



REPORT OF THE FIRST SESSION OF THE INC FOR AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR IMPLEMENTING INTERNATIONAL ACTION ON CERTAIN PERSISTENT ORGANIC POLLUTANTS (POPS): 29 JUNE – 3 JULY 1998

The first session of the Intergovernmental Negotiating Committee (INC-1) for an international legally binding instrument for implementing international action on certain persistent organic pollutants (POPs) was held from 29 June-3 July 1998 in Montreal, Canada. Delegates from 92 countries met in Plenary to consider the programme of work for the INC as well as possible elements that might be included in an international legally binding instrument on a list of twelve POPs grouped into three categories: 1) pesticide POPs: aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex and toxaphene; 2) industrial chemical POPs: hexachlorobenzene and polychlorinated biphenyls (PCBs); and 3) POPs that are unintended byproducts: dioxins and furans. The INC established a Criteria Expert Group (CEG), as well as a subsidiary body to examine implementation aspects of a future instrument, including issues related to technical and financial assistance. Two contact groups discussed terms of reference for the CEG and technical information needs for the INC. Based on the discussions at INC-1 and written comments to be submitted by 1 September 1998, the Secretariat will prepare for INC-2 a document containing material for possible inclusion in an international legally binding instrument.

To the satisfaction of many participants, INC-1 enjoyed a smooth and relatively trouble-free start. Delegates met with a clear spirit of cooperation, mutual purpose, shared responsibility and voiced their determination to tackle what is universally acknowledged as a very real and serious threat to human health and the environment. There was universal support for the sound and clear platform for progress established by prior activities, such as the work of the Intergovernmental Forum on Chemical Safety and UNEP Governing Council Decision 19/13C, the mandate of the POPs negotiations. The INC quickly adopted their rules of procedure and began considering some initial elements that could be included in a draft convention. Despite this progress, some delegates thought that given the work and experience on POPs leading up to the meeting, including a recently completed POPs protocol under the Long-Range Transboundary Air Pollution Convention, greater efforts could have been devoted to the substance of a potential draft instrument in order to accelerate the process.

A BRIEF HISTORY OF THE NEGOTIATIONS

Growth in the use of certain chemicals in industry and as pesticide increased dramatically during the 1960s and 1970s. 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) has recently attracted international attention. POPs are chemical substances that are persistent, bioaccumulate and pose a risk of causing adverse effects to human health and the environment. A growing body of scientific evidence indicates that exposure to very low doses of certain POPs - which are among the most toxic substances ever created - 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. With the 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 now 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 involve developing tools for risk assessment and conducting international assessments of priority chemicals. For example, in 1989 UNEP amended its London Guidelines for the Exchange of Information on Chemicals in International Trade and the FAO established the International Code of Conduct for the Distribution and Use of Pesticides. Agenda 21, adopted at the 1992 UN Conference on Environment and

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Development, included Chapter 19 on the "Environmentally Sound Management of Toxic Chemicals Including Prevention of Illegal International Traffic in Toxic and Dangerous Products," which called for the creation of an Intergovernmental Forum on Chemical Safety (IFCS). The Inter-Organization Programme on the Sound Management of Chemicals (IOMC) was also established to promote coordination among international organizations involved in implementing Chapter 19.

In March 1995, the UNEP Governing Council (GC) adopted Decision 18/32 and invited the IOMC, together with the International Programme on Chemical Safety (IPCS) and the IFCS, to initiate an assessment process regarding a list of 12 POPs, taking into account the circumstances of developing countries and countries with economies in transition. The assessments of the chemicals were to include available information on their chemistry, sources, toxicity, environmental dispersion and socio-economic impacts. The IFCS was further invited to develop recommendations and information on international action to be considered by the 1997 sessions of the UNEP GC and the World Health Assembly (WHA). In response to this invitation, UNEP convened an *Ad Hoc* Working Group on POPs that developed a workplan for the assessment of these 12 substances, which was subsequently adopted by the second meeting of the Inter-Sessional Group (ISG2) of the IFCS in March 1996, held in Canberra, Australia.

The *Ad Hoc* Working Group reported to the IFCS meeting held in June 1996 in Manila, the Philippines. The meeting concluded that sufficient information existed to demonstrate that international action, including a global legally binding instrument, is required to minimize the risks from 12 specified POPs through measures to reduce and/or eliminate their emissions and discharges. Consequently, IFCS recommended to the UNEP GC and the 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 prepare 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, held in Ottawa, Canada, decided that the IFCS *Ad Hoc* Working Group would continue to assist in the preparations for the negotiations. In May 1997, the WHA endorsed the recommendations of the IFCS and requested that the World Health Organization (WHO) participate actively in negotiations of the international instrument. Most recently, the UNEP GC, held in May 1998, again highlighted the beginning of the UNEP POPs negotiations.

