



## SIXTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR IMPLEMENTING INTERNATIONAL ACTION ON CERTAIN PERSISTENT ORGANIC POLLUTANTS: 17-21 JUNE 2002

The Sixth Session of the Intergovernmental Negotiating Committee (INC-6) for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (POPs) convenes today in Geneva, Switzerland. The main objective of the meeting is to establish the INC as the oversight mechanism to coordinate and foster continuing international action on POPs and to prepare for a "quick start" to the Conference of the Parties (COP) process by advancing preparations for the first COP of the Stockholm Convention on Persistent Organic Pollutants.

During the course of the meeting, delegates to INC-6 will meet in Plenary to consider organizational matters, specifically, expansion of the size of the Bureau, and preparations for the COP, including: measures to reduce or eliminate releases from intentional production and use and register of specific exemptions, as well as measures to reduce or eliminate releases from unintentional production and from stockpiles and wastes; implementation plans; listing of chemicals; information exchange; technical assistance; financial resources and mechanisms; the interim financial mechanism; reporting; effectiveness evaluation; non-compliance; and settlement of disputes. The Legal Drafting Group is also expected to meet throughout the week, while contact groups may be set up to address particular issues.

The Stockholm Convention was adopted and opened for signature on 22 May 2001. The treaty calls for international action on 12 POPs grouped into three categories: 1) pesticides: aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex and toxaphene; 2) industrial chemicals: hexachlorobenzene (HCB) and polychlorinated biphenyls (PCBs); and 3) unintended byproducts: dioxins and furans. Governments are to promote best available techniques and practices for replacing existing POPs while preventing the development of new POPs. Provision has also been made for a procedure identifying additional POPs and the criteria to be considered in doing so.

Key elements of the treaty include: the requirement that developed countries provide new and additional financial resources; control measures to eliminate production and use of intentionally produced POPs, eliminate unintentionally produced POPs, where feasible, and manage and dispose of POPs wastes in an environmentally sound manner; and substitution involving the use of safer chemicals and processes to prevent toxic by-products. Precaution

is operationalized throughout the Stockholm Convention, with specific references in the preamble, the objective and the provision on identifying new POPs.

Since the Stockholm Convention's adoption, 151 countries have signed the treaty, and 11 have ratified it (Canada, Fiji, Germany, Iceland, Lesotho, Liberia, Nauru, the Netherlands, Rwanda, Samoa, and Sweden). The Convention will enter into force 90 days after receipt of the 50th instrument of ratification.

### A BRIEF HISTORY OF THE POPS NEGOTIATIONS

During the 1960s and 1970s, the use of certain chemicals and pesticides in industry and agriculture increased dramatically. Many of these chemicals are important to modern society, but can also pose a serious threat to human health and the environment. In particular, a certain category of chemicals known as persistent organic pollutants (POPs) attracted international attention due to a growing body of scientific evidence indicating that exposure to very low doses of POPs can lead to cancer, damage to the central and peripheral nervous systems, diseases of the immune system, reproductive disorders and interference with normal infant and child development. POPs are chemical substances that persist, bioaccumulate and pose a risk of causing adverse effects to human health and the environment. With further evidence of the long-range transport of these substances to regions where they have never been used or produced, and the consequent threats they pose to the environment worldwide, the international community has called for urgent global action to reduce and eliminate their release into the environment.

Prior to 1992, international action on chemicals primarily involved developing tools for information exchange and risk assessment. For example, in 1985 the UN Food and Agriculture Organization established an International Code of Conduct for the Distribution and Use of Pesticides and, in 1987, UNEP created the London Guidelines for the Exchange of Information on Chemicals in International Trade. In 1992, the UN Conference on Environment and Development (UNCED) adopted Agenda 21. Chapter 19 of Agenda 21, "Environmentally Sound Management of Toxic Chemicals Including Prevention of Illegal International Traffic in Toxic and Dangerous Products," called for the creation of the Intergovernmental Forum on Chemical Safety (IFCS). Agenda 21 also called for the establishment of the Inter-Organization Programme on the Sound Management of Chemicals (IOMC) to promote coordination among international organizations involved in implementing Chapter 19.

In March 1995, the UNEP Governing Council (GC) adopted Decision 18/32 inviting the IOMC, the IFCS and the International Programme on Chemical Safety to initiate an assessment process regarding an initial list of 12 POPs. In response to this invitation, the IFCS convened an *Ad Hoc* Working Group on POPs, which developed a workplan for assessing these substances. Such assess-

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ments evaluated available information on the chemistry, sources, toxicity, environmental dispersion and socioeconomic impacts of the 12 POPs.

In June 1996, the *Ad Hoc* Working Group convened a meeting of experts in Manila, the Philippines, and concluded that sufficient information existed to demonstrate the need for international action to minimize the risks from the 12 POPs, including a global legally binding instrument. The meeting forwarded a recommendation to the UNEP GC and the World Health Assembly (WHA) that immediate international action be taken. In February 1997, the UNEP GC adopted Decision 19/13C endorsing the conclusions and recommendations of the IFCS. The GC requested that UNEP, together with relevant international organizations, prepare for and convene an intergovernmental negotiating committee (INC) with a mandate to develop, by the end of 2000, an international legally binding instrument for implementing international action, beginning with the 12 specified POPs. The first meeting of the INC was also requested to establish an expert group for the development of science-based criteria and a procedure for identifying additional POPs as candidates for future international action. Also in February 1997, the second meeting of the IFCS decided that the IFCS *Ad Hoc* Working Group would continue to assist in preparations for the negotiations. In May 1997, the WHA endorsed the recommendations of the IFCS and requested that the World Health Organization participate actively in negotiations of the international instrument.

