



**THE SECOND SESSION OF THE
INTERNATIONAL NEGOTIATING
COMMITTEE FOR AN INTERNATIONAL
LEGALLY BINDING INSTRUMENT FOR
IMPLEMENTING INTERNATIONAL ACTION
ON CERTAIN PERSISTENT ORGANIC
POLLUTANTS (POPS):
25 -29 JANUARY 1999**

The second session of the International Negotiating Committee (INC) for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (POPs) will meet from 25-29 January 1999 in Nairobi, Kenya. Delegates to the second INC (INC-2) will continue to consider possible elements of an international legally binding instrument on an initial list of twelve POPs grouped into three categories: 1) pesticides: aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex and toxaphene; 2) industrial chemicals: hexachlorobenzene and polychlorinated biphenyls (PCBs); and 3) unintended byproducts: dioxins and furans.

Participants are expected to meet in Plenary throughout the week to consider various topics, including: the nature and cost of capacity building activities under a legally binding instrument; the use of existing mechanisms for providing technical and financial assistance to developing countries and countries with economies in transition; the report of the first session of the Criteria Expert Group (CEG); the second survey of development assistance activities for capacity building conducted by the Organisation for Economic Cooperation and Development (OECD); and the use of existing programmes of international financial institutions with regard to management and elimination of chemicals. The working group on implementation issues, including technical and financial assistance, is also expected to convene during the week.

A BRIEF HISTORY OF THE POPS NEGOTIATIONS

During the 1960s and 1970s, the use of certain chemicals in industry and as pesticides increased dramatically. Many of these chemicals are important to modern society but they can also pose a serious threat to human health and the environment. In particular, a certain category of chemicals known as persistent organic pollutants (POPs) has recently attracted international attention due to a growing body of scientific evidence indicating that exposure to very low doses of certain POPs can lead to cancer, damage to the central and peripheral nervous systems, diseases of the immune system, reproductive disorders, and interference with normal infant and child development. POPs are chemical substances that persist,

bioaccumulate and pose a risk of causing adverse effects to human health and the environment. With the further evidence of the long-range transport of these substances to regions where they have never been used or produced and the consequent threats they now pose to the environment worldwide, the international community has called for urgent global action to reduce and eliminate their release into the environment.

Prior to 1992, international action on chemicals primarily involved developing tools for risk assessment and conducting international assessments of priority chemicals. For example, in 1989 UNEP amended its London Guidelines for the Exchange of Information on Chemicals in International Trade and the FAO established the International Code of Conduct for the Distribution and Use of Pesticides. In 1992, the UN Conference on Environment and Development (UNCED) adopted Agenda 21. Chapter 19 of Agenda 21, "Environmentally Sound Management of Toxic Chemicals Including Prevention of Illegal International Traffic in Toxic and Dangerous Products," called for the creation of an Intergovernmental Forum on Chemical Safety (IFCS). Agenda 21 also called for the establishment of the Inter-Organization Programme on the Sound Management of Chemicals (IOMC) to promote coordination among international organizations involved in implementing Chapter 19.

In March 1995, the UNEP Governing Council (GC) adopted Decision 18/32 inviting the IOMC, the IFCS and the International Programme on Chemical Safety (IPCS) to initiate an assessment process regarding an initial list of 12 POPs. In response to this invitation, the IFCS convened an *Ad Hoc* Working Group on POPs that developed a workplan for assessing these substances. Assessment of the chemicals included available information on the chemistry, sources, toxicity, environmental dispersion and socio-economic impacts of the 12 POPs. In June 1996, the *Ad Hoc* Working Group convened an expert meeting in Manila, the Philippines, which concluded that sufficient information existed to demonstrate the need for international action to minimize the risks from the 12 specified POPs, including a global legally binding instrument. The meeting forwarded a recommendation to the UNEP GC and the World Health Assembly (WHA) that immediate international action be taken.

In February 1997, the UNEP GC adopted Decision 19/13C endorsing the conclusions and recommendations of the IFCS. The GC requested that UNEP, together with relevant international organizations, prepare for and convene an intergovernmental negotiating committee (INC) with a mandate to prepare, by the year 2000, an international legally binding instrument for implementing inter-



national action, beginning with the 12 specified POPs. The first meeting of the INC was also requested to establish an expert group for the development of science-based criteria and a procedure for identifying additional POPs as candidates for future international action. Also in February 1997, the second meeting of the IFCS decided that the IFCS *Ad Hoc* Working Group would continue to assist with preparations for the negotiations. In May 1997, the WHA endorsed the recommendations of the IFCS and requested that the World Health Organization (WHO) participate actively in negotiations of the international instrument.

