



**NINTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR THE APPLICATION OF THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE:
30 SEPTEMBER TO 4 OCTOBER 2002**

The ninth session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (INC-9) opens today in Bonn, Germany.

The prior informed consent (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. A major step in this process was taken in September 1998 with the adoption of the Rotterdam Convention on the PIC Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. To date, the Convention has been signed by 72 States and the European Community, and ratified by 33 States. It will enter into force once 50 instruments of ratification are deposited. Until the Convention's first Conference of the Parties (COP), the Intergovernmental Negotiating Committee (INC) will continue to provide guidance regarding the implementation of the PIC procedure during this interim period.

Delegates to INC-9 will resume consideration of the major issues associated with the implementation of the interim PIC procedure. As part of this work, key items on the INC-9 agenda include a review of the current financial situation and the proposed budget for 2004, and the status of implementation of the interim PIC procedure. Delegates will also consider preparations for the first COP, including outstanding matters relating to the draft financial rules and provisions, procedures for dispute settlement, mechanisms for handling cases of non-compliance, and discontinuation of the interim PIC procedure.

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:

- assist countries to 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 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 called 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 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.

INC-1: The first session of the INC was held from 11-15 March 1996, in Brussels. With more than 194 delegates from 80 governments and representatives of various specialized agencies, IGOs and NGOs in attendance, 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: INC-3 convened in Geneva from 26-30 May 1997. Delegates from 102 countries considered the revised text of draft articles for the instrument and proposals from several delegations. Debate centered on the scope of the proposed convention.

INC-4: The fourth session of the INC took place from 20-24 October 1997, in Rome, with delegates considering the revised text of draft articles for the instrument.

INC-5: INC-5 was held from 9-14 March 1998, in Brussels. Delegates made progress on a consolidated draft text of articles, and reached agreement on the draft text of the PIC convention and a draft resolution on interim arrangements.

THE DIPLOMATIC CONFERENCE OF 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. It is expected that 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 a 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: INC-6 was held from 12-16 July 1999, in Rome. Delegates from 121 countries addressed arrangements for the interim period prior to entry into force of the Convention, and for the implementation of the interim PIC procedure. INC-6 resulted in draft decisions on the definition and provisional adoption of the 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.

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 in the interim PIC procedure, and forwarded draft DGDs for those chemicals to INC-7 for consideration. ICRC-1 also established a number of task groups to work intersessionally on various issues related to the ICRC's operational procedures.

INC-7: The seventh session of the INC was held from 30 October to 3 November 2000, in Geneva. Delegates addressed, *inter alia*: implementation of the interim PIC procedure; issues arising out of the Conference of Plenipotentiaries; and preparations for the COP, such as discontinuation of the interim PIC procedure and financial arrangements. Delegates also adopted DGDs for ethylene dichloride and ethylene oxide, as well as a policy on contaminants within chemicals.

ICRC-2: The second session of the ICRC (ICRC-2) was held in Rome from 19-23 March 2001. In light of discussion and adoption at INC-7 of a general policy on contaminants within chemicals, the ICRC considered the DGD on maleic hydrazide. It also addressed:

ICRC operational procedures; inclusion of monocrotophos in the interim PIC procedure; and the use of regional workshops to strengthen the links between designated national authorities (DNAs) and the work of the ICRC and the INC. It also forwarded recommendations to the INC on cooperation and coordination in the submission of notifications of final regulatory actions, and on the inclusion of monocrotophos in the interim PIC procedure.

INTERSESSIONAL HIGHLIGHTS

ICRC-3: The third meeting of the ICRC was held from 17-21 February 2002, in Geneva, Switzerland. The meeting resulted in a recommendation by the Committee that three widely-used pesticides and all forms of asbestos remaining outside the PIC procedure be added to the international list of chemicals subject to this procedure. These recommendations will be considered at INC-9.

The three pesticides recommended for the PIC procedure are monocrotophos, GRANOX TBC/SPINOX T and DNOC. Monocrotophos is used in many developing countries to control insects and spider mites on cotton, citrus, rice, maize and other crops, but threatens the health of farm workers, and is also highly toxic to birds and mammals. GRANOX TBC and SPINOX T are mixtures of fungicides and the highly toxic insecticide Carbofuran, and are used by peanut farmers. DNOC is an insecticide, weed killer and fungicide that is toxic to humans as well as other organisms. The five remaining forms of asbestos – actinolite, anthophyllite, amosite, tremolite and chrysotile – were also recommended to be added to the PIC list.

WSSD: The sound management of chemicals and hazardous waste were addressed at the World Summit on Sustainable Development, held in Johannesburg from 26 August to 4 September 2002. Delegates agreed to text in the Johannesburg *Plan of Implementation* supporting entry into force of the Rotterdam Convention by 2003 and the Stockholm Convention on Persistent Organic Pollutants (POPs) by 2004. The *Plan of Implementation* also contains commitments to: reduce the significant effects of chemicals and hazardous wastes on human health and the environment by 2020; encourage countries to implement the new globally harmonized system for the classification and labeling of chemicals, with a view to having the system operational by 2008; and promote efforts to prevent international illegal trafficking of hazardous chemicals and hazardous wastes, as well as damage resulting from the transboundary movement and disposal of hazardous wastes.

OTHER RELATED MEETINGS: In other international chemicals-related meetings, the Technical and Legal Working Groups of the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and Their Disposal met from 14-18 January 2002, in Geneva, Switzerland. Also, the Sixth Session of the Intergovernmental Negotiating Committee (INC-6) for an International Legally Binding Instrument for Implementing International Action on Certain POPs was held from 17-21 June 2002, in Geneva, Switzerland. More recently, a Workshop on Liability and Redress in the context of the Stockholm Convention on POPs was held from 19-21 September 2002, in Vienna, Austria. For more information on these meetings, visit: <http://www.iisd.ca/recent/recentmeetings.asp?id=4>

THINGS TO LOOK FOR TODAY

OPENING PLENARY: INC-9 will open at 10:00 am in the Bundeshaus in Bonn, with statements by Jürgen Trittin, German Federal Minister for the Environment, Nature Conservation and Nuclear Safety, and by Bärbel Dieckmann, Mayor of Bonn. UNEP's Deputy Executive Director Shafqat Kakakhel and the FAO's Assistant Director-General Louise Fresco will also present their opening remarks. Delegates are then expected to take up organizational matters, including the organization of work and the meeting's expected outcomes, before addressing the more substantive items on the agenda.