



SEVENTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR IMPLEMENTING INTERNATIONAL ACTION ON CERTAIN PERSISTENT ORGANIC POLLUTANTS: 14-18 JULY 2003

The Seventh Session of the Intergovernmental Negotiating Committee (INC-7) for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (POPs) convenes today at the Geneva International Conference Center in Geneva, Switzerland. The main objective of the meeting is to foster continuing international action on POPs and prepare for a "quick start" to the Conference of the Parties (COP) process by advancing preparations for the first COP (COP-1) of the Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention).

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 environmental 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.

The Stockholm Convention has been signed by 151 countries and ratified by 33. The Convention will enter into force 90 days after receipt of the 50th instrument of ratification.

A BRIEF HISTORY OF THE STOCKHOLM CONVENTION

Persistent Organic Pollutants (POPs) are chemical substances that persist, bioaccumulate and pose a risk of causing adverse effects to human health and the environment. Scientific evidence has shown 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.

The 1992 UN Conference on Environment and Development adopted Agenda 21 calling for the creation of the Intergovernmental Forum on Chemical Safety (IFCS) and the establishment of the Inter-Organization Programme on the Sound Management of Chemicals (IOMC). In March 1995, the United Nations Environment Programme (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.

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 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.

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 develop a procedure for identifying additional POPs as candidates for future international action.

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. The Negotiating Group 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.

This issue of the *Earth Negotiations Bulletin*© <enb@iisd.org> is written and edited by Tamilla Gaynutdinova <tamilla@iisd.org>, Pia M. Kohler <pia@iisd.org>, Fiona Koza <fiona@iisd.org>, and Hugh Wilkins <hugh@iisd.org>. The Digital Editor is David Fernau <david@iisd.org>. The Editor is Pamela S. Chasek, Ph.D. <pam@iisd.org> and the Director of IISD Reporting Services is Langston James "Kimo" Goree VI <kimo@iisd.org>. The Sustaining Donors of the *Bulletin* are the Government of the United States of America (through the Department of State Bureau of Oceans and International Environmental and Scientific Affairs), The Netherlands Ministry of Foreign Affairs, the Government of Canada (through CIDA, DFAIT and Environment Canada), the Swiss Agency for Environment, Forests and Landscape (SAEFL), the United Kingdom (through the Department for International Development - DFID and Department for Environment Food and Rural Affairs - DEFRA), the European Commission (DG-ENV), the Danish Ministry of Foreign Affairs, and the Government of Germany (through the German Federal Ministry of Environment - BMU, and the German Federal Ministry of Development Cooperation - BMZ). General Support for the *Bulletin* during 2003 is provided by the United Nations Environment Programme (UNEP), the Government of Australia, the Ministry of Environment and the Ministry of Foreign Affairs of Sweden, the Ministry of Foreign Affairs and Trade of New Zealand, the Ministry of Foreign Affairs of Norway, Swan International, the Japanese Ministry of Environment (through the Institute for Global Environmental Strategies - IGES), the Japanese Ministry of Economy, Trade and Industry (through the Global Industrial and Social Progress Research Institute - GISPRI), and the Ministry for Environment of Iceland. The opinions expressed in the *Earth Negotiations Bulletin* are those of the authors and do not necessarily reflect the views of IISD or other donors. Excerpts from the *Earth Negotiations Bulletin* may be used in non-commercial publications with appropriate academic citation. For information on the *Bulletin*, including requests to provide reporting services, contact the Director of IISD Reporting Services at <kimo@iisd.org>, +1-212-644-0217 or 212 East 47th St. #21F, New York, NY 10017, USA.



INC-3: INC-3 met from 6-11 September 1999, in Geneva, Switzerland, and adopted CEG proposals for a procedure establishing a review committee to apply screening criteria and to prepare a risk profile and risk management evaluation for proposed substances as a basis for further negotiation. Delegates made advances on language 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.

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 the positions of developed and developing countries remained divided. Delegates addressed control measures and made some progress on language regarding byproduct elimination. 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 convention in the early morning hours of Saturday, 10 December. Delegates discussed issues related to: financial resources and mechanisms; measures to reduce or eliminate releases; and the precautionary principle. Informal consultations on financial issues and the precautionary principle were held throughout the final night of the conference.

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.