A number of recent meetings have also addressed issues related to the POPs INC agenda:

- In June 1995, Parties to the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution agreed to the Barcelona Resolution, which aims to reduce by the year 2005 and to gradually eliminate discharges and emissions of substances that are toxic, persistent and liable to bioaccumulate and that could reach the marine environment.
- An "International Expert Meeting on Persistent Organic Pollutants: Towards Global Action," jointly organized by Canada and the Philippines, was held in Vancouver, Canada, in June 1995. The meeting concluded that domestic regulatory arrangements are not adequate in managing the adverse global impacts of POPs and requested that a suitable international agency provide definitions, criteria and a comprehensive list of POPs.
- The Intergovernmental Conference to Adopt the Global

Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA) took place in Washington, DC, in November 1995. Over 108 governments declared, *inter alia*, their support for the development of a legally binding instrument to reduce or eliminate the discharge, manufacture, and use of the 12 POPs.

- During 1997 and 1998, UNEP and the IFCS conducted eight regional and subregional joint awareness raising workshops on the risks and global issues associated with POPs, particularly for developing countries and countries with economies in transition.
- In March 1998, representatives from 95 governments completed negotiations for an international legally binding Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC Convention). The PIC principle states that export of dangerous chemicals and pesticides should not proceed unless explicitly agreed upon by the importing country. The major aim is 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 being traded internationally. This Convention will be adopted and opened for signature at a Diplomatic Conference to be held in Rotterdam, the Netherlands, in September 1998.
- The UN Economic Commission for Europe (UN/ECE) recently concluded negotiations for a protocol to the Convention on Long-Range Transboundary Air Pollution (LRTAP) regarding 16 POPs. On 24 June 1998, 32 countries and the European Community signed the protocol, which aims to control, reduce or eliminate discharges, emissions and losses of POPs. The protocol: bans the production and use of some products outright (aldrin, chlordane, chlordecone, dieldrin, endrin, hexabromobiphenyl, mirex, toxaphene); schedules others for elimination at a later stage (DDT, heptachlor, hexachlorobenzene, PCBs); and severely restricts the use of DDT, HCH (including lindane), and PCBs. It also obliges countries to reduce their emissions of dioxins, furans, PAHs and HCB below their 1990 levels and provides for best available techniques to cut emissions of these POPs.

REPORT OF INC-1

Dr. Klaus Töpfer, Executive Director of UNEP, opened INC-1 on Monday, 29 June 1998, and called for, *inter alia*: urgent international action on POPs; less generation of hazardous waste; and movement toward cleaner production and a lifecycle economy. He noted that citizens and action groups have been instrumental in raising awareness about the risks of toxic chemicals, highlighted the important work that organizations such as UNEP, the IOMC, IPCS, and IFCS have done in this area, and stressed the importance of funding these activities and the POPs negotiations. He stated that the ultimate goal must be the elimination of POPs releases, not simply their better management.

Jacques Yves Therrien, Sous-ministre de la Metropole, Quebec, highlighted the increasing evidence of POPs in northern areas of Quebec and said that Quebec had initiated some of the early research into this issue. He stressed that the global dimension of the POPs problem requires international cooperation.

Christine Stewart, Minister of the Environment, Canada, noted that in northern Canada people often consume food with POP levels up to eight times higher than in southern Canada, and that POPs affect women and children in particular. She recalled the recently completed LRTAP POPs protocol, the first multinational legally binding agreement on POPs, and emphasized the need for concerted global action. She also urged delegates to consider those most affected by these substances.



ORGANIZATIONAL MATTERS

During the opening Plenary, Dr. Töpfer requested nominations for the Bureau of the INC. After consultations, John Buccini (Canada) was elected Chair of the INC and the following delegates were elected Vice-Chairs: Mohammed Asrarul Haque (India); Maria-Cristina Cardenas Fischer (Colombia); and Ephraim Buti Mathebula (South Africa). Darka Hamel (Croatia) was elected Rapporteur. Chair Buccini thanked delegates, expressed his commitment to act with honor and responsibility, and highlighted the challenges ahead through to 2000, the target year for completion of the negotiations.

Jim Willis (UNEP Chemicals) reminded delegates of the INC's mandate and highlighted provisions of UNEP GC Decision 19/13C and their usefulness for lending structure and guidance to the negotiations. The Agenda for the meeting (UNEP/POPS/INC.1/1) was then adopted by the Plenary without amendment.

The following documents prepared by the Secretariat were used as the basis for discussions:

- the mandate given to the POPs INC by the UNEP GC (UNEP/GC.19/13C);
- draft rules of procedure for the meetings of the POPs INC (UNEP/POPS/INC.1/2);
- a summary of certain multilateral legally binding instruments relevant to an international