



PIC INC-7 HIGHLIGHTS TUESDAY, 31 OCTOBER 2000

On the second day of INC-7, delegates met in morning and afternoon Plenary sessions. Participants discussed operational procedures for the ICRC, inclusion of chemicals in the interim PIC procedure, location of the permanent Secretariat, support for implementation, illicit trafficking, and status of ratification of the Convention. They also began consideration of the discontinuation of the interim PIC procedure.

IMPLEMENTATION OF THE INTERIM PIC PROCEDURE INTERIM CHEMICAL REVIEW COMMITTEE

(ICRC): ICRC Chair Reiner Arndt outlined work conducted by the ICRC regarding Operational Procedures for the ICRC (UNEP/FAO/PIC/INC.7/6 and UNEP/FAO/PIC/ICRC.1/6, Annex IV), particularly the development of a transparent mechanism for collecting and disseminating information received for the drafting of Decision Guidance Documents (DGDs). REPUBLIC OF KOREA voiced concerns about there being sufficient time to review draft DGDs. LIBYAN ARAB JAMAHIRIYA requested that ICRC-proposed draft DGDs be circulated to all Parties to broaden the basis for decision making. INC Chair Rodrigues said the Convention's guidelines on document distribution would be followed, and advised that circulation of draft DGDs to all Parties would be cumbersome for the Secretariat. AUSTRALIA suggested referring to additional annexes related to the proposed mechanism. The RUSSIAN FEDERATION emphasized the constraints of developing countries and countries with economies in transition with respect to contributing to the mechanism's operation. The EUROPEAN COMMUNITY (EC), BRAZIL and COLOMBIA supported the proposed mechanism. The US suggested specifying timeframes for the drafting of DGDs. Chair Rodrigues expressed her reluctance to specify timeframes, but said the meeting report would indicate delegations' concerns. The mechanism was approved.

On the inclusion of chemicals in the interim PIC procedure, Chair Rodrigues noted that no additional chemicals required a decision regarding inclusion. Bill Murray, FAO, outlined FAO specifications regarding the issue of contaminants. He described FAO specifications and how they are developed and used. Murray explained that: FAO specifications are international quality standards to assess the toxicity of chemicals; they are developed with consideration of particular methods of manufacturing; and they are used by national authorities as registration requirements.

EGYPT, supported by the EC, inquired about the possibility of establishing an international procedure for control and follow up of the violation of these specifications, proposing FAO as the responsible authority. The EC remarked that there are European speci-

cations that are sometimes stricter than FAO's. He also noted that FAO's definition of impurity contrasts with the definition of chemicals in Article 2 of the Convention.

ISSUES ARISING OUT OF THE CONFERENCE OF PLENIPOTENTIARIES

LOCATION OF THE SECRETARIAT: Jim Willis, UNEP Chemicals, introduced the document on Location of the Permanent Secretariat (UNEP/FAO/INC.7/13). Highlighting the document's background and contents, he drew delegates' attention to the Annex which details categories of information that might be requested from countries interested in hosting the permanent Secretariat. The Annex contains information categories on legal framework, features of the office site and related financial issues, local facilities and conditions, and other relevant information. Willis noted that the INC could invite candidates to provide the information and the Secretariat could compile the offers and submit them to INC-8 for consideration.

Current Secretariat host candidates Germany, and Switzerland with Italy, highlighted conditions and advantages of their offers and indicated their willingness to provide the required information. CAMEROON, supported by SENEGAL, proposed that the Secretariat prioritize the information categories. Chair Rodrigues said this was an inappropriate task for the Secretariat because it is an interested party. She underscored that the INC may recommend prioritization, but that this was ultimately for the COP. NIGERIA proposed adding information on host country representation in Party States to allow knowledge of their visa policy. JAMAICA proposed adding information on health and security risks. Chair Rodrigues suggested countries could investigate these matters themselves. IRAN, supported by CHINA, called for addition of time requirements for visa issuance to the requested information. Delegates agreed to add a reference to the time line for entry requirements under the information category on local facilities and conditions.

With this addition, delegates agreed to adopt a decision inviting interested countries to provide the information and requesting the Secretariat to compile the offers and submit them to INC-8. They identified 15 April 2001 as the due date for submission of offers.

SUPPORT FOR IMPLEMENTATION: Jim Willis, referring to Support for Implementation (UNEP/FAO/PIC/INC.7/2), outlined the Secretariat's activities, including: past regional workshops in Cartagena, Bangkok and Nairobi; the upcoming workshop in Australia; and two additional workshops for next year.

The EC highlighted their activities. First step on the contribution to the requirements of Article 16 of the Rotterdam Convention (UNEP/FAO/PIC/INC.7/CRP.5), which include a pilot project on technical assistance and interchange of DNA expertise with Argentina and Thailand, sponsored by Germany. GERMANY explained that the project allows participating countries to tailor

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the activities according to their needs. He announced the availability of additional resources to include other developing countries in this project. ARGENTINA noted that this pilot project prompted the national implementation process for the Convention. THAILAND highlighted an improvement in implementing customs regulations after participating in the pilot project.

COLOMBIA supported the Secretariat activities on this issue but suggested developing more in-depth workshops on specific and practical aspects of daily implementation of the Convention. HUNGARY announced that their regional workshop would take place early next year.

