



**REPORT OF THE SEVENTH SESSION OF THE
INC 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 (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (INC-7) was held from 30 October - 3 November 2000, in Geneva, Switzerland. Over 230 delegates from more than 100 countries, including representatives of IGOs and NGOs, attended the five-day meeting.

Participants at INC-7 gathered to consider a series of issues that mark the "twilight zone" separating the Rotterdam Convention's adoption and its entry into force, a zone patrolled by transitional complexities surrounding discontinuation of the interim PIC procedure. In spite of a heavy agenda, a show of new faces and a tendency to seek further advice on complex questions, delegates dispensed with many agenda items ahead of schedule and, in a cooperative spirit, made measured progress on many of the issues at hand.

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 that are traded internationally. The Rotterdam Convention on the PIC Procedure for Certain Hazardous Chemicals and Pesticides in International Trade was adopted 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 (Bulgaria, Czech Republic, El Salvador, Guinea, Kyrgyzstan, the Netherlands, Oman, Panama, Saudi Arabia, Slovenia and Suriname). 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.

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:

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- 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 Code of Conduct.

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. 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) with a mandate 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 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 aspects 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.

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 31 chemicals, consisting of 21 pesticides, five severely hazardous pesticide formulations 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 voluntary 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 voluntary 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 INC was held from 12-16 July 1999, in Rome. Approximately 300 delegates from 121 countries addressed 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, (Africa, Europe, Asia, Latin America and the Caribbean, Near East, Southwest Pacific and North America), 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.



REPORT OF INC-7

INC Chair Maria Celina de Azevedo Rodrigues (Brazil) welcomed delegates and introduced Shafqat Kakakhel, Deputy Executive Director of UNEP. On behalf of UNEP Executive Director Klaus Töpfer, Kakakhel thanked Switzerland and Italy for hosting the interim Secretariat and highlighted the benefits and ongoing spirit of cooperation between UNEP and the FAO. He noted eleven ratifications of the Rotterdam Convention since INC-6, urged further ratifications and encouraged governments with advanced chemical management systems to assist other countries to this end. Kakakhel encouraged: further voluntary contributions to the Trust Fund; notifications of final regulatory actions; proposals for severely hazardous pesticide formulations; and advisement of decisions regarding PIC chemicals.

Louise Fresco, Assistant Director-General of the FAO, underscored that INC-7 is the result of collaboration and synergies between FAO and UNEP, and stressed the need to meet interim PIC expenditures not covered by FAO/UNEP contributions. Highlighting increasing food demand, population growth and the consequential need for agricultural intensification, she noted that pesticides would not be replaced in the foreseeable future due to the limitations of current alternatives. She stated that policies and measures are therefore needed for sustainable use of pesticides, including regulatory frameworks and eco-friendly technologies.

Delegates then adopted the Agenda (UNEP/FAO/PIC/INC.7/1) and Chair Rodrigues reviewed the organization of work for the week. Yuri Kundiev (Ukraine), Mohamed El Zarka (Egypt) and Bernard Madé (Canada) served as Vice-Chairs. Since Wang Zhijia (China) was unable to attend INC-7, Jarupong Boon-Long (Thailand) served as Rapporteur for this meeting. During the week, delegates convened in Plenary, a Contact Group on contaminants and a Legal Working Group on rules of procedure for the COP, dispute settlement and non-compliance, as they discussed, *inter alia*, the 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 1998 Conference of the Plenipotentiaries.

ACTIVITIES OF THE SECRETARIAT

On Monday, 30 October, Jim Willis, UNEP Chemicals, outlined the Secretariat's activities during the interim period and the situation regarding extrabudgetary funds (UNEP/FAO/PIC/INC.7/2 and Add.1). He summarized work regarding, *inter alia*: compilation and circulation of information on Designated National Authorities (DNAs); circulation of DGDs; verification and circulation of final regulatory actions and inclusion of severely hazardous pesticide formulations; and notification of control actions under the original PIC procedure. He noted: two regional workshops held to support efforts toward implementation and ratification; launching of the new PIC website: <www.pic.int>; and new contributions to the Trust Fund.

The EC announced its recent contribution to the Trust Fund of Euros 100,000. Egypt, supported by Syria, suggested the Secretariat consider organizing a workshop for the Middle East region. Willis explained that although workshops are a Secretariat priority, only two of the four originally planned could be arranged for 2001. New Zealand suggested the Secretariat prioritize activities given the financial situation. Switzerland supported the proposed budget. Willis stressed the need to prioritize activities in line with resource avail-

ability, noted investment in information and database automation and identified resource shortfall as the impediment to developing further activities.

On Wednesday, 1 November, Willis advised that agreement had been reached to hold ICRC-2 from 19-23 March 2001, and INC-8 from 8-12 October 2001, both at FAO Headquarters in Rome.

IMPLEMENTATION OF THE INTERIM PIC PROCEDURE

Delegates considered two main topics with regard to implementation of the interim PIC procedure: status of implementation, and issues regarding the work of the ICRC.

STATUS OF IMPLEMENTATION: On Monday, 30 October, Aase Tuxen, interim Secretariat of the Rotterdam Convention, presented "Status of Implementation of the Interim PIC Procedure" (UNEP/FAO/PIC/INC.7/14). She highlighted the following:

- the nomination of 236 DNAs by 163 States and no DNA nominations for 29 States;
- no notifications of final regulatory actions submitted before the adoption of the Convention met the information requirements of Annex I;
- only six notifications have been submitted since the adoption of the Convention; and
- no proposals for inclusion of severely hazardous pesticide formulations have been submitted.

She further noted that: Annex III currently contains 29 chemicals, including 19 pesticides, five severely hazardous pesticide formulations and five industrial chemicals; no information had been collected yet on responses concerning future import of a chemical; and no Party had reported to the Secretariat a need for information on transit movements of chemicals included in the interim procedure.

