



PIC INC-11 HIGHLIGHTS: SATURDAY, 18 SEPTEMBER 2004

The eleventh session of the Intergovernmental Negotiating Committee (INC-11) for an International Legally Binding Instrument for the Application of the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade met on Saturday, 18 September, in Geneva. Following opening statements and organizational matters, delegates discussed the inclusion of additional chemicals in the interim PIC Procedure. The INC agreed to make parathion and tetraethyl and tetramethyl lead subject to the interim PIC Procedure, but failed to reach consensus on the inclusion of chrysotile asbestos.

OPENING PLENARY

INC Chair Maria Celina de Azevedo Rodrigues (Brazil) welcomed delegates to the one-day INC-11 session, convened as a Conference of Plenipotentiaries, and introduced the opening speakers. Shafqat Kakakhel, UNEP Deputy Executive Director, noted that the chemicals to be addressed by INC-11 are widely known for their adverse effects on human health and the environment. Louise Fresco, FAO Assistant Director-General, highlighted the lessons learned in: developing processes for the implementation of the Convention during the interim period; increasing policy coherence at the international and national levels; and interagency cooperation, particularly between UNEP and FAO.

ADOPTION OF THE AGENDA: Delegates adopted the agenda (UNEP/FAO/PIC/INC.11/1) without amendment.

ORGANIZATION OF WORK: On rules of procedure for the Conference of Plenipotentiaries, delegates adopted the rules of procedure that have been guiding the INC for the last ten sessions.

RESOLUTION ON THE PROCESS FOR INCLUSION OF CHEMICALS IN THE INTERIM PIC PROCEDURE

Jim Willis, Joint Executive Secretary for the Interim Secretariat of the Rotterdam Convention (UNEP), introduced a draft resolution on the process for inclusion of additional chemicals discussed by INC-11 in the interim PIC Procedure (UNEP/FAO/PIC/INC.11/2). He noted that the resolution gives INC-11 the authority to add chemicals to the interim PIC Procedure, since according to the Resolution on Interim Arrangements (UNEP/FAO/PIC/CONF/5, Annex I) the INC's authority to add new

chemicals expired with the entry into force of the Convention. The UNITED STATES proposed an amendment clarifying that the resolution supplements paragraph 8 of the Resolution on Interim Arrangements. The resolution was approved as amended by the United States.

IMPLEMENTATION OF THE INTERIM PIC PROCEDURE

REPORT OF ICRC-5: Interim Chemical Review Committee (ICRC) Chair Reiner Arndt introduced the report of ICRC-5 (UNEP/FAO/PIC/INC.11/3). He observed that after receiving the notifications of final regulatory action for the chemicals dimefox, endrin, endosulfan, mevinphos, and vinclozolin, the Committee decided not to recommend their inclusion in the interim PIC procedure because the notifications did not meet all the requirements of Annex II. He noted that the ICRC had prepared an explanatory note on "risk evaluation," contained in Annex II of the ICRC report, which he asked delegates to forward to COP-1 for its consideration. The EUROPEAN COMMUNITY (EC) supported forwarding the explanatory note. The INC agreed to forward the document to COP-1 (UNEP/FAO/PIC/COP.1/27/Add.1). Together with a number of countries, Chair de Azevedo Rodrigues expressed appreciation for the valuable contribution of the ICRC and the work of Chair Arndt.

INCLUSION OF CHEMICALS IN THE INTERIM PIC PROCEDURE

Parathion: Bill Murray, FAO, introduced the ICRC's communication on parathion and the draft Decision Guidance Document (DGD) (UNEP/FAO/PIC/INC.11/4). The INC agreed with the ICRC's recommendation to make parathion subject to the interim PIC Procedure, and to approve the draft DGD.

Tetraethyl and tetramethyl lead: Sheila Logan, Interim Secretariat, introduced the recommendations of ICRC-5 on the inclusion of tetraethyl and tetramethyl lead in the interim PIC Procedure and the draft DGD (UNEP/FAO/PIC/INC.11/5). The INC agreed with the ICRC's recommendation to make tetraethyl and tetramethyl lead subject to the interim PIC Procedure and to approve the draft DGD.

Chrysotile asbestos: Logan introduced the ICRC's communication on the inclusion of the chemical chrysotile asbestos in the interim PIC Procedure and the draft DGD (UNEP/FAO/PIC/



