



**THE THIRD SESSION OF THE
INTERGOVERNMENTAL NEGOTIATING
COMMITTEE FOR AN INTERNATIONAL
LEGALLY BINDING INSTRUMENT FOR
IMPLEMENTING INTERNATIONAL ACTION
ON CERTAIN PERSISTENT ORGANIC
POLLUTANTS (POPS):
6-11 SEPTEMBER 1999**

The third session of the Intergovernmental Negotiating Committee (INC-3) for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (POPs) will be held from 6-11 September in Geneva, Switzerland. Delegates to INC-3 will continue preparation of an international legally binding instrument for implementing international action on certain POPs, grouped into three categories: 1) pesticides: aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex and toxaphene; 2) industrial chemicals: hexachlorobenzene (HCB) and polychlorinated biphenyls (PCBs); and 3) unintended byproducts: dioxins and furans.

Building upon the success of INC-2, delegates to INC-3 will further address articles on: measures to reduce or eliminate releases of POPs into the environment; national implementation plans; information exchange; public information, awareness and education; and research, development and monitoring. It is anticipated that INC-3 will result in firm proposals for these articles as well as further development of articles on technical assistance and financial resources and mechanisms, agreement on text for standard procedural articles and identification of any remaining issues. Delegates will also hold preliminary discussions on the preamble and articles on objectives and definitions. INC-3 is expected to adopt the final report of the Criteria Expert Group's (CEG) work on the development of science-based criteria and a procedure for identifying additional POPs for future international action.

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 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. The assessments included available information on the chemistry, sources, toxicity, environmental dispersion and socioeconomic impacts of the 12 POPs.

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In June 1996, the *Ad Hoc* Working Group convened a meeting of experts in Manila, the Philippines, and concluded that sufficient information existed to demonstrate the need for international action to minimize the risks from the 12 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 develop, by the year 2000, an international legally binding instrument for implementing international 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 in 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. Delegates from approximately 90 countries, as well as representatives from UN agencies, nongovernmental organizations (NGOs), intergovernmental organizations (IGOs) and industry, met with a clear spirit of cooperation, mutual purpose and shared responsibility. Delegates 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 its programme of work, as well as possible elements for inclusion in an international legally binding instrument. INC-1 requested the Secretariat to prepare a document for INC-2 containing material for possible inclusion in an international legally binding instrument based on discussions at INC-1 and government and NGO submissions received by September 1998.

INC-1 also established a Criteria Expert Group (CEG), as well as a working group on implementation aspects of a future instrument, such as those related to technical and financial assistance. INC-1 established the CEG as an open-ended technical working group mandated to elaborate proposals for science-based criteria and a procedure for identifying additional POPs as candidates for future international action to be presented to the INC at or before its fourth session. INC-1 directed the CEG to incorporate criteria pertaining to persistence, bioaccumulation, toxicity and exposure in different regions taking 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.

CEG-1: The first session of the Criteria Expert Group (CEG-1) was held from 26-30 October 1998 in Bangkok, Thailand. Over 100 delegates from approximately 50 countries gathered to consider the CEG's programme of work, including the development of science-based criteria for identifying additional POPs as candidates for future international action. At CEG-1, 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.

INC-2: The second session of the Intergovernmental Negotiating Committee (INC-2) was held from 25-29 January 1999 in Nairobi, Kenya. Delegates from over 100 countries convened to further consider possible elements of an international legally binding instrument. Discussions at INC-2 were largely based on the Secretariat-prepared expanded outline of an international legally binding instrument. After general discussions on this document, delegates divided into Negotiation and Implementation Groups. The Negotiation Group examined the text of the expanded outline and completed preliminary discussions on: measures to reduce or eliminate releases of POPs into the environment; national implementation plans; information exchange; public information, awareness and education; and research, development and monitoring. The Implementation Group held general discussions on possible capacity building activities requiring technical and financial assistance. These discussions resulted in an initial consensus that will provide the basis for developing articles on these issues. A contact group on annexes also met to begin placing the 12 POPs into annexes for prohibited production and use, chemicals with restricted production and use, and chemicals subject to certain release reporting and release reduction or elimination measures.

CEG-2: The second session of the Criteria Expert Group (CEG-2) met from 14-18 June 1999 in Vienna, Austria. Approximately 140 participants representing 60 countries attended the meeting to build upon the work of CEG-1 in the development of scientific criteria and a procedure for adding additional POPs to the initial list of 12 identified for global action. The CEG succeeded in completing its work in two rather than three sessions as agreement was reached on many key issues. The proposed procedure provides for establishment of a review committee or committees to apply screening criteria and prepare a risk profile and risk management evaluation for proposed substances. The final report will be presented at INC-3.

THINGS TO LOOK FOR TODAY

Delegates will convene in an opening Plenary session to hear opening remarks, adopt the agenda and consider the CEG's final report. Philippe Roch, Director of the Swiss Agency for Environment, Forests and Landscape, and Dr. Klaus Töpfer, Executive Director of UNEP, are expected to deliver opening remarks. Delegates are expected to begin consideration of measures to reduce or eliminate releases of POPs into the environment immediately after the opening session.