The Republic of Korea, supported by the EC, suggested that the interim Secretariat analyze the causes of failure to report information required under Annex I. The Pesticide Action Network (PAN), speaking on behalf of public interest NGOs, expressed concern regarding the notification process and suggested reconsideration of the PIC regions. Samoa emphasized the importance of providing information on transit movements. The United Arab Emirates commented on the large number of notifications that Parties must submit and Willis responded that Parties have specific notification instructions. Jim Willis said the Secretariat would provide Parties with an analysis of the few early notification submissions received. He highlighted lack of data in many fields of the form as the main problem and noted that the analysis will be ready for the next ICRC meeting.

INTERIM CHEMICAL REVIEW COMMITTEE (ICRC): Delegates discussed a number of issues related to the composition, functioning and work of the ICRC, including the appointment of experts, the report of ICRC-1, adoption of DGDs for already identified chemicals, incident report form, assistance to countries in identifying severely hazardous pesticide formulations, contaminants, notifications of final regulatory action for chemicals subject to the interim PIC procedure, operational procedures for the ICRC, and inclusion of chemicals in the interim procedure.

Appointment of Experts to the ICRC: On Monday, 30 October, Niek van der Graaff, FAO, noted the establishment, form and function of the ICRC under decision INC-6/2. He stated that INC-7 is requested



to formally appoint the experts designated by governments. Turkey said their designated expert had been transferred, and suggested the matter of replacement be discussed in a European regional meeting.

On Wednesday, 1 November, Jim Willis described, and delegates agreed on, amendments to "Confirmation of Experts Designated for the Interim Chemical Review Committee" (UNEP/FAO/PIC/INC.7/3). The amendments reflect three changes to the designated experts, and include changes to preambular text in the annexed INC draft decision appointing the experts.

On Thursday, 2 November, Australia, noting discussions with New Zealand, Norway, the US and Canada, proposed that the Secretariat prepare a disclosure and/or recusal form and procedure regarding conflicts of interest for ICRC technical experts and consider approaches in other conventions. Jim Willis observed that examining rules of scientific bodies of other conventions would be impracticable and suggested that Australia identify specific examples. Delegates agreed that the Secretariat would develop a draft form and procedure for INC-8 and provide a summary of collected information.

The final decision of INC-7 (contained in UNEP/FAO/PIC/INC.7/L.1) states that the 29 government-designated experts are formally appointed as members of the ICRC and reaffirms the decision of INC-6 regarding the duration and terms of service of the experts.

Report of ICRC-1: On Monday, 30 October, ICRC Chair Reiner Arndt (Germany) presented the "Report of the ICRC's First Session" (UNEP/FAO/PIC/INC.7/4), held from 21-25 February 2000. Suggesting earlier election of the Bureau in the future, Arndt advised that 26 of the 29 government-designated experts attended ICRC-1, there was a balance in the type of expertise, and observers made significant contributions. He noted an imbalance in the attendance of industry, public interest groups and trade unions, with six industry experts attending and just one from other NGOs. Arndt highlighted the tasks before the ICRC and noted that ICRC-1 addressed these and elaborated operational procedures for future ICRC work.

PAN stressed the importance public interest groups attach to PIC and indicated, *inter alia*, financial constraints as an impediment to their attendance. The Global Crop Protection Federation (GCPF) observed that three of six industry groups attended ICRC-1 to discuss specific chemicals and stressed the importance of manufacturer representation. Highlighting non-industry NGOs' financial and personnel constraints, the International Union of Food, Agricultural and Allied Workers' Associations (IUF) endorsed addressing the imbalance in industry and non-industry NGO representation. The Plenary agreed to take note of the ICRC report.

Adoption of DGDs for Already Identified Chemicals: ICRC Chair Arndt, referring to "Adoption of DGDs for Already Identified Chemicals" (UNEP/FAO/PIC/INC.7/5), explained that the mandate of the ICRC was to: review information provided by governments, regional economic integration organizations and interested observers; distinguish between industrial and pesticide uses of ethylene dichloride and ethylene oxide; and decide whether they should be subject to the interim procedure. The EC and Samoa supported their inclusion in the interim procedure. The US emphasized the interim nature of the decision, and supported their inclusion. Delegates agreed to adopt the DGDs for both chemicals and to subject them to the interim procedure.

Arndt reported that, after lengthy deliberations in the ICRC regarding impurities, action on maleic hydrazide is pending results from the discussion in the INC on contaminants. He said that bromacil did not meet the Annex II criteria for adding chemicals to the interim procedure, and therefore no recommendation was given.

Incident Report Form: Regarding the development of an "Incident Report Form for Pesticide Poisoning Incidents" (UNEP/FAO/PIC/INC.7/6), particularly relating to severely hazardous pesticide formulations, Arndt noted that an ICRC Task Group had drafted a form using available documentation and intends a "test phase" for the form. He outlined the ICRC recommendation to INC-7 to encourage States, aid agencies, IGOs, NGOs and other bodies to use the Incident Report Form. Chair Rodrigues noted that the INC could accept the recommendation of the ICRC and ask it to pursue its work for presentation at ICRC-2 and subsequently report to INC-8.

Many delegations supported the development of the draft Incident Report Form. The Philippines noted that National Poison Control centers might have helpful information on this subject that should be made available to the Secretariat. The WHO highlighted its work on pesticides related to this issue, particularly regarding the epidemiology of pesticide poisoning. The Plenary accepted the ICRC recommendation to develop an Incident Report Form. The final INC-7 decision (contained in UNEP/FAO/PIC/INC.7/L.1) encourages the ICRC to continue development of a one-page Incident Report Form in conjunction with a simple guidance document and recommends that States, regional economic integration organizations, aid agencies, IGOs and NGOs make use of this form on reporting pesticide poisoning incidents once it is available and has been circulated by the Secretariat.

