



SEVENTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR THE APPLICATION OF THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE: 30 OCTOBER-3 NOVEMBER 2000

The seventh session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (INC-7) meets from 30 October - 3 November 2000 in Geneva, Switzerland. The PIC procedure aims 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 Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade was adopted at a Conference of Plenipotentiaries on 10 September 1998. To date, the Convention has been signed by 72 States and one regional economic integration organization, and ratified by 11 States. It will enter into force once 50 instruments of ratification are deposited. Until the Convention's first Conference of the Parties, the INC will continue to provide guidance regarding the implementation of the PIC procedure during the interim period.

Delegates to INC-7 will consider, *inter alia*: activities of the Secretariat; implementation of the interim PIC procedure; the work of the Interim Chemical Review Committee; preparation for the Conference of the Parties; and issues arising out of the Conference of Plenipotentiaries, including support for implementation, illicit trafficking, and location of the Secretariat.

A BRIEF HISTORY OF THE PIC PROCEDURE

Growth in internationally traded chemicals during the 1960s and 1970s led to increasing concern over pesticides and industrial chemical use, particularly in developing countries that lacked the

expertise or infrastructure to ensure their safe use. This prompted the development of the International Code of Conduct for the Distribution and Use of Pesticides by the Food and Agriculture Organization (FAO) and the London Guidelines for the Exchange of Information on Chemicals in International Trade by the United Nations Environment Programme (UNEP). Both the Code of Conduct and the London Guidelines include procedures aimed at making information about hazardous chemicals more readily available, thereby permitting countries to assess the risks associated with their use.

In 1989, both instruments were amended to include a voluntary PIC procedure to help countries make informed decisions on the import of chemicals that have been banned or severely restricted. Managed jointly by the FAO and UNEP, the voluntary PIC procedure provided a means for formally obtaining and disseminating the decisions of importing countries on whether they wish to receive future shipments of such chemicals. The voluntary PIC procedure was designed to:

- * help participating countries learn more about the characteristics of potentially hazardous chemicals that may be imported;
- * initiate a decision-making process on the future import of these chemicals; and
- * facilitate the dissemination of these decisions to other countries.

At the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro in 1992, delegates recognized that while the use of chemicals is essential to meet social and economic goals, a great deal remains to be done to ensure their sound management. UNCED adopted Agenda 21, which contains, in Chapter 19, an international strategy for action on chemical safety and calls on States to achieve, by the year 2000, the full participation in and implementation of the PIC procedure, including possible mandatory applications of the voluntary procedures contained in the amended London Guidelines and the International Code of Conduct.

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In November 1994, the 107th meeting of the FAO Council agreed that the FAO Secretariat should proceed with the preparation of a draft PIC convention as part of the FAO/UNEP programme on PIC in cooperation with other international and non-governmental organizations (NGOs). In May 1995, the 18th session of the UNEP Governing Council adopted decision 18/12, authorizing the Executive Director to convene, with the FAO, an intergovernmental negotiating committee (INC) mandated to prepare an international legally binding instrument for the application of the PIC procedure. A diplomatic conference for the purpose of adopting and signing such an instrument was initially scheduled for 1997.

INC-1: The first session of the INC was held from 11-15 March 1996 in Brussels. More than 194 delegates from 80 governments, the European Commission (EC), a number of specialized agencies, IGOs and NGOs participated. INC-1 agreed on the rules of procedure, elected Bureau members and completed a preliminary review of a draft outline for a future instrument. Delegates also established a working group to clarify the groups of chemicals to be included under the instrument.

INC-2: The second session of the INC met from 16-20 September 1996 in Nairobi and produced a draft text of the Convention. Delegates agreed that many facets of the instrument required further detailed consideration and noted the need for at least one additional negotiating session before the Convention could be completed.

INC-3: The third session of the INC convened from 26-30 May 1997 in Geneva. Delegates from 102 countries considered the revised text of draft articles for the instrument and proposals from several delegations. Considerable debate centered on the scope of the proposed Convention.

INC-4: Delegates from over 100 countries attended the fourth session of the INC from 20-24 October 1997 in Rome. INC-4 considered the revised text of draft articles for the instrument, as well as proposals by the US and EC.

INC-5: The fifth session of the INC was held from 9-14 March 1998 in Brussels. Delegates from over 95 countries made progress on a consolidated draft text of articles. INC-5 reached agreement on the draft text of the PIC Convention and a draft resolution on interim arrangements.

THE DIPLOMATIC CONFERENCE OF THE PLENIPOTENTIARIES: The Conference of the Plenipotentiaries on the Convention on the PIC procedure was held from 10-11 September 1998 in Rotterdam. Ministers and senior officials from nearly 100 countries adopted the Rotterdam Convention, the Final Act of the Conference and the resolution on interim arrangements. Sixty-one countries signed the Convention and 78 countries signed the Final Act. The PIC Convention currently covers 29 chemicals, consisting of nineteen pesticides, five severely hazardous pesticide formula-

tions and five industrial chemicals, but it is expected that many more chemicals will be added as the provisions of the Convention are implemented.

The resolution on interim arrangements provides for continued implementation of the PIC procedure during the interim period, in line with the new procedures contained in the Convention. The resolution invites UNEP and the FAO to convene further INCs during the interim period to oversee the operation of the interim PIC procedure. Chemicals for which Decision Guidance Documents (DGDs) were circulated during the original procedure are subject to the interim procedure. Those chemicals identified for inclusion, but for which DGDs had not been circulated, are subject to the interim procedure, once adopted by the INC. The resolution invites the INC to: establish an interim subsidiary body to carry out the functions that will be permanently entrusted to the Chemical Review Committee (CRC); define and adopt PIC regions on an interim basis; adopt, on an interim basis, the procedures for banned or severely restricted chemicals; and decide on the inclusion of any additional chemicals under the interim PIC procedure.

INC-6: The sixth session of the Intergovernmental Negotiating Committee (INC-6) was held from 12-16 July 1999 in Rome, Italy. INC-6 gathered approximately 300 delegates from 121 countries to address arrangements for the interim period prior to entry into force of the Convention and implementation of the interim PIC procedure. INC-6 resulted in the adoption of outline draft decisions on the definition and provisional adoption of PIC regions, the establishment of an interim CRC and the adoption of draft DGDs for chemicals already identified for inclusion. Delegates also considered: the activities of the Secretariat during the interim period and their budgetary implications; preparations for the Conference of the Parties; the status of signature and ratification of the Convention; the location of the Secretariat; and issues arising out of the Conference of Plenipotentiaries, including support for implementation, dispute settlement, illicit trafficking, and responsibility and liability.

ICRC-1: The first session of the Interim Chemical Review Committee (ICRC-1) took place in Geneva from 21-25 February 2000. The Committee, consisting of 29 government-designated experts in chemicals management from the seven PIC regions, agreed to recommend two chemicals - ethylene dichloride and ethylene oxide - for inclusion as pesticides in the interim PIC procedure, and forwarded draft DGDs for those chemicals to the INC for consideration. ICRC-1 also established a number of Task Groups that will work intersessionally on various issues related to the ICRC's operational procedures.

THINGS TO LOOK FOR TODAY

PLENARY: INC-7 will begin at 10:00 am in the Geneva International Conference Centre. Opening statements will be heard from Shafqat Kakakhel, Deputy Executive Director of UNEP, and Louise Fresco, Assistant Director-General of the FAO.