to be held responsible for problems related to poor legislation in importing countries. However, a legal working group will be established to address non-compliance, dispute settlement and rules of procedure.

As pesticide use has increased over the years, so has the evolution of pesticide-resistant pests. The solution is to shift away from excessive consumption of synthetic chemical products, and application of synthetic chemical products, and application of the precautionary principle to the chemical industry.

Another multilateral environmental agreement (MEA) on chemicals and pesticides, called the Stockholm Convention on Persistent Organic Pollutants (POPs), which completely avoided the PIC mechanism, was signed in December 2000. The goal of the Stockholm Convention is minimisation, and where feasible, ultimate elimination of POPs' production and use. But synergies between the Rotterdam and Stockholm Conventions may be limited due to their different targets.

The convention does not control trade, but further measures, such as phase outs of production and use of chemicals (other than POPs), are still on the agenda for discussion. It is, therefore, still possible for these initial aims to be achieved.



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