INC-1: The first session of the Intergovernmental Negotiating Committee (INC-1) was held from 29 June-3 July 1998 in Montreal, Canada. At INC-1, delegates from approximately 90 countries met with a clear spirit of cooperation, mutual purpose and shared responsibility, and voiced their determination to tackle what is universally acknowledged as a very real and serious threat to human health and the environment. INC-1 elected bureau members and considered the programme of work for the INC, as well as the possible elements for inclusion in an international legally binding instrument on a list of 12 POPs. INC-1 also established a Criteria Expert Group (CEG), as well as a working group on implementation aspects of a future instrument, such as issues related to technical and financial assistance. Delegates to INC-1 also met in two contact groups to discuss terms of reference for the CEG and technical information needs. Based on discussions at INC-1 and government and NGO submissions received by September 1998, INC-1 asked the Secretariat to prepare a document for INC-2 containing material for possible inclusion in an international legally binding instrument.

CEG-1: Established at INC-1, the CEG is an open-ended technical working group with a mandate to present to the INC proposals for science-based criteria and a procedure for identifying additional POPs as candidates for future international action. The CEG is to incorporate criteria pertaining to persistence, bioaccumulation, toxicity and exposure in different regions and should take into account the potential for regional and global transport, including dispersion mechanisms for the atmosphere and the hydrosphere, migratory species and the need to reflect possible influences of marine transport and tropical climates. The work of the CEG is to be completed and submitted to the INC at or before its fourth session.

The first session of the Criteria Expert Group (CEG-1) for POPs was held from 26-30 October 1998 in Bangkok, Thailand. Over 100 delegates from approximately 50 countries gathered to consider the programme of work of the CEG, including the development of science-based criteria for identifying additional POPs as candidates for future international action. Concurrently, delegates considered the development of a procedure for identifying additional POPs, including the information required at different stages of the procedure and who would nominate, screen and evaluate a substance as a potential future POPs candidate.

A number of other recent meetings have also addressed issues related to the POPs INC agenda:

- In June 1995, Parties to the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution agreed to the Barcelona Resolution, which aims first to reduce by the year 2005 and ultimately eliminate discharges and emissions of substances that are toxic, persistent and liable to bioaccumulate and could reach the marine environment.
- The "International Expert Meeting on Persistent Organic

Pollutants: Towards Global Action," jointly organized by Canada and the Philippines, was convened in Vancouver, Canada, in June 1995. The meeting concluded that domestic regulatory arrangements are not adequate in managing the adverse global impacts of POPs and requested that a suitable international agency provide definitions, criteria and a comprehensive list of POPs.

- The Intergovernmental Conference to Adopt the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA) took place in Washington, DC, in November 1995. Over 108 governments declared, *inter alia*, their support for the development of a legally binding instrument to reduce or eliminate the discharge, manufacture and use of the 12 POPs.
- During 1997 and 1998, UNEP and the IFCS conducted eight regional and subregional awareness-raising workshops on the risks and global issues associated with POPs, particularly for developing countries and countries with economies in transition.
- In March 1998, representatives from 95 governments completed negotiations for an international legally binding Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC Convention). The PIC principle states that export of dangerous chemicals and pesticides should not proceed unless explicitly agreed upon by the importing country. The major aim of the PIC Convention is to promote a shared responsibility between exporting and importing countries in protecting human health and the environment from the harmful effects of certain hazardous chemicals being traded internationally. The Convention was adopted at a Diplomatic Conference in Rotterdam, the Netherlands, in September 1998.
- The UN Economic Commission for Europe (UN/ECE) recently concluded negotiations for a protocol to the Convention on Long-Range Transboundary Air Pollution (LRTAP) regarding 16 POPs. On 24 June 1998, 32 countries and the European Community signed the LRTAP protocol, which aims to control, reduce or eliminate discharges, emissions and losses of POPs. The protocol: bans the production and use of some products outright (aldrin, chlordane, chlordecone, dieldrin, endrin, hexabromobiphenyl, mirex and toxaphene); schedules others for elimination at a later stage (DDT, heptachlor, hexachlorobenzene and PCBs); and severely restricts the use of DDT, HCH (including lindane) and PCBs. It also obliges countries to reduce their emissions of dioxins, furans, PAHs and HCB below their 1990 levels and provides for best available techniques to cut emissions of these POPs.

THINGS TO LOOK FOR TODAY

INC-2 will convene at 10:00 am at UNEP headquarters in Conference Room 2. Chair John Buccini (Canada) will open the Plenary session which is expected to adopt the agenda and address the organization of work. Shafqat Kakakhel, Deputy Executive Director of UNEP, is expected to deliver opening remarks to the Plenary. The Plenary will also hear an update on international activities on POPs and a report of CEG-1.