ILLCIT TRAFFICKING: Jim Willis noted that INC discussion of illicit trafficking results from the request made by the African Regional Group at the Conference of the Plenipotentiaries that illegal traffic be discussed, taking into account the work of the Intergovernmental Forum on Chemical Safety (IFCS). Matthias Kern (Germany) summarized discussions on illicit trafficking undertaken at the third session of the IFCS (Forum III) held from 15-20 October 2000 (UNEP/FAO/PIC/INC.7/CRP.6). He noted that the starting points for Forum III discussions were the definition of illegal traffic in Chapter 19 of Agenda 21 and the request from PIC INC-6 to discuss this issue. Forum III noted the global concern for illegal traffic, as well as common threads and possible solutions. Kern outlined the two recommendations unanimously adopted by Forum III that: the Inter-Organization for the Sound Management of Chemicals (IOMC) establish a Working Group on illegal traffic to, *inter alia*, assess illegal traffic in toxic and dangerous substances, review measures to detect illegal traffic, and make recommendations as to how the IOMC can advance work on this issue; and governments establish national strategies regarding control of illegal traffic and support initiatives in the World Customs Organization to assign specific harmonized system codes for certain chemicals falling under the Convention and for POPs.

Jim Willis, speaking on behalf of the IOMC, announced the IOMC meeting in December to discuss work on illicit traffic and said that the UNEP Working Group of Experts on Compliance and Enforcement of Environmental Conventions may be able to undertake some of the work suggested by Forum III. SENEGAL, on behalf of the African Group and supported by THE SUDAN, CHAD, and SAMOA, pointed out health and other problems caused by the considerable movement of toxic substances and requested that consideration of illegal traffic be prioritized. He highlighted absence of regulatory provisions as a cause of these problems and noted the lack of precise provisions that protect developing countries. He noted the African Group's wish to have illicit traffic examined by the INC and that a decision be adopted. The EC highlighted the importance of coordination on initiatives dealing with illicit traffic and stressed that the IOMC Working Group will need to work with Interpol and other bodies.

NIGERIA noted that IFCS Forum IV will take place in 2003, but said that African countries cannot wait until then to address the situation and recommended involvement of the International Maritime Organization (IMO) due to the problem of toxic chemical dumping on the high seas. Willis noted that the IMO has requested membership in the IOMC, and that if approved, the IMO would be involved in addressing illegal traffic. AUSTRALIA suggested that if an INC working group is established to look at non-compliance procedures, illicit traffic should be considered in that group to avoid duplication.

Chair Rodrigues suggested that establishing an INC working group on this issue would duplicate the work of the IOMC Working Group. She suggested that the INC could strongly endorse the recommendation made by Forum III and request the IOMC to keep the INC updated. IRAN noted the lack of a timeframe for the IOMC Working Group to finish its work. Chair Rodrigues responded that the IOMC was to have a report prepared for Forum IV in 2003, while at the same time submitting interim reports to the IFCS Forum Standing Committee. SENEGAL proposed that the

IOMC Working Group consider the extent to which those countries responsible for illegal traffic should be accountable for their actions and that liability and compensation procedures also be discussed. NIGERIA supported this proposal and added that developed countries should establish a mechanism to control illegal movements at their source. The US suggested shifting emphasis to the second IFCS recommendation regarding elaboration of national strategies, noting the broad agreement at Forum III that this was of paramount importance for controlling illegal traffic. The Chair indicated that the Secretariat would draft an INC decision on this matter for consideration later in the week.

STATUS OF SIGNATURE AND RATIFICATION OF THE CONVENTION

Elena Sobakina, interim Secretariat, summarized Status of Signature and Ratification of the Convention (UNEP/FAO/PIC/INC.7/INF/1). She noted that as of October the Convention had been ratified by eleven States, but that no subsequent information had been received by the Secretariat. SWITZERLAND announced that its government had sent the request for ratification to their Federal Parliament on 18 October, and that ratification is expected in 2001. GERMANY said the Convention had been ratified by their government and would be deposited this year. RWANDA noted its absence from the document list of country signatures. The EC said their ratification could be expected by 2003. TOGO highlighted budgetary problems preventing ratification, and requested assistance. The EUROPEAN CHEMICAL INDUSTRY COUNCIL (CEFIC) announced the possibility of the voluntary application of the Convention by the Council, in line with the Responsible Care programme. ARGENTINA said it was taking necessary steps toward ratification. NIGERIA stated that they will soon communicate signature and ratification of the Convention. ANGOLA and CHAD said their governments expect to ratify before December 2000. The US said the Convention has been sent to their Senate for consent. CUBA said their government is considering ratification in the near future. Chair Rodrigues encouraged States to speed up processes toward ratification, in order that the Convention enters into force by Rio+10 in 2002.

PREPARATION FOR THE CONFERENCE OF THE PARTIES (COP)

DISCONTINUATION OF THE INTERIM PIC PROCEDURE: Niek van der Graaff, FAO, introduced Issues Associated with the Discontinuation of the Interim PIC Procedure (UNEP/FAO/PIC/INC.7/12). Noting the document contains issues but not solutions, he said the INC could provide guidance on developing it into an options paper. Van der Graaff noted that many of the difficulties result from the transition from a voluntary to a binding PIC procedure. He highlighted the issues identified in the paper and noted the questions which the INC may wish to consider.

IN THE CORRIDORS

Corridor exchanges on day two centered on location of the Rotterdam Convention Secretariat. While some likely-to-be-affected parties expressed keen interest in the politics behind various offers and their comparative advantages, other observers considered the lengthy discussion on the issue to have been at the expense of more pressing implementation issues. In this vein, participants chorused agreement that upcoming discussions on the discontinuation of the interim PIC procedure would be among the most complex of the week.

THINGS TO LOOK FOR TODAY

PLENARY: Delegates will reconvene in Plenary at 10:00 am in Room 2 of the Geneva International Conference Centre to discuss discontinuation of the interim PIC procedure.

CONTACT GROUP: The contact group on technical issues will meet at a time and place to be announced.