



FORUM III HIGHLIGHTS TUESDAY, 17 OCTOBER 2000

On the third day of FORUM III, Regional Groups met during the morning. Delegates assembled in an afternoon Plenary to continue discussion on organizational matters and Priorities for Action Beyond 2000. Participants also discussed the Prevention of Illegal International Traffic in Toxic and Dangerous Products. In the evening, the *ad hoc* working groups on priorities for action, the Bahia Declaration, and the prevention of illegal traffic convened.

PLENARY

Chair Hickman opened the Plenary with a message from Nitin Desai, UN Under-Secretary General for Economic and Social Affairs. The message noted that the 1992 Rio Earth Summit had identified the sound management of chemicals as a major issue for the international community and that Chapter 19 of Agenda 21 identified a number of critical issues for international cooperation. The message highlighted the major contribution made by the IFCS to international cooperation and invited IFCS input into the preparations for the Rio +10 meeting in 2002.

ORGANIZATIONAL AND ADMINISTRATIVE

MATTERS: Chair Hickman briefly returned to this agenda item to note that the Forum Standing Committee (FSC) had discussed changes to FSC membership and recommended that its composition be amended so that each regional group, except Western Europe and Others (WEOG), be assigned one additional member. He noted that this would increase FSC membership from 21 to 25, and stated his belief that the advantages of greater participation will outweigh the increase in size. Plenary approved this amendment.

PRIORITIES FOR ACTION BEYOND 2000:

Chair Hickman noted the establishment of an *ad hoc* working group on Priorities for Action Beyond 2000, with Chair Maria Cristina Cardenas Fischer (Colombia) and Rapporteur Gunnar Bengtsson (Sweden). He noted that this open group would need to conclude its work for presentation to Plenary on Thursday. He then asked the IFCS regional Vice-Presidents and NGO representatives to report on progress.

Vice-President for Africa, Mali, noted that the African Regional Group had discussed all of the proposed priorities and that their representative would present a report to the *ad hoc* working group. Vice-President for Asia-Pacific, Republic of Korea, informed delegates that while this Group had discussed all the proposals, their draft report had not been reviewed. He added that some priorities regarding the proposed capacity building

network and illegal traffic may need to be added. Vice-President for Central and Eastern Europe, Hungary, highlighted that this Group had discussed the priorities in May this year and again at FORUM III and that their suggested modifications had been transmitted to the Secretariat. Vice-President for Latin America and the Caribbean, Brazil, noted that this Group had discussed all issues and priorities and that their report will be sent to the Secretariat. Vice-President for WEOG, the US, stated that this Group had provided a relatively extensive written report with proposed changes to the Secretariat that would be transmitted to the *ad hoc* working group.

Pesticides Action Network (PAN), on behalf of public interest NGOs, proposed that health and environmental protection be the primary objective of IFCS work and the framework for the details under discussion. ICEM, on behalf of labor NGOs, noted that they would be tabling written suggestions on this subject. ICCA, on behalf of industry NGOs, noted that the FSC guidelines for proposing priorities should be taken into account. These guidelines note that priorities should be, *inter alia*: realistic yet challenging, and suitable for implementation.

Chair Hickman thanked the Vice-Presidents and NGO representatives for their comments and he charged delegates to think in a focused manner and create a text that is acceptable to all.

PREVENTION OF ILLEGAL INTERNATIONAL

TRAFFIC: Chair Hickman drew participants' attention to the FSC working group-prepared document Prevention of Illegal International Traffic in Toxic and Dangerous Products (IFCS/FORUMIII/10w) and introduced working group Co-chair and session facilitator Fatoumata Jallow Ndoye (The Gambia). Facilitator Ndoye stressed that the problem applies to all regions and that illegal entry into territories can occur if adequate measures are not in place. She asked: what are the consequences of such entries; who are the culprits; what is the international community's role; what is the dimension of the problem; what work has been done; and what is the way forward. She highlighted Chapter 19's objectives relating to illegal traffic and the session objective of undertaking a programme of action to address these objectives.

James Willis, UNEP, noted that most activities under Programme Area F remain incomplete, and identified a range of issues requiring attention under Area F including contravention, compliance and actions against transgressors. In introducing current initiatives addressing the issue, he distinguished criminal laws from the consensual and good faith character of treaties. He noted the consideration of illegal traffic under conventions such as Basel, CITES and the Montreal Protocol and their illustrative

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value. Regarding Basel, he identified a July 1999 UNEP workshop addressing compliance and enforcement and the UNEP standing working group on compliance and enforcement in multilateral environmental agreements (MEAs). Willis anticipated the operation of Article 17 of the Rotterdam PIC Convention in 2002, addressing compliance issues, upon the attainment of 50 ratifications to that convention. He highlighted incidents during recent PIC deliberations that indicate the ongoing salience of the issue, including statements at PIC INC-6 indicating that the issue should be on the FORUM III agenda and the intention to revisit the issue at the upcoming INC-7.

