



PIC INC-9 HIGHLIGHTS MONDAY, 30 SEPTEMBER 2002

The ninth 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-9) opened on Monday morning, 30 September, in Bonn, Germany. Following the opening speeches, delegates addressed organizational matters, activities of the Secretariat and a review of extrabudgetary funds, and implementation of the interim PIC procedure.

OPENING OF THE SESSION

INC Chair Maria Celina de Azevedo Rodrigues (Brazil) welcomed delegates to INC-9 and introduced the opening speakers.

Speaking on behalf of Jürgen Trittin, German Minister for the Environment, Nature Conservation and Nuclear Safety, Secretary of State Gila Altmann drew delegates' attention to the World Summit on Sustainable Development (WSSD) goal of minimizing the significant adverse effects of chemicals and hazardous waste on human health and the environment by 2020, and urged all countries to ratify the Rotterdam Convention on the PIC Procedure. She called on delegates to approve the proposed addition to the PIC list of the various forms of asbestos and emphasized the needs of developing countries for assistance in ratifying and implementing the Convention.

Bärbel Dieckmann, Mayor of Bonn, highlighted the February 2002 Agreement between Germany and the UN to establish a UN campus in Bonn, and said the Secretariats for PIC and the Persistent Organic Pollutants (POPs) processes would be welcome here.

Klaus Töpfer, Executive Director of UNEP, recommended that INC-9 address the challenges of ratification, capacity building and technical assistance to enable all Parties to comply with PIC procedure requirements, and measurement of the Convention's effectiveness. He called for prompt ratification and suggested that delegates consider a technical assistance strategy. He also recommended that performance indicators be used to provide information to the general public and to monitor, *inter alia*, the number of poisoning incidents, compliance with reporting procedures, and the number of import responses and export notifications. He welcomed adding monocrotophos to the PIC list, and supported strengthening synergies among chemical conventions and international agencies.

Louise Fresco, FAO Assistant Director-General, stressed that achieving the WSSD poverty and hunger eradication goals requires sustainable intensification of agriculture. Observing that this is not possible without chemicals, she called for, *inter alia*: actions to ensure the safe and efficient use of chemicals; analysis of risks arising from the uncontrolled use of pesticides; adequate chemical management infrastructure; and regional cooperation

between the conventions and agencies. She commended progress made during the interim process, including workshops, proposals for adding new chemicals, and incident report forms.

Arnulf Müller-Helmbrecht, Executive Secretary of the Convention on Migratory Species (CMS), noted that the CMS had just held its seventh Conference of the Parties at this conference center, and endorsed Bonn as host of a new UN campus.

ORGANIZATIONAL MATTERS

INC Chair Rodrigues introduced, and INC-9 adopted, the provisional agenda (UNEP/FAO/PIC/INC.9/1 and 2). On the Organization of Work, Chair Rodrigues introduced the Secretariat's Scenario Note (UNEP/FAO/PIC/INC.9/3), stressing the importance of prompt ratification, the need for technical assistance for countries experiencing difficulties preparing and finalizing notifications, and the non-compliance of several countries with respect to import responses. She highlighted expected outcomes of INC-9, including: adoption of the 2004 budget; decision on the future membership and term of office of the Interim Chemical Review Committee (ICRC); and conclusion of the discussions on dispute settlement, draft financial rules and provisions, and non-compliance.

