

**Stockholm Convention workshop on liability and redress
Vienna, 19 – 21 September 2002**

UNEP Chemicals: welcome address

Mr Sucharipa (Director, Diplomatic Academy – to be confirmed),
Mr Schneider (Austrian Environment Ministry),
Ladies and Gentlemen

It is my pleasure, on behalf of UNEP Chemicals and the interim secretariat for the Stockholm Convention, to add my welcome to you at this workshop on liability and redress in the POPs context.

The holding of this workshop is one of the actions commissioned by the Conference of Plenipotentiaries in Stockholm in May 2001 to be undertaken prior to the Convention's entry into force.

In that regard, I am pleased to note that as of yesterday, there were 21 Parties to the Convention - well on the way to the magic 50 required for entry into force.

We are most grateful for the generous assistance of our hosts, the Austrian Government and the Diplomatic Academy of Vienna, in making the workshop possible, and for providing us with such a distinguished venue.

I would also like to express our appreciation to our colleagues who have agreed to assist us by giving expert presentations.

It is pleasing to see so many participants here - many of them thanks to Austrian support. I expect that the number of countries represented will ensure that a full range of views are heard and a comprehensive exploration of the issues.

I am looking forward to a productive three days.

Introduction to the workshop and Stockholm Convention overview

In order to set the scene for our discussions, I thought it would be helpful if I provided a brief overview of the context for the workshop.

Resolution 4 of the Conference of Plenipotentiaries (DipCon)

As you will recall, the issue of liability and redress was taken up by the Conference of Plenipotentiaries that adopted the Stockholm Convention last year. While there had been **no consensus** during the negotiations that liability should be taken up in the Convention, the DipCon recognized it as warranting further investigation.

Accordingly the DipCon, in its Resolution 4, recognized “that the time is appropriate for further discussions on the need for the elaboration of international rules in the field of liability and redress resulting from the production, use and intentional release into the environment of persistent organic pollutants.”

It **invited** “Governments and relevant international organizations to provide the secretariat with information on national, regional and international measures and agreements on liability and redress, especially on persistent organic pollutants.”

And it **requested** “the secretariat in cooperation with one or more States to organize a workshop on liability and redress in the context of the Convention on persistent organic pollutants and related matters, no later than 2002.”

It decided also that the report of the workshop should be considered at the first meeting of the Conference of the Parties, “with a view to deciding what further action should be taken.”

The role of this workshop, therefore, is not to take any decisions on the matter of liability and redress. Rather the role is to ***undertake further discussions on the possible need for elaboration of international rules on liability and redress in relation to the production, use and intentional release of POPs. It will be up COPI to review the report of our discussions and decide on any further action.***

Stockholm Convention

Article 3 of the Stockholm Convention sets out measures to reduce or eliminate releases of POPs from intentional production and use. It obliges Parties to prohibit and/or take legal and administrative measures to eliminate the production and use of Annex A chemicals and to restrict the production and use of Annex B chemicals.

Article 5 of the Convention sets out measures to reduce or eliminate releases from unintentional production of POPs listed in Annex C. These measures involve promoting the application of Best Environmental Practices and Best Available Techniques, focussed on certain source categories such as waste incineration and industrial processes that have the potential for comparatively high formation and release of the chemicals concerned.

Article 6 of the Convention obliges Parties to ensure that waste POPs are handled, collected, transported, stored and disposed of in an environmentally sound manner, and that they are not transported across international boundaries without taking into account relevant international rules. This last provision is significant in the present context, given the existence of the Basel Convention’s 1999 Protocol on Liability and Compensation for Damage arising from Transboundary Movement of Hazardous Wastes and their Disposal.

Another potentially relevant provision of the Convention is Article 17, which deals with the issue of Parties that fail to comply with their obligations. It provides that the Conference of the Parties “shall, as soon as practicable, develop and approve procedures and institutional mechanisms for determining non-compliance... and the treatment of Parties found to be in non-compliance.” INC6 mandated preparatory work on this subject, which will entail the secretariat compiling and synthesizing the views of Governments and other environment convention secretariats, and reporting on existing non-compliance regimes.

Workshop programme

We have tried to structure the workshop programme to facilitate exploration of the possible role of liability and redress rules under the Stockholm Convention without pre-judging whether such rules are in fact needed.

We will begin at the general level with an overview of the liability and redress in international law, including recent developments. This will be followed by presentations on existing liability instruments that may be considered relevant for our discussion. Next the focus will narrow further to consider the technical characteristics and effects of POPs themselves. There will be opportunities for questions and discussion in each of these background sessions.

After the three background sessions, we should be ready for a more free-flowing discussion, which is described in the programme as a “working session on technical and legal issues relating to avoiding damage or harm to the environment and human health by POPs.”

This will be the opportunity to exchange views on and explore the matter at hand, that is the possible need for the elaboration of international rules in the field of liability and redress in relation to the production, use and intentional release into the environment of POPs. We would anticipate that this will involve the consideration of scenarios under the Convention where liability issues might arise, together with an assessment of whether new rules within the Convention would be required, or conversely, whether existing or anticipated provisions under Stockholm or other instruments are sufficient.

Documents

Apart from the draft programme and a copy of Resolution 4 of the Conference of Plenipotentiaries, documents for this workshop comprise a series of Information papers containing material submitted by Governments and organizations in response to the Resolution and INC6's follow-up invitation for such material. These submissions may be useful background for the workshop.

Product

The product from the workshop will be a report from the Chair or Chairs that will be conveyed to COP1 through INC.7.

I wish you all a stimulating and successful next few days.

Thank you.