**INC-1:** The first session of the Intergovernmental Negotiating Committee (INC-1) was held from 29 June to 3 July 1998, in Montreal, Canada. INC-1 established the Implementation Aspects Group (IAG) to address technical and financial assistance and requested the Secretariat to prepare a document for INC-2 containing material for possible inclusion in an international legally binding instrument. INC-1 also established the Criteria Expert Group (CEG) to elaborate proposals for science-based criteria, and to develop a procedure for identifying additional POPs as candidates for future international action to be presented to the INC at or before its fourth session. INC-1 directed the CEG to incorporate criteria pertaining to persistence, bioaccumulation, toxicity and exposure in different regions, taking into account the potential for regional and global transport.

**CEG-1:** The first session of the Criteria Expert Group (CEG-1) was held from 26-30 October 1998, in Bangkok, Thailand, to consider the CEG's programme of work. At CEG-1, delegates considered, *inter alia*, the development of a procedure for identifying additional POPs, including the information required at different stages of the procedure, and who would nominate, screen and evaluate a substance as a future POPs candidate.

**INC-2:** INC-2 was held from 25-29 January 1999, in Nairobi, Kenya. Discussions were largely based on the Secretariat-prepared outline of an international legally binding instrument. After general discussions on this document, delegates divided into the IAG and the Negotiating Group. The Negotiating Group examined the text of the outline and completed preliminary discussions on: measures to reduce or eliminate releases of POPs into the environment; national implementation plans (NIPs); information exchange; public information, awareness and education; and research, development and monitoring. The IAG held general discussions on possible capacity-building activities requiring technical and financial assistance.

**CEG-2:** The second session of the Criteria Expert Group (CEG-2) met from 14-18 June 1999, in Vienna, Austria, to build upon the work of CEG-1 in the development of scientific criteria and a procedure for adding additional POPs to the initial list of 12. The CEG proposed a procedure that provides for the establishment of a review committee or committees to apply screening criteria

and to prepare a risk profile and risk management evaluation for proposed substances. The CEG submitted its recommendations to INC-3.

**INC-3:** INC-3 met from 6-11 September 1999, in Geneva, Switzerland, and adopted the report of the CEG and approved the CEG's recommendations as a basis for further negotiation. In the Negotiating Group, delegates made advances on language for articles on: measures to reduce or eliminate releases; NIPs; the listing of substances in annexes; and information exchange. In the IAG, delegates continued discussions on technical assistance and financial resources and mechanisms, while many governments and regional groups submitted draft text for these articles.

**INC-4:** INC-4 met from 20-25 March 2000, in Bonn, Germany. While INC-4 succeeded in drafting articles on technical assistance and financial resources and mechanisms, the text remained heavily bracketed and developed and developing country positions remained divided. Delegates devoted much time to addressing control measures and made some headway on elimination language with respect to byproducts. INC-4 also addressed and made progress on articles regarding: NIPs; listing of substances; information exchange; public information, awareness and education; and research, development and monitoring.

**INC-5:** INC-5 met from 4-10 December 2000, in Johannesburg, South Africa, and concluded negotiations on the POPs convention in the early morning hours of Saturday, 10 December. Going into INC-5, countries were still divided over issues related to: financial resources and mechanisms; measures to reduce or eliminate releases; and the precautionary principle. Delegates met in various contact groups and more informally to address these issues throughout the week, and informal consultations on financial issues and the precautionary principle were held throughout the final night of the conference. Delegates agreed to resolutions on interim financial arrangements and issues related to the Basel Convention. A number of resolutions were also tabled addressing, *inter alia*, interim arrangements, a capacity assistance network and liability and redress, but due to time constraints, discussions were postponed.

**CONFERENCE OF PLENIPOTENTIARIES ON THE STOCKHOLM CONVENTION:** The Conference of the Plenipotentiaries convened from 22-23 May 2001, in Stockholm, Sweden. During the Diplomatic Conference, delegates adopted: the Stockholm Convention; resolutions adopted by INC-4 and INC-5, which address interim financial arrangements and issues related to the Basel Convention; resolutions forwarded by the Preparatory Meeting; and the Final Act. At the Conference, a total of 91 countries and the European Community signed the Stockholm Convention, and a total of 115 countries and the European Community signed the Final Act of the Conference.

**INTER-ORGANIZATION PROGRAMME FOR THE SOUND MANAGEMENT OF CHEMICALS (IOMC) MEETING ON NATIONAL IMPLEMENTATION PLANS FOR POPs:** This meeting was held in Montreux, Switzerland from 28-30 January 2002. Participants to the meeting agreed on goals relating to: NIPs; guidance; and intergovernmental organizations. They also addressed NIPs as they relate to the Stockholm Convention, initial guidelines drafted by the Global Environment Facility, and the role of respective organizations in supporting NIPs.

### THINGS TO LOOK FOR TODAY

**PLENARY:** Delegates will convene at 10:00 am at the Geneva International Convention Centre. Opening and welcoming statements will be delivered, after which it is expected that the Plenary will address organizational matters.