Assistance to Countries in Identifying Severely Hazardous Pesticide Formulations: On "Assistance to Countries in Identifying Severely Hazardous Pesticide Formulations" (UNEP/FAO/PIC/INC.7/6), Arndt outlined the ICRC recommendation to encourage States, aid agencies, NGOs and other actors to assist developing countries and countries with economies in transition in implementing specific projects to identify severely hazardous pesticide formulations causing problems under conditions of use in those countries.

Malaysia, supported by the US, the Russian Federation, the Sudan and Ukraine, suggested it would be beneficial to establish a procedure for countries to make requests for assistance, via the Secretariat, that would be forwarded to appropriate agencies in order to expedite the process. Chair Rodrigues said this was acceptable. PAN highlighted, *inter alia*, that: NGOs welcomed the ICRC invitation to cooperate in identifying severely hazardous pesticide formulations; NGOs will offer assistance in identifying such formulations; and PAN has worked with a partner in Benin on endosulfan poisonings. IUF outlined its cooperation with PAN to develop and run training programmes on how to collect and analyze data on PIC chemicals, and then to present it to governments and international organizations. Delegates agreed that any country needing assistance in implementing specific projects to identify severely hazardous pesticide formulations would report this to the Secretariat, who would then inform States, regional economic integration organizations, aid agencies, IGOs and NGOs accordingly.

Contaminants: On Monday, 30 October, Arndt reported on the ICRC recommendation to the INC on the issue of contaminants (UNEP/FAO/PIC/INC.1/6, Annex I). This issue refers to whether a chemical can be included in the PIC procedure on the basis of specified levels of contamination by impurities of health and environmental



concern, rather than on the basis of the active ingredient of the chemical. He stated that the INC should consider adopting a policy on contaminants.

Chair Rodrigues suggested the creation of a Contact Group to analyze this issue and appointed Arndt as its Chair. The Republic of Korea, supported by Samoa, suggested using Annex II procedures for listing banned or severely restricted chemicals if contaminants were to be included in the Convention. Canada, supported by the Philippines, suggested clarification of the issues the Contact Group on contaminants would discuss. Arndt remarked that this Contact Group would analyze the scope of the Convention regarding definitions and not discuss bans of certain chemicals.

On Thursday, 2 November, Chair Arndt presented the "Report of the Contact Group on Contaminants" (UNEP/FAO/PIC/INC.7/CRP.8), prepared after two meetings of the Group. He reminded delegates that the group was convened to discuss the adoption of a policy recommendation on whether or not a pesticide for which an acceptable level of contaminant was identified could be the basis for forwarding a notification of control action to the Secretariat. He said that although they failed to achieve that goal, two divergent approaches to the notification procedure resulted from their work. He described the two approaches: (1) if the nominated pesticide is considered to be one of two separate entities, the pesticide containing more than the upper limit of contaminant is banned; and (2) if it is considered a single entity, the pesticide would not likely be considered to have met the criteria of Annex II of the Convention. He highlighted the group's recommendation that the INC request the ICRC to apply the two approaches to maleic hydrazide on a pilot basis, without prejudice to any future policy on contaminants.

Egypt, supported by Samoa, noted the lack of discussion on industrial chemicals and suggested establishing a study group. Arndt apologized for not mentioning the lack of discussion on industrial chemicals, although many participants had brought it up. Chair Rodrigues said this would be included in the INC's report. Jim Willis said that the Secretariat would take note of Egypt's comments on industrial chemicals. New Zealand sought clarification of the content of the recommendation in the Contact Group report with regard to ICRC application of the two approaches. The EC said the decision of the Contact Group on the two approaches was appropriate, noted the reference to FAO specifications on pesticides, and suggested faster work on this issue, including the analysis of toxicological effects of contaminants. The Russian Federation suggested that the only way to avoid risks to human health and the environment is to exclude contaminants from products. The United Arab Emirates advocated banning dicofol, an acaricide that contains DDT. Chair Rodrigues closed the debate and took note of the Contact Group report.

The INC-7 decision on contaminants (contained in UNEP/FAO/PIC/INC.7/L.1) states that the INC adopts a policy on contaminants that includes final regulatory actions to ban a pesticide that have been taken by at least two countries in two PIC regions on the basis of a contaminant contained in that substance, where the notification also meets the requirements of Annexes I and II of the Convention.

Notifications of Final Regulatory Action for Chemicals Subject to the Interim PIC Procedure: On Monday, 30 October, delegates considered "Submission of Notifications of Final Regulatory Action for Chemicals Already Subject to the Interim PIC Procedure" (UNEP/FAO/PIC/INC.7/6 and INC.7/CRP.1). The document notes that when

the Convention enters into force, Parties must notify the Secretariat of each final regulatory action in effect at that time and that no exemption is made for chemicals already subject to the interim procedure. The US, supported by the EC and GCPF, suggested the Secretariat develop a paper that identifies options for balancing information requirements and reporting responsibilities. Jim Willis said the Secretariat would be pleased to do so. Chair Rodrigues proposed that as an interim measure, countries should refrain from sending notifications of chemicals that are already listed in Annex III. The US questioned the appropriateness of this. China, with Canada, Egypt and New Zealand, supported the measure, while Colombia and Chile expressed reservations. Arndt reiterated that full-scale notification of chemicals already in Annex III is burdensome. Chair Rodrigues said countries could send in all notifications if they preferred. She proposed that a recommendation might suggest that countries prioritize notifications sent to the Secretariat, giving top priority to chemicals not yet in Annex III, and that the Secretariat also prioritize notifications while processing them. Delegates in Plenary agreed to request the Secretariat to prepare a paper for INC-8 analyzing this issue and outlining options that would reconcile the need for information exchange with the need to avoid placing excessive reporting burdens on Parties or the Secretariat.