ACTIVITIES OF THE SECRETARIAT AND REVIEW OF EXTRABUDGETARY FUNDS

Jim Willis, Joint Executive Secretary for the Interim Secretariat of the Rotterdam Convention (UNEP), presented a report on the activities of the Secretariat and on its financial requirements (UNEP/FAO/PIC/INC.9/4). He drew attention to key matters taken up in the report, including five nominations of additional designated national authorities (DNAs) and 35 changes to existing DNAs; 48 notifications of final regulatory actions from seven Parties covering 46 chemicals and pesticides; and 145 responses from 23 Parties regarding future imports. On the proposed core budget for 2004, Willis expressed satisfaction with the Secretariat's financial situation and noted the Swiss Government's offer to host INC-10. He indicated that the proposed budget for 2004 includes an increase from US\$2.5 million to US\$3.6 million, and identified various activities that the greater financial obligations would cover, including workshops and support for implementation, support for the Secretariat's increased workload, communication costs, and the 13% UN support charge. Explaining the proposed budget increase, Willis noted that if, as expected, entry into force occurs and the first COP takes place in 2004, this would require substantial budgetary growth. He suggested that delegates revisit this issue at INC-10.

Commenting on the report, NIGERIA and others highlighted the value of holding workshops. EGYPT offered to host a workshop for Arabic-speaking countries, and MALAYSIA highlighted a need for a workshop in its region. SWITZERLAND noted its financial support for workshops, including an upcoming event in Tehran. UKRAINE drew attention to an upcoming workshop in Kiev.

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ITALY indicated its financial support for the PIC process and drew delegates' attention to its offer, with Switzerland, to co-host the PIC and POPs Secretariats. The EUROPEAN COMMUNITY declared its intention to contribute 100,000 Euros both this year and next. The UK noted its contribution of GBP 80,000, and FINLAND indicated that it had already contributed 10,000 Euros. JAPAN announced its decision to make a voluntary contribution of US\$100,000, and said the draft budget for 2004 should be re-examined at INC-10, when the date of entry into force is likely to be known.

GERMANY requested that the costs of hosting INC-9 be reflected in a footnote to the list of financial pledges and contributions in the budget report (UNEP/FAO/PIC/INC.9/4). Jim Willis explained that such contributions are not usually reported in the list, but suggested that Germany's additional contribution of US\$334,631 be reflected in the report of the meeting. Delegates agreed to this suggestion.

CUBA offered to host activities for supporting implementation of the Convention in Latin America, and suggested analyzing whether the budget report corresponds to the priorities set by INC-8. BRAZIL recommended presenting the budget as a table comparing biennium budget allocations.

Noting that they had a number of specific budget-related questions, NEW ZEALAND and the US, supported by AUSTRALIA, recommended that these questions be addressed by an informal budget group. Delegates agreed to this suggestion, endorsing a proposal by Chair Rodrigues that the group not meet in parallel with the Plenary, so as to ensure transparency and enable the participation of all interested delegations.

IMPLEMENTATION OF THE INTERIM PIC PROCEDURE

CONFIRMATION OF EXPERTS FOR THE ICRC: Delegates addressed implementation of the PIC procedure on Monday afternoon, starting with the sub-item on confirmation of experts designated for the ICRC. Niek van der Graaf, Joint Executive Secretary for the Interim Secretariat of the Rotterdam Convention (FAO), introduced the Secretariat's note on this item (UNEP/FAO/PIC/INC.9/11), drawing attention to the resignation of one North American expert. The INC accepted Canada's nomination of Rob Ward (Canada) as a replacement. Chair Rodrigues noted that the experts' terms of office expired in July 2002 (UNEP/FAO/PIC/INC.9/12) and outlined two options: extension of the present members' terms of office; or reconstitution of the membership. On the modality of replacement, the GAMBIA highlighted the possibility of gradual replacement.

STATUS OF IMPLEMENTATION OF THE INTERIM PIC PROCEDURE: Gerold Wyrwal, Interim Secretariat for the Rotterdam Convention, introduced the report on the status of implementation of the interim PIC procedure (UNEP/FAO/PIC/INC.9/5). He said the report notes that of the 166 countries participating in the interim PIC procedure only 15% have provided all import responses, 25% have failed to provide any responses, while only 48% of countries have submitted responses concerning future imports for all 31 chemicals. He suggested that INC-9 consider the low rate of responses and notifications when discussing non-compliance. The EUROPEAN COMMUNITY noted the limitations of listing responses in the PIC circulars and called on the Secretariat to address the underlying causes that result in the failure to meet obligations under Article 10.3 (obligations in relation to imports of chemicals listed in Annex III). CHILE noted several linguistic inconsistencies in the PIC circulars and the text and name of the Convention. ARGENTINA reported that it had submitted a document covering all 31 chemicals and encouraged other countries to follow suit. CUBA called for increased technical assistance to developing countries to honor reporting and notification obligations and stressed the need for chemical risk assessments.