INC.11/6). She noted that INC-10 had not been able to reach a decision on this matter. The RUSSIAN FEDERATION said it did not support the inclusion of chrysotile asbestos in the interim PIC Procedure, highlighting a lack of scientific data relating to risk levels, relevant threshold values and health effects on human populations. UKRAINE, KAZAKHSTAN, and KYRGYZSTAN supported this view. Chair de Azevedo Rodrigues reminded delegates that INC-11 was not the appropriate forum for discussing scientific issues but rather for deciding whether to include chrysotile asbestos in the interim PIC Procedure. CHILE spoke in favor of including chrysotile asbestos in the interim PIC Procedure, objecting to the characterization of Chile's notification in a note by the Russian Federation (UNEP/FAO/PIC/INC.11/CRP.1). He stressed that the notification and background material put forward by Chile had been verified by the ICRC. CANADA stated that it does not support including chrysotile asbestos in the interim PIC Procedure at this time, noting that it has advocated controlled use of the substance both domestically and internationally. INDONESIA, ZIMBABWE, COLOMBIA, MEXICO, IRAN, GHANA, INDIA and CHINA indicated their opposition to including chrysotile asbestos. The EC strongly supported inclusion, noting that it would not constitute an international ban on the substance. He argued that not including chrysotile asbestos would set a negative precedent for the Rotterdam Convention's future. EGYPT, NORWAY, NEW ZEALAND, TANZANIA, ARGENTINA, the GAMBIA, JAMAICA, CONGO, and GUINEA spoke in favor of including chrysotile asbestos in the interim PIC Procedure. WWF observed that the purpose of Annex III is not to restrict or ban substances but simply to warn governments about chemicals of concern. He said that a decision not to list chrysotile asbestos may send a signal that the Rotterdam Convention's provisions regarding the conditions for including additional chemicals need not be taken seriously. The WORLD HEALTH ORGANIZATION noted that further assessments by the International Programme on Chemical Safety on the health effects of alternatives to asbestos are expected by 2005. During discussion on how to reflect the lack of consensus on chrysotile asbestos in the INC-11 report, INTERNATIONAL BAN ASBESTOS SECRETARIAT said that the comments of all delegates on the issue of chrysotile asbestos should be included in the report so that asbestos victims know the positions of their countries' delegations on this issue. The INC did not reach consensus on the inclusion of chrysotile asbestos, and the Secretariat noted that a single sentence reflecting the lack of consensus would be included in the final INC-11 report.

PRESENTATION OF THE STUDY ON TECHNICAL ASSISTANCE NEEDS

Logan introduced a Secretariat study on technical assistance needs (UNEP/FAO/PIC/INC.11/INF/1). Highlighting the need to prioritize needs on a regional basis, NIGERIA said technical assistance will provide a bridge between developing and developed countries, and allow parties to meet the various obligations of the Convention. The INC agreed to adopt the report.

REPORT ON CREDENTIALS OF THE REPRESENTATIVES

Bernard Made (Canada) presented the report of the Credentials Committee for the Conference of Plenipotentiaries. Delegates agreed to seek clarifications directly from the Credentials Committee and to include the result of those proceedings in the report of INC-11.

ADOPTION OF THE REPORT

Joint Executive Secretary Willis provided an oral overview of the INC-11 report for submission to COP-1. Several countries asked that the report reflect delegates' gratitude and best wishes to Chair de Azevedo Rodrigues, and thanks to the Secretariat, the ICRC and all INC host countries. Delegates adopted the report.

CLOSING PLENARY

In the closing plenary, Joint Executive Secretaries Jim Willis (UNEP) and Niek van der Graaf (FAO) presented Chair de Azevedo Rodrigues and ICRC Chair Arndt with a token of their appreciation. Chair de Azevedo Rodrigues gavelled the meeting to a close at 4:15 pm.

IN THE CORRIDORS

INC-11 had only one contentious issue on the agenda, the listing of chrysotile asbestos in the interim PIC Procedure. Following the morning's decision not to include chrysotile asbestos, several delegates questioned whether blocking the listing of a chemical on the basis of economic interests was consistent with the priorities of the Convention, especially given that the notifications for chrysotile asbestos fulfill all of the criteria for inclusion. Some delegates also expressed concern as to the possible implications of this precedent for the Convention's implementation and for the listing of additional chemicals with significant economic stakes for some Parties. Stressing that their position did not imply a disregard for the work of the ICRC, delegates opposing the inclusion of chrysotile asbestos maintained that the Convention allows for economic and social considerations to be taken into account in the final decision on whether to list a substance. However, others lamented the seemingly widespread misconception that inclusion of a chemical in the PIC Procedure is tantamount to a ban. They stressed the need for the COP to clarify that the Convention's reach is limited to the sharing of information on certain traded chemicals. Despite the lack of consensus on this particular issue, delegates were hopeful that as the COP begins, the Convention will be able to sustain the momentum of Chair de Azevedo Rodrigues' successful leadership.

THINGS TO LOOK FOR TODAY

COP-1 opens today at 10:00 am with a statement by Philippe Roch, State Secretary, Director, Swiss Agency for the Environment, Forests, and Landscape. UNEP Deputy Executive Director Shafqat Kakakhel and FAO Assistant Director-General Louise Fresco will also present opening remarks. Delegates are then expected to discuss organizational matters, including the organization of work and the meeting's expected outcomes, before addressing the more substantive items on the agenda.