Operational Procedures for the ICRC: On Tuesday, 31 October, ICRC Chair 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 DGDs. The Republic of Korea voiced concerns about sufficient time to review draft DGDs. Libya requested that ICRC-proposed draft DGDs be circulated to all Parties to broaden the basis for decision making. Chair Rodrigues said 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 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 INC decision on the process for drafting DGDs (contained in UNEP/FAO/PIC/INC.7/L.1) states that the INC adopts the process for drafting DGDs set out in the flow chart and explanatory notes appended to the decision. The chart indicates that when the Secretariat has identified two notifications from two PIC regions and has verified that a proposal contains the information required: the Secretariat forwards the notification/proposal and documentation to the ICRC experts; the ICRC experts provide comments on the documentation and an ICRC task group is established; the ICRC task group incorporates comments and presents the notifications at an ICRC meeting, and decides to recommend the chemical and develop an internal proposal; the internal proposal is circulated to the ICRC and its observers for information; the ICRC task group incorporates the comments for the ICRC and its observers and prepares a draft DGD; the draft DGD is distributed as a meeting document for discussion at an ICRC meeting; and the ICRC forwards its recommendation and the draft DGD to the INC for decision.



Inclusion of Chemicals in the Interim Procedure: On the inclusion of chemicals in the interim PIC procedure, Chair Rodrigues noted that no additional chemicals required a decision on 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 the FAO as the responsible authority. The EC remarked that there are European specifications that are sometimes stricter than that of the FAO. He also noted that the FAO's definition of impurity contrasts with the definition of chemicals in Article 2 of the Convention.

ISSUES ARISING OUT OF THE CONFERENCE OF THE PLENIPOTENTIARIES

Delegates at INC-7 considered several issues arising out of the Conference of the Plenipotentiaries: the location of the Secretariat of the Rotterdam Convention; support for implementation; and illicit trafficking.

LOCATION OF THE SECRETARIAT: On Tuesday, 31 October, Jim Willis 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 that details categories of information that might be requested from countries interested in hosting the permanent Secretariat. The annex contains information categories on: legal rules, privileges and immunities; 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, the Plenary agreed to adopt a decision (contained in UNEP/FAO/PIC/INC.7/L.1/Add.1) 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 scheduled for 2001.

The EC highlighted its 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 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 creation of a collective DNA. 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 its regional workshop would take place early next year.

ILLICIT 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 Committee 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 scheduled for December to discuss work on illicit trafficking. He added 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 Regional 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 international provisions that protect developing countries. He noted the African Regional Group's wish to have illicit trafficking examined by the INC and to have a decision adopted on this issue. The EC high-



lighted the importance of coordination on initiatives dealing with illicit trafficking and stressed that the IOMC Working Group will need to work with Interpol and other bodies.

Nigeria noted that IFCS Forum IV would take place in 2003, but that African countries cannot wait until then to address the situation. He 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 trafficking could be considered there but that it would be important to take into account the work of the IOMC Working Group to avoid duplication.

Chair Rodrigues suggested that establishing an INC working group on this issue would duplicate the work of the IOMC. She suggested 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 should 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.

Delegates took note of and strongly endorsed the recommendations adopted by Forum III, and requested the IOMC Working Group to report back to INC-8 on the work accomplished in response to those recommendations.

STATUS OF SIGNATURE AND RATIFICATION OF THE CONVENTION

On Tuesday, 31 October, 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 the beginning of October, eleven States had ratified the Convention, but no subsequent information on other ratifications had been received by the Secretariat. Switzerland announced that its government had sent the request for ratification to its Federal Parliament on 18 October, and that ratification is expected in 2001. Germany said the Convention had been ratified by its government and would be deposited this year. Rwanda noted its absence from the list of country signatures. The EC said its 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 adopted the Convention through a law of its National Congress and was taking necessary steps toward ratification. Nigeria stated that it would 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 its Senate for consent and Cuba said its government is considering ratifi-

cation in the near future. Delegates in Plenary urged States to speed up processes toward ratification, so that the Convention enters into force by Rio+10 in 2002.

On Wednesday, 1 November, Cameroon announced his President's authorization by law to ratify the Convention and the taking of steps to deposit the instrument of ratification.

PREPARATION FOR THE CONFERENCE OF THE PARTIES

Several issues related to the preparation for the Conference of the Parties (COP) were discussed during the week: discontinuation of the interim PIC procedure; rules of procedure for the COP, settlement of disputes and non-compliance; financial arrangements; and assignment of Harmonized System customs codes.

DISCONTINUATION OF THE INTERIM PIC PROCEDURE: On Tuesday, 31 October, Niek van der Graaff, FAO, introduced "Issues Associated with the Discontinuation of the Interim PIC Procedure" (UNEP/FAO/PIC/INC.7/12). The document notes, *inter alia*, that: the interim procedure will cease to operate on a date specified by COP-1; the number of Parties to the Convention will initially be less than the number of States participating in the interim procedure; non-Parties to the Convention will lose protection against unwanted imports when the interim procedure ceases; and there is no provision for the continuation of the INC and ICRC when the interim procedure ceases. Noting the document contains issues but not solutions, he said the INC could provide guidance on developing it into an options paper.

On Wednesday, 1 November, Van der Graaff emphasized the complexity of issues associated with transition from the interim procedure to the Convention procedure, such as how to address notifications from non-Parties. The US proposed continuing the interim procedure for one year after COP-1, but not continuing the mandate of the INC and ICRC. She noted that this would result in a transition period of close to two years and suggested consideration of measures, such as allowing non-Parties to participate as observers in the COP and CRC and placing documents on the Internet, in order to mitigate possible negative effects. Canada noted that while 163 countries currently participate in the interim procedure, once the Convention enters into force with 50 ratifications, 113 countries would be non-Parties and therefore be unable to participate. He suggested, with support from the EC, Australia, Hungary, the Republic of Korea, Nigeria, Samoa and Tanzania, a transition period longer than one year, and, supported by, *inter alia*, Argentina and Ecuador, asked the Secretariat to identify options by INC-8 for managing the transition.