REPORT OF THE ICRC: ICRC Chair Reiner Arndt reported on the work of the ICRC's third session, held in Geneva from 17–21 February 2002. Arndt reviewed the report of the meeting (UNEP/FAO/PIC/INC.9/6) and the issues raised (UNEP/FAO/

PIC/INC.9/7), including conflict of interest, the inclusion of maleic hydrazide in the interim PIC procedure, the compatibility of current regulatory practices with the notification requirements, severely hazardous pesticide formulations, and the prioritization of work on old notifications of final regulatory actions to ban or severely restrict a chemical. The EUROPEAN COMMUNITY requested that the ICRC re-examine the situation relating to maleic hydrazide, stressing concerns that a manufacturer in Japan was not meeting the requirements set out in the INC-8 decision on maleic hydrazide. JAPAN responded that documents on compliance would be forwarded to the ICRC by the end of November 2002. NIGERIA highlighted the needs of developing countries to obtain information on alternatives to asbestos. ARGENTINA expressed concern that international trade of chemicals under consideration was not being required by the ICRC in its assessments of severely hazardous pesticide formulations. He stated the objectives of the Convention require ongoing international trade for the PIC procedure to be applied, and suggested that a legal interpretation of these provisions might be necessary. Arndt pointed out that, under Convention Article 6, ongoing international trade is not a prerequisite to the procedures for severely hazardous pesticide formulations. Chair Rodrigues and Jim Willis suggested that discussion of this matter was not timely, as the ICRC has not yet submitted draft decision guidance documents to the INC regarding applicable chemicals. Chair Rodrigues also stressed that this issue was extensively addressed during the negotiation of the Convention.

INCLUSION OF CHEMICALS IN THE INTERIM PIC PROCEDURE: Chair Rodrigues introduced the Secretariat's Note on the inclusion of monocrotophos and the adoption of its decision guidance document (UNEP/FAO/PIC/INC.9/10). The INC supported monocrotophos' inclusion and approved the guidance document.

IN THE CORRIDORS

Delegates got down to business early on INC-9's opening day, starting their discussions on substantive issues such as the proposed budget by mid-morning, before moving on to consider implementation issues in the afternoon. A number of delegates felt that a good start had been made to what they also described as a "quiet" or "straightforward" first day. Several participants predicted that talks might enter a more technical and possibly intense phase on Tuesday, as the INC takes up more complex issues such as compliance, and begins to meet in small informal settings. Although there was some discussion on the competing German and Swiss-Italian bids to host the Convention Secretariat, Parties seemed to feel that this would not cause too much controversy here, given that INC-9 will not have to make any sort of decision on the matter.

THINGS TO LOOK FOR TODAY

PLENARY: Plenary will convene at 10:00 am to continue work on the INC-9 agenda. It is expected to take up the issue of non-compliance under the item on preparation for the COP.

REGIONAL GROUP MEETINGS: PIC regional groups will meet in the afternoon to discuss ICRC membership.

BUDGET GROUP: An informal meeting of interested Parties and the Secretariat regarding the financial report and budgetary proposal for 2004 will take place at 2:00 pm in Room 7 A-C.

NON-COMPLIANCE GROUP: A working group on non-compliance is expected to meet in the afternoon, following discussion of the issue in Plenary.

SIDE EVENT: A side event, *Perspectives for Partnerships – Cooperation for the Implementation of the Rotterdam Convention*, hosted by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety and the Ministry for Economic Cooperation and Development will be held in Wasserwerk at 1:00 pm.