Ibrahim Sow, African Region, stressed the lack of management capacity in the region and identified legal instruments in place to tackle the issue. He noted Africa's belief in addressing the problem regionally and stressed Africa's high exposure to the problem ten years ago due to the absence of legal tools. Questioning why illegal traffic occurs, Sow identified: internal limits, including delays in implementing legislation and a lack of synergy between actors; and external limits, including lack of coordination and understanding of relevant conventions. Sow identified relevant MEAs and stressed their implementation. He also highlighted relevant African conventions, including the Bamako Convention, and noted different actors at the national level and the importance of coordination. Briefly identifying examples, Sow cited, *inter alia*, an instance relating to unused pesticides that resulted in disposal problems. He stressed a lack of expertise in ascertaining toxicity levels and lack of control at the borders. Sow also briefly identified measures in place.

Pakdee Pothisiri, Asia-Pacific Region, noted that although there is little data about illegal trafficking in Asia, many cases are covered by the media and NGOs. He identified common methods of illegal traffic, including lack of knowledge and misleading labeling. He stated that the problems must be solved through sustainable prevention, and that Programme Area F targets are meaningless unless they lead to measures at the international level. He called for: strengthening of mechanisms for compliance and enforcement of national laws; and increasing participation in international initiatives, such as the Basel and Rotterdam Conventions.

Jacqueline Alvarez, Latin American and Caribbean Region, emphasized the importance of prevention and detection. She highlighted seven recommendations, including: links to international agencies; involvement of the World Customs Organization toward more precise control of products; disclosure of national decisions to the international community; increased support mechanisms and technical assistance for countries that produce and export chemicals; increased regional cooperation and mechanisms; strengthening of legal frameworks and training; and links between governments and regional cooperation structures.

Jana Kovacicova, Central and Eastern European Region, noted issues pertinent to that region, such as: changing and destabilized economic structures; inadequate international coordination between countries with respect to adoption of legal instruments; and low public awareness of environmental and health problems. Recommendations from the Group called for, *inter alia*: programmes to detect target organizations involved in illegal trafficking; implementation of the Rotterdam PIC Convention; efficient cooperation among border control agencies; and comprehensive evaluation of Programme Area F.

Michael Penders, WEOG, emphasized the importance of technological methods for tracking hazardous chemicals. He noted that, in general, customs inspects less than one per cent of incoming shipments, and less than that for outgoing shipments. He high-

lighted successful international partnerships toward reducing illegal trafficking, and reiterated the importance of integrating customs data with environmental compliance data.

Delegates then commented on the paper, Prevention of Illegal International Traffic in Toxic and Dangerous Products (IFCS/FORUMIII/10w). BELARUS suggested that links should be made with IGOs such as the International Atomic Energy Agency, which have sufficient experience in addressing illegal traffic. GERMANY proposed the FORUM consider initiating a working group on illegal traffic with IOMC and the IFCS, pointing out that POPs negotiations started in the same manner. NIGERIA pointed out that the Rotterdam PIC Convention, even when it comes into force, will not protect developing countries and countries with economies in transition from illegal traffic. SWEDEN said that a good role for the FORUM would be to direct the overall international agenda on chemical issues, without getting involved in activities that would be financially burdensome.

BELGIUM noted that despite the positive uses of the Internet, in some instances it can be a means of illegal traffic. The EUROPEAN COMMISSION suggested cooperation with international customs organizations, especially regarding harmonized codes for chemicals. The REPUBLIC OF KOREA highlighted recommendations from his region, such as using case studies and implementing FORUM Priorities for Action. THAILAND emphasized the importance of differentiating between chemicals and hazardous wastes, and noted that illegal trafficking is a lucrative business. The US summarized recommendations from WEOG, including the involvement of the World Customs Organization and looking to UNEP for IFCS financing.

IN THE CORRIDORS

Divergent opinions materialized Tuesday regarding the extent to which the IFCS should concretely address the illegal traffic of chemicals. Some delegates expressed support for a strong IFCS voice on this topic, citing Programme Area F of Chapter 19 as a mandate for this. Others intimated that existing instruments, such as the Basel Convention, the Rotterdam Convention and the soon-to-be-completed POPs convention, were better placed and funded to regulate illegal traffic.

Additionally, the proliferation of working groups suggested to at least one observer that below the seemingly unhurried surface of the meeting, the pace of FORUM III was picking up with a view to producing concrete results by the week's end. There were also murmurs of intense debates regarding the location of FORUM IV.

THINGS TO LOOK FOR TODAY

REGIONAL GROUPS: Regional Groups will meet between 9:00 am and 12:30 pm.

PLENARY: Delegates will reconvene in Plenary in the Iris Room at 2:30 pm to discuss Barriers to Information Exchange for the Sound Management of Chemicals, Information Exchange for Chemical Production Decision-making, Emission Inventories, Raising Awareness and Raising the Priority of Chemicals Management Capacity Building Issues at Political Levels, and development of a Capacity Building Network.

AD HOC WORKING GROUPS: It is expected that the *ad hoc* working group on Priorities for Action Beyond 2000 will meet at 7 pm in the Lotus 5 Room. Meetings of the other *ad hoc* working groups are also expected to take place.

INFORMAL MEETINGS: The IOMC will host a lunchtime presentation at 1:15 pm entitled "Meet the IOMC."