Colombia said the COP is the highest authority and should make decisions regarding non-Parties. She asked for clarification regarding the consequences of continuing the interim procedure and noted that how non-Parties are treated could have trade implications. The Russian Federation suggested a gradual convergence of the interim procedure and the Convention in order to facilitate countries' ratification. The EC supported maintaining the interim procedure but emphasized that duplication should be avoided. The US clarified that the interim procedure would continue one year from COP-1, not one year from entry into force of the Convention. Chair Rodrigues responded that without a continued interim procedure there could be many countries not applying PIC if they are not Parties once the Convention is in force.



Ukraine stressed that ratification can be a lengthy process requiring assistance from the Secretariat. Uganda observed that the Secretariat would be the link between past and future and that discussions should focus on how to encourage non-Parties to join. India highlighted the experience of the Chemical Weapons Convention in allowing time for countries to become Parties. Switzerland supported Canada's proposal that the Secretariat prepare an options paper and proposed extending the interim procedure until COP-2. Iran said that a gap in implementation could damage the aim of the Convention and proposed that the Secretariat prepare a questionnaire asking governments when they will ratify and to state reasons for delay or obstacles to ratification. Kenya said that trade between Parties and non-Parties should continue during the transition period.

Australia encouraged delegates to provide comments to the Secretariat regarding different options. Chair Rodrigues set 1 February 2001 as the date for submission of comments. China supported a transitional period while warning of potential adverse effects on non-Parties. The US highlighted the need for legal advice to clarify the situation of different notifications in the Convention during the interim period.

The final INC-7 decision on the discontinuation of the interim PIC procedure (contained in UNEP/FAO/PIC/INC.7/L.1/Add.1) states that the options paper to be prepared by the Secretariat should consider: the date on which the interim procedure should be discontinued; the nature of transitional measures; the possible need for measures regarding treatment of non-Parties to the Convention; measures to decide on the validity of notifications of final regulatory actions and responses regarding import from non-Parties; and draft recommendations concerning the need to mitigate possible negative effects resulting from the termination of the interim procedure.

RULES OF PROCEDURE, DISPUTE SETTLEMENT AND NON-COMPLIANCE: On Wednesday, 1 November, Jim Willis introduced draft rules of procedure, possible options for financial rules, settlement of disputes and non-compliance as a package of activities in preparation for the COP. Noting that certain items were more urgent than others, he drew delegates' attention to the documents "Draft Rules of Procedure of the Conference of the Parties" (UNEP/FAO/PIC/INC.7/7) and "Settlement of Disputes" (UNEP/FAO/PIC/INC.7/9). He said the draft rules for COP-1 adoption were a "first start" and highlighted the annexes on arbitration and conciliation. Chair Rodrigues signaled the intent to form a working group to review the documents and delegates indicated general support for this.

Regarding the rules of procedure, the EC, *inter alia*: queried the 90-day period applying to extraordinary COP meeting requests; queried the six-week minimum period for agenda distribution before ordinary meetings, and advocated Internet distribution; supported, with New Zealand but opposed by the US, a suggested variation to the quorum rule stating that a regional economic integration organization counts according to voting entitlement; called for clarification in the majority-required rule; and, regarding secret ballot as a method of voting, supported amendment to promote transparency. The US stressed amending the threshold requirement for a secret ballot from just one party to, at the very least, a majority. New Zealand, supported by the US, said holding ordinary meetings annually is too frequent and proposed 18 months to two years with the flexibility to vary.

Regarding settlement of disputes, France, on behalf of the EC, advocated the Convention on Biological Diversity as a model. Canada said a working group on compliance should be created at the next INC

and recommended that the Secretariat, in consultation with Parties, develop a compliance procedure model and also draft a mechanism for periodic reporting on obligations for adoption by the COP. The UK recommended that the proposed working group on rules and dispute settlement take advantage of precedents under other multilateral environmental agreements but update elements where appropriate.

Regarding "Procedures and Institutional Mechanisms for Determining Non-compliance" (UNEP/FAO/PIC/INC.7/10), Chair Rodrigues noted the need to adopt a recommendation on this issue due to its importance for many parties. France, on behalf of the EC and supported by Austria, suggested the adoption of a non-compliance mechanism that is as effective as possible but flexible enough to allow exchange of and access to information. Austria highlighted the benefits of looking at other international regimes and Colombia said an effective mechanism would contribute to the success of the Convention. The US pointed to the Montreal Protocol as having an exemplary mechanism, but said non-compliance was not a priority above other issues.

Chair Rodrigues suggested requesting the Secretariat to develop a non-compliance model and another for reporting, which is not explicitly provided for in the Convention. Canada, supported by France, on behalf of the EC, Lesotho, the UK and the Sudan, volunteered to draft a preliminary reporting model. Australia proposed that the Secretariat draft the paper on this subject and Colombia suggested that interested Parties send their comments to the Secretariat. The UK said Article 18, paragraph 5, of the Convention provides authority for the adoption of a reporting model. Lesotho asked for provision of incentives to promote compliance. Chair Rodrigues invited Parties interested in supporting Secretariat development of models for non-compliance and reporting to send in their comments by 1 February 2001. Chair Rodrigues proposed creation of a Legal Working Group on the issues of non-compliance, dispute settlement and rules of procedure, with Patrick Szell (UK) as Chair.

