

**LETTER SENT BY POST AND EMAIL**

Mr Emiliano Alonso  
Chairman  
International Chrysotile Association

Mr Rolph Payet  
Executive Secretary  
Secretariat of the Rotterdam Convention

Montreal, 12 May 2021

Subject: Participation of ICA in Rotterdam Convention's COP-10 meetings.

Dear Mr Payet,

The International Chrysotile Association (ICA) is an active registered observer to the Rotterdam Convention. We have previously participated in several of its meetings, including the regional preparatory meetings scheduled ahead of each Conference of the Parties and, also, in intersessional working groups and technical seminars. Indeed, as an international association with presence in several countries around the globe, during 2019 COP-9 regional preparatory meetings, we attended the meetings from all regions.

Considering the ongoing COVID-19 pandemic, we perfectly understand the decision taken by the Joint Meeting of the Bureaux of the COPs early this year to split COPs meetings, having an online segment this year and a segment in person in 2022. Concurrently, the preparatory meetings for each segment will be held online in 2021, and, if conditions allow it, in person in 2022.

However, upon an email request to the Secretariat of participation to the regional preparatory meetings for this year COPs' segment, we have received, on 14 April 2021, a negative reply.

The Conference and Information Services Branch of the Secretariat states in its email that:

*“Taking into account the nature of the items to be discussed during the meeting, namely the prioritised agenda items [...], and the limitation in the capacity of the online meeting platform, and as agreed by the members of the bureaux of the COPs to the Basel, Rotterdam and Stockholm convention **from the Eastern Europe region**, the meeting will be restricted to Governments that are a Party to at least one of the Basel, Rotterdam and Stockholm conventions [...].”*

There are several worrisome aspects from the answer.

Firstly, we have been trying to find the decision or minutes of the meeting where the decision by the members of the bureaux from the Eastern Europe region was taken, but they are not available on the Rotterdam Convention, Synergies or 2021 COPs websites. The only available reference is on the Report of the Joint Meeting of the Bureaux of 27-29 January, whereby it is stated that an unidentified Bureau member, supported by others, expressed that regional preparatory meetings “*would likely be closed to observers*” (paragraph 73).

However, no final decision was taken or, at least, it is not recorded in the minutes, and no reference to the question is made on the Report of the Joint Meeting of the Bureaux of 26 February. It cannot therefore be inferred from the available documents that a decision was taken as to impede participation of observers to regional preparatory meetings. On the contrary, in the Report of the Joint Meeting of the Bureaux of 26 February, the Secretariat mentions, upon a request by a Bureau member, that in the 12<sup>th</sup> Meeting of the Basel Convention’s Open-Ended Working Group in September 2020, which was celebrated online, Parties and observers had the opportunity to participate by providing comments during the meeting on relevant items of the agenda (paragraph 14).

Moreover, from the email response, it appears that such decision was taken only by members of the bureaux from the Eastern Europe region, and not the whole Bureaux, which is the only body entitled to take a decision of this nature. Even in the denied case of accepting the legitimacy of the decision taken by the Eastern European members of the Bureaux, it cannot, by any means, affect attendance to the other three regional preparatory meetings, i.e., Africa, Asia-Pacific and Latin America and the Caribbean regions. Therefore, the Secretariat cannot impede the participation of registered observers in these meetings, based on the (unpublished and unlawful) decision of the members of the Bureaux of one of the regions, as it does in his email of 14 April.

Furthermore, when arguing its negative request to participation, the Secretariat justifies it due to “the limitation in the capacity of the online meeting platform”.

This assertion seems unreasonable considering that in the referred online 12<sup>th</sup> Meeting of the Basel Convention’s Open-Ended Working Group, the platform hosting the meeting allowed for a smooth celebration with the participation of Parties and observers. In addition, considering the coming Conferences of the Parties in July 2021, it could also be argued that the Secretariat ought to use the same platform as for these meetings when both Parties and observers will be present. Even more, using this platform on the less crowded regional preparatory meetings could serve as a technical test for its later usage in the Conference of the Parties. This also seems to be technically contradicted by the fact that we are invited to

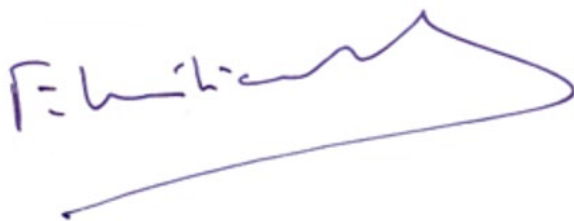
participate in *ex post* webinar briefings, open to all Parties and observers, prior to the online segment of the COPs meetings.

Mr Payet, as a registered observer, we want to highlight the right of participation enshrined in Rule 7 of the Rules of Procedure. Under this Rule, observers may participate without the right to vote in the proceedings of any meeting. This participation is not only born from our wish to make a constructive, science-based contribution in the decision-taking process of Rotterdam Convention, but it is also based on our firm believe in more transparent, approachable and accountable international organisations. Indeed, if meetings cannot be attended by those stakeholders who have consistently engaged with the Secretariat and, more broadly, with the Convention, following its rules and procedure, i.e., registering as an observer, there is a serious risk that any decision undertaken in closed, private meetings is perceived by them and the general public as lacking the utmost openness and closeness to the citizens it aims at serving.

In consequence, we urgently request and encourage a reconsideration of the negative reply to participation to the regional preparatory meetings expressed by the Secretariat in its email addressed to ICA on 14 April 2021.

We remain at your disposal for a prompt and satisfactory solution to our request of participation to the regional preparatory meetings of 2021 segment of the Conference of the Parties of Rotterdam Convention.

Yours faithfully,



Emiliano Alonso