INC-6: INC-6 met from 17-21 June 2002, in Geneva, Switzerland. Delegates adopted decisions on DDT and the Register of specific exemptions; the POPs Review Committee; a clearing-house mechanism; technical assistance; financial resources and mechanisms and the interim financial mechanism; regional and subregional centers for capacity building and technology transfer; effectiveness evaluation; and non-compliance. INC-6 also established an Expert Group on Best Available Techniques (BAT) and Best Environmental Practices (BEP).

INTERSESSIONAL HIGHLIGHTS

GEF REGIONAL AND SUB-REGIONAL WORKSHOPS: The Global Environment Facility (GEF) Medium Sized Project on Support for the Implementation of the POPs Convention convened a series of sub- and inter-regional workshops in developing countries and countries with economies in transition to address issues relating to obligations under the Convention and promote early ratification and implementation. Since INC-6, workshops have been held in: Kiev, Ukraine, from 21-25 October 2002; Livingstone, Zambia, from 25-27 November 2002; and St. John's, Antigua and Barbuda, from 7-10 April 2003.

WSSD: At the World Summit on Sustainable Development (WSSD), held in Johannesburg, South Africa, from 26 August to 4 September 2002, delegates set a goal that, by 2020, chemicals are to be used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment. Delegates supported entry into force of the Stockholm Convention by 2004 and committed to further develop a strategic approach to international chemicals management by 2005.

WORKSHOP ON LIABILITY AND REDRESS: This workshop, held from 19-21 September 2002, in Vienna, Austria, discussed the need for elaboration of international rules on liability and redress resulting from the use and intentional release of POPs. The workshop featured expert presentations on international legal developments, information on existing liability regimes, and technical aspects of POPs.

PIC INC-9: The ninth session of the INC 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 was held from 30 September to 4 October 2002, in Bonn, Germany. Delegates considered issues associated with implementation of the interim PIC procedure and made progress on draft financial rules and provisions, procedures for dispute settlement, mechanisms for handling cases of non-compliance, and discontinuation of the interim PIC procedure.

SECOND GEF ASSEMBLY: The second Assembly of the GEF convened from 16-18 October 2002, in Beijing, China. The Assembly approved, *inter alia*, the designation of POPs as a focal area, the GEF's availability to act as the financial mechanism of the Stockholm Convention, and relevant financial targets in the GEF's third replenishment.

MONTREAL PROTOCOL MOP-14: The 14th Meeting of the Parties (MOP-14) to the Montreal Protocol on Substances that Deplete the Ozone Layer and COP-6 to the Vienna Convention for the Protection of the Ozone Layer convened from 25-29 November 2002, in Rome, Italy. Delegates made decisions on, *inter alia*: the Multilateral Fund replenishment and its fixed-exchange-rate mechanism; compliance issues; illegal trade; and transition from chlorofluorocarbons for metered-dose inhalers.

BASEL CONVENTION COP-6: COP-6 to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was held from 9-14 December 2002, in Geneva, Switzerland. The COP considered and adopted decisions on implementation of the Convention, amendment of the Convention and its annexes, a compliance mechanism, a Strategic Plan, and a framework agreement on the establishment of Regional Centers for Training and Technology Transfer.

UNEP GOVERNING COUNCIL: The 22nd session of the UNEP GC took place from 3-7 February 2003, in Nairobi, Kenya. Delegates made decisions encouraging ratification of the Stockholm Convention, confirming UNEP's continued participation in the POPs interim Secretariat, establishing a mercury programme, and further developing a strategic approach to international chemicals management.

EXPERT GROUP MEETING ON BAT-BEP: The Expert Group on BAT-BEP met from 10-14 March 2003, in North Carolina, USA, to initiate the development of guidelines on BAT and provisional guidance on BEP relevant to Article 5 and Annex C of the Stockholm Convention. The group discussed the scope of its work and reviewed guideline requirements based on source categories.

THINGS TO LOOK FOR TODAY

PLENARY: Delegates will convene at 10:00 am at the Geneva International Convention Center. Opening statements will be delivered by Philippe Roch (Switzerland) and Ahmed Djoghlaif (UNEP), after which it is expected that the Plenary will address organizational matters, international activities related to the INC's work, and the programme of work, budget and current funding situation.