On Friday, 3 November, Szell presented the report of the Legal Working Group (UNEP/FAO/PIC/INC.7/CRP.9). He said the report was not final but reflected progress made by the Group, and that they only had time to cover rules of procedure, and not arbitration or conciliation procedures for dispute settlement and non-compliance. He remarked that after having examined all of the rules of procedure, six issues would require further consideration:

- Rule 4.1 (Dates of meetings): there was no decision as to whether rules ought to state that as a basic concept, COPs should be held every one or two years;
- Rule 7.1 (Participation of other bodies or agencies): one delegate suggested additional text stating that Parties can request information from the Secretariat regarding which of its national NGOs expressed a wish to be represented at the meeting as an observer;
- Rule 22 (Election of officers): there were drafting difficulties regarding a suggestion that the cycle of Bureau membership, from beginning of one COP to the beginning of the next COP, be changed from the end of one COP to the end of the next COP;
- Rule 36 (Quorum): outstanding issues still exist regarding quorum for opening debate and for taking any decision at a meeting, and regarding the way in which regional economic integration organizations are to be counted;
- Rule 46 (Majority required voting): the text had initially addressed only the question of decision making on matters of substance, so



text was added regarding decision making on matters of procedure; and

- Rule 51.1 (Method of voting for general matters): some participants expressed unease about the fact that a secret ballot could be demanded by just one party, but the Group could not agree on an alternative approach.

Chair Rodrigues expressed appreciation for the progress made by the group and the Plenary took note of its work.

FINANCIAL ARRANGEMENTS: On Wednesday, 1 November, Jim Willis outlined "Possible Options for Financial Rules," including "Financial Provisions for the Permanent Secretariat" and a "Draft Budget for the First Biennium" (UNEP/FAO/PIC/INC.7/8), highlighting elements found in the rules adopted by other multilateral environmental agreements (UNEP/FAO/PIC/INC.7/INF/4). He suggested the Secretariat produce a draft of financial rules based on elements in other agreements. Canada, France and the UK supported, *inter alia*: a biennial financial period; financial rules adopted by consensus; and creation of a special fund constituted by voluntary contributions. The US opposed use of the UN scale for contributions, noting the existence of alternative assessment methodologies. Cuba, Indonesia, Iran, Kenya and Samoa supported use of the UN scale. Cuba said that targeting contributions for certain projects should be avoided and Kenya supported voluntary contributions not subject to scale. Canada inquired about financing for intersessional Bureau meetings, and Willis replied that this had not been included in the budget. Chair Rodrigues commented that e-mail has solved many Bureau coordination problems, and said the Secretariat would draft financial rules for presentation at INC-8.

ASSIGNMENT OF HARMONIZED SYSTEM CUSTOMS CODES: On Thursday, 2 November, Erik Larsson, Interim Secretariat, outlined the "Assignment of Specific Harmonized System Customs Codes" (UNEP/FAO/PIC/INC.7/11 and INC.7/INF/3). He reminded delegates that INC-6 had invited the Secretariat to initiate contact with the World Customs Organization (WCO), and that the WCO was encouraged to assign Harmonized System (HS) customs codes to Annex III chemicals. He said the Secretariat had also been invited to report on progress made by the Montreal Protocol and Basel Convention Secretariats in assigning HS codes. Larsson said the WCO had provided a list of HS codes for Annex III chemicals, noting that some chemicals were not assigned a code. He explained that HS codes are assigned according to a product's application, but that Annex III chemical uses were not always clear to the WCO. He said a meeting would be held in early 2001 to discuss a coordinated approach between the WCO and UNEP Secretariats.

A representative of the WCO outlined progress made by his organization toward assignment of HS customs codes (UNEP/FAO/PIC/INC.7/CRP.4). He noted that more than 175 countries and customs or economic unions use HS codes for trade policy, rules of origin, monitoring of certain controlled goods, internal taxes, freight tariffs and transport statistics. He said the HS Committee prepares recommendations in order to ensure uniformity in HS application and can furnish information or guidance on any matters concerning classification of goods by interested parties.

On classification of chemicals, he noted that Chapters 25, 26 and 27 from Section V of the HS are devoted to mineral products, while Section VI refers to chemical or allied industry products. The WCO observed that from descriptions given of chemicals under the Conven-

tion, it is not clear whether they are mixed or unmixed, or what their application may be. He said that in order to be identified separately in the HS, goods have to satisfy three conditions: (1) based on the present HS structure, the relevant subheading should be convenient for accommodating further subdivisions; (2) it should be possible for customs officers to distinguish the substance from other items under the subheading; and (3) the volume of world trade in the product should be above US\$50 million. He recommended future joint action by the WCO and UNEP, including: development of a correlation table between Annex III chemicals and the HS; a proposal by UNEP to the WCO for separate identification in the HS of substances controlled under PIC; and another UNEP proposal to the WCO for a draft WCO recommendation on the insertion of nomenclatures for collection of data on substances controlled by the Convention.

The EC said it was willing to make a proposal to the WCO regarding modification of the HS to include codes for chemicals under the Convention, and suggested that the Secretariat work with the EC on this matter. He noted a resolution made at IFCS Forum III asking countries to support initiatives in this area. The Republic of Korea requested the Secretariat to continue work with the WCO, in cooperation with other interested organizations. Chair Rodrigues said that INC-7 would take note of the information presented by the Secretariat and the WCO, and encourage that the work on assigning HS customs codes to PIC chemicals be completed by 2007.

CLOSING PLENARY

In the closing Plenary on Friday, 3 November, delegates considered and made modifications to the "Draft Report" of the meeting (UNEP/FAO/PIC/INC.7/L.1 and Add.1). Jim Willis noted that two decisions made regarding contaminants would be combined into one decision for the Final Report of the meeting. With regard to implementation of the interim PIC procedure, the EC added a sentence referring to 13 new import decisions recently transmitted to the Secretariat and an EC notification of regulatory action concerning asbestos. On the development of an Incident Report Form, the WHO added language about its ongoing project on human exposure to pesticides.

