

# RIGHT TO KNOW



**To: All delegates to the Rotterdam Convention COP 11**

**Re: Call for all Parties to support the proposed amendment to create a new Annex VIII, a simple solution to a complex problem**

**THERE ARE MORE THAN 350,000 CHEMICALS** circulating in the global economy. Many chemicals and their wastes have hazardous properties and cause significant adverse effects on human health and the environment.

Workers are the first users of chemicals and among the most exposed and vulnerable groups. More than one million workers die from exposure to hazardous chemicals and their wastes. **The Rotterdam Convention is a critical tool in our global health and safety framework** that seeks to protect human health and the environment from harm from the use of hazardous chemicals and pesticides.

The Convention's Prior Informed Consent (PIC) procedure for hazardous chemicals and pesticides ensures that countries, particularly low-income countries, and those with transitioning economies have a **right to know** about listed hazardous substances that enter their country. The requirement of exporting countries to seek the prior informed consent of importing countries before shipping these listed hazardous substances provides a critical control in the transboundary movement of hazardous substances. Importantly, the Convention does not ban a chemical from trade, instead this critical information sharing tool enables sovereign, informed decision making to protect the health of their people as well as the environment.

However, the Convention is at a critical juncture. The 'consensus' requirement for listing substances, initially introduced to foster cooperation, has instead evolved into a veto mechanism that is now threatening the viability and effectiveness of the Convention with a small group of Parties being allowed to successfully continue to block the listing of recommended highly hazardous substances. This practice is undermining the science-based work of the Chemical Review Committee (CRC) which has determined that these substances meet all the criteria for listing.

#### **The proposed amendment provides a simple solution.**

The amendment proposed by Australia, Burkina Faso, Colombia, Costa Rica, Georgia, Ghana, Nigeria, Norway, Peru, the Republic of Maldives, South Africa, Switzerland, Togo and the United Kingdom is being considered at COP11 in May 2023.

This amendment offers a new simple solution to improve the effectiveness of the Convention that builds on the work undertaken by Parties to date, whilst also protecting the consensus principle at its core. It enables Parties who want to share information about hazardous chemicals to continue to do so. In summary the amendments proposed will, if approved:

- Retain Annex III and preserve the consensus decision making process for listing. The primary objective of the Convention will continue to facilitate the listing in Annex III.
- However, where chemicals that have been found by the Chemical Review Committee (CRC) to meet the criteria for listing in Annex III, but for which the COP is not able to agree by consensus to list, a new pathway is available. Listing on to this new annex (Annex VIII) must receive the support of a three fourths majority vote.
- For chemicals listed in the new Annex VIII, the prior informed consent procedure would also apply, but with the important new modification that an explicit consent will be required.
- This amended Convention simply creates a tool for Parties who seek to share information about the blocked substances to do so. It is not a parallel track, instead it preserves Annex III and PIC procedure as the primary method for sharing information, and simply provides a new pathway for Parties who want to progress the sharing of information in relation to blocked chemicals.

The explicit consent requirement for an Annex VIII listing is an important new element as it means that the procedures for chemicals listed in the new Annex VIII will be stricter than in the case of Annex III. This requirement will strengthen the Convention.

We note the strong support indicated by many Parties and numerous experts. Most notable of these are three UN Special Rapporteurs<sup>1</sup> who have released a joint statement:

**“We call on Parties to adopt the amendment proposed by Switzerland, Mali and Australia, and co-sponsored by others. We need bold actions that will keep our institutions and instruments relevant and fit to address the serious risks and harms posed by chemicals to human rights, human health and environmental integrity.”**

The right to safe and healthy work is a fundamental human right and essential to decent work.

In 2022 the ILO’s International Labour Conference agreed, by consensus, to include the right to a safe and healthy working environment in the ILO Declaration on Fundamental Principles and Rights at Work. Health and safety now joins protections against forced labour, child labour, the right to collective bargaining and freedom of association as the fundamental rights in the world of work.

This means all 187 member states of the ILO have now committed to promoting a healthy and safe workplace as a fundamental right. Significantly Convention 155 has been added to the core conventions. Among other obligations, it also requires the sharing of information concerning the risks of substances and their correct and safe use.

We the undersigned organisations and individuals call on all Parties to the Rotterdam Convention who are committed to **a more effective Rotterdam Convention** and defending the **right to know**, to support the amendment proposal to be discussed at COP11. At present the Convention is at risk of becoming an ineffective tool, not living up to the expectations and intentions that were shared when it was created. If concerned Parties fail to modernise the Convention, it will continue to fail to meet its full potential and more and more workers and consumers will be seriously injured and killed.



<sup>1</sup> Marcos Orellana, *Special Rapporteur on toxics and human rights*; David R. Boyd, *Special Rapporteur on human rights and the environment*; Pedro Arrojo-Agudo, *Special Rapporteur on the human rights to safe drinking water and sanitation*