Regarding contaminants, Canada proposed removing reference to chemicals whose use had been banned or severely restricted, and replacing it with wording on pesticides for which specified levels of contaminants had been set. Noting that discussions in the ICRC necessarily involve banned or severely restricted substances, the EC opposed Canada's suggestion. The US, opposed by the EC, suggested referring only to the issue of contaminants. She explained that although a ban or severe restriction might constitute a final regulatory action domestically, it might not necessarily fall under the Convention's definition of a final regulatory action. She maintained that the definition of "chemical" under the Convention is ambiguous because it does not state whether a substance is still a chemical if it contains a certain level of contaminant. She suggested, and Plenary accepted, compromise text referring to the issue of pesticides that had been notified as banned or severely restricted. On FAO specifications for contaminants, Egypt proposed adding text on the need to establish an institutional mechanism to control manufacturer compliance with the internationally accepted specifications. The EC supported Egypt's proposal and suggested text encouraging FAO to expedite its work on pesticide specification while giving due consideration to the effects of these substances on human health and the environment.



On issues arising out of the Conference of Plenipotentiaries, particularly support for the implementation of Article 16 of the Convention, Egypt proposed that the Secretariat support the development of workshops in all PIC regions. On dispute settlement, illicit trafficking and responsibility and liability, Senegal, on behalf of the African Regional Group and supported by Libya, proposed including a request for further study of procedures for compensation. Chair Rodrigues explained that it is implicit in the concept of liability and responsibility, and since there was no intention to reopen debate to address this request, suggested taking note of this in the report. On possible options for financial rules, the US proposed that financial decisions be adopted by consensus. France suggested including budget contributions supplied by the government where the Secretariat would be located.

Nigeria, on behalf of the African Regional Group, congratulated the Secretariat and participants for helping to achieve the goals of the meeting. He presented an African Group Declaration that: reaffirmed Africa's commitment to the Convention; noted the lack of an international legal framework to address illicit trafficking; underscored the need for assistance in building regional capacity for successful implementation; and invited other stakeholders from the private sector to implement UNEP and FAO's codes of conduct on international trade in chemicals and pesticides. Libya underscored necessary continued assistance from the Secretariat to developing countries for capacity building toward implementation of the Convention.

In closing remarks, Chair Rodrigues thanked delegates, the Secretariat and the Bureau for completing their work as scheduled. She wished participants a safe journey home and looked forward to seeing them at INC-8 in Rome. Chair Rodrigues gaveled INC-7 to a close at 1:10 pm.

A BRIEF ANALYSIS OF INC-7

Participants at INC-7 gathered in Geneva to consider a series of issues that mark the "twilight zone" separating the Rotterdam Convention's adoption and its entry into force, a zone patrolled by transitional complexities surrounding discontinuation of the interim PIC procedure. In spite of a heavy agenda, a show of new faces and a tendency to seek further advice on complex questions, delegates dispensed with many agenda items ahead of schedule and, in a cooperative spirit, made measured progress on many of the issues at hand. Delegates left INC-7 satisfied with their progress, but also cognizant that much work remains in the period leading up to the first Conference of the Parties. This analysis examines progress made at INC-7, remaining obstacles in the transitional period and future prospects for the Convention's effective operation.

NUTS AND BOLTS OF AN ADOPTED CONVENTION: A focus for the start-up of any new convention is the task of putting in place and fine-tuning the machinery that constitutes and facilitates its operation. In many respects, INC-7 made considerable progress in prioritizing and tackling operational "nuts and bolts" in preparation for COP-1. At the level of basic mechanics, for example, the Legal Working Group took advantage of procedures found in other multilateral environmental agreements and agreed on the content of most of the draft rules of procedure for the Rotterdam Convention. This progress is important given that the Legal Working Group's time and resources at INC-8 will be burdened by weightier issues, such as non-compliance and dispute settlement procedures. While limited progress was made on non-compliance in Geneva, the request to the Secretariat

to prepare a compliance procedure model based on those in other fora and an obligations reporting mechanism represents a step forward since the last INC.

INC-7 wisely and frequently used the tactic of looking to parallel work already done by other international organizations and conventions in order to maximize efficiency and enhance synergies. An example of this is the ongoing work within the WCO toward assigning specific Harmonized System customs codes to PIC chemicals. Measured progress was also made on tightening the bolts of the interim PIC procedure. Notable examples were: adoption of DGDs for two further chemicals, bringing the total number of PIC chemicals to 31; confirmation of ICRC experts; agreement on development of an incident report form for pesticide poisoning incidents; a decision to prioritize notifications of chemicals not already subject to the PIC procedure; and adoption of a process for drafting DGDs.

INTERIM ADJUSTMENTS: In spite of this progress, there was a tendency at INC-7 to either postpone or forward the more complex issues to the Secretariat for the "hard thinking" and report back with options and solutions at INC-8. A key issue, and one with serious implications, is the discontinuation of the interim PIC procedure. Central to this are timing questions that have a direct impact on the obligations and protection of non-Parties to the Convention during the transitional period connecting the interim and Convention PIC procedures. Aside from questions of scope and application, a decision on the duration of the interim procedure also carries financial and possibly trade implications. Some Parties may be unwilling to fund two concurrently operating PIC procedures and the Convention makes only vague reference to how non-Parties should be treated with respect to import and export of PIC chemicals. While it is certain that there will be a transition period, it remains unclear for how long it will operate and how much it will cost. A lack of insightful interventions at INC-7, and the request to the Secretariat to consult with Parties and come up with solutions, is indicative of the heavy workload remaining on this critical issue. In this regard, several observers underscored the importance of a smooth transition to COP-1 and emphasized that transitional difficulties must not undermine operation of the PIC procedure.

Another looming question for the INC and the COP is determination and treatment of non-compliance. Notwithstanding agreement for further Secretariat work, there is pressure to make swift progress on non-compliance. This was underscored in discussions on illegal traffic, which is an increasingly serious concern for developing countries. Some developing country voices stressed that mere support for the IOMC Working Group, which is to report to IFCS Forum IV in 2003, is too little too late. Others impressed that national strategies hold the key. There are no easy answers to illegal traffic and, given the circumstances, the decision to focus and coordinate efforts through the IOMC working group appears to be a sound one. Moreover, there are ongoing developments on illegal traffic in other fora, such as the Basel Convention, that may hold lessons for the future consideration of this issue in the PIC context.

A number of observers also suggested that timing and human resource issues might have affected INC-7's progress on some of the more complex issues. This meeting was sandwiched between the recent IFCS Forum III and the upcoming and higher profile penultimate POPs negotiating session. The suggestion was that some chemical experts were either still digesting outcomes from the former or strategizing for the latter, potentially affecting the salience and atten-



tion given to PIC at this particular juncture. This might go some way to explaining the show of new faces at INC-7 that suggested a "changing of the guard" from experienced PIC negotiators to a mix of eager implementers and lawyers anxious to scrutinize the fine print of decisions that will have to be implemented back home.

ENTERING LEGALLY BINDING TERRITORY: INC-7 identified Rio+10 as a target for the Rotterdam Convention's entry into force and operation. Achieving this will require signatories to demonstrate full commitment to the Convention they negotiated. Some speculate that there will soon be an acceleration in ratifications, which bodes well for the future. INC-7 may be characterized as having continued to oil the machinery required for implementing a soon-to-be legally binding Convention. In the meantime there is much work to be done if the momentum achieved to date is to be maintained. With expectations high for its successful operation, it is beholden on all Convention stakeholders to ensure that this happens.

THINGS TO LOOK FOR

FIFTH SESSION OF THE INC ON PERSISTENT ORGANIC POLLUTANTS (POPS): The fifth session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (INC-5) will take place from 4-9 December 2000, in Johannesburg, South Africa. For more information, contact: UNEP Chemicals (IRPTC); tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: dodgen@unep.ch; Internet: <http://irptc.unep.ch/pops/>

12TH MEETING OF THE PARTIES OF THE MONTREAL PROTOCOL: MOP-12 is scheduled to take place in Ouagadougou, Burkina Faso, from 11-15 December 2000. The 32nd Meeting of the Executive Committee of the Multilateral Fund will be held prior to this, from 4-8 December, also in Ouagadougou. For more information, contact: the Ozone Secretariat; tel: +254-2-62-1234; fax: +254-2-62-3601; e-mail: ozoneinfo@unep.org; Internet: <http://www.unep.org/ozone/12mop.htm>

FIFTH CONSULTATION ON THE PREVENTION AND DISPOSAL OF OBSOLETE AND UNWANTED STOCKS OF PESTICIDES: This meeting is scheduled for 2001 in Rome, Italy. Participants will consider new provisions for the prevention and disposal of obsolete stocks and update/prepare various technical guidelines in support of the FAO Code of Conduct. For more information, contact: Ale Wodageneh, FAO; tel: +39-6-5705-5192; fax: +39-6-5705-6347; e-mail: A.Wodageneh@fao.org; Internet: <http://www.fao.org/waicent/FaoInfo/Agricult/AGP/AGPP/Pesticid/Events/c.htm>

MEETING OF THE INTERIM CHEMICAL REVIEW COMMITTEE (ICRC) OF THE ROTTERDAM CONVENTION: ICRC-2 will meet from 19-23 March 2001, in Rome. For more

information, contact: Gerold Wyrwal, FAO; tel: +39-6-5705-2753; fax: +39-6-5705-6347; e-mail: gerold.wyrwal@fao.org; or Jim Willis, UNEP Chemicals, Geneva; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: chemicals@unep.ch; Internet: <http://www.pic.int/>

DIPLOMATIC CONFERENCE ON PERSISTENT ORGANIC POLLUTANTS (DIPCON): The diplomatic conference for the signing of the POPs convention is scheduled to take place from 21-23 May 2001, in Stockholm, Sweden. For more information, contact: Jim Willis, UNEP; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: chemicals@unep.ch; Internet: <http://irptc.unep.ch/pops/>

JOINT FAO-WHO MEETING ON PESTICIDE RESIDUES: The 26th Session of the Joint Meeting of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Expert Group on Pesticide Residues (JMPR) will take place from 10-28 September 2001, in Geneva. The 27th Session is scheduled for 20-29 September 2002 in Rome. These meetings are expected to produce reports and monographs summarizing the assessments of certain pesticides. For more information, contact: Amelia Tejada, FAO; tel: +39-6-5705-4010; fax: +39-6-5705-6347; Internet: <http://www.fao.org/waicent/FaoInfo/Agricult/AGP/AGPP/Pesticid/events/c.htm>

EIGHTH PIC INC MEETING: The eighth session of the Intergovernmental Negotiating Committee for the Preparation of the Conference of Parties of the Rotterdam Convention for the Application of the PIC Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (INC-8) will be held from 8-12 October 2001, in Rome. For more information, contact: Niek van der Graaff, FAO; tel: +39-6-5705-3441; fax: +39-6-5705-6347; e-mail: Niek.VanderGraaff@fao.org; or Jim Willis, UNEP Chemicals; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: chemicals@unep.ch; Internet: <http://www.pic.int/>

GOVERNMENT CONSULTATION ON UPDATING THE FAO CODE OF CONDUCT ON THE DISTRIBUTION AND USE OF PESTICIDES: This consultation is tentatively scheduled for October 2001 in Rome, and will consider the draft revised FAO International Code of Conduct on Distribution and Use of Pesticides. For more information, contact: Niek Van der Graaff, FAO; tel: +39-6-5705-3441; fax: +39-6-5705-6347; e-mail: Niek.VanderGraaff@fao.org; Internet: <http://www.fao.org/waicent/FaoInfo/Agricult/AGP/AGPP/Pesticid/Events/c.htm>.

FOURTH SESSION OF THE INTERGOVERNMENTAL FORUM ON CHEMICAL SAFETY (IFCS): FORUM IV is scheduled to be held in Thailand in 2003, with FORUM V taking place in Hungary in late 2005 or 2006. For more information, contact: the IFCS Executive Secretary; tel: +41-22-791-3650/4333; fax: +41-22-791-4875; e-mail: ifcs@who.ch; Internet: <http://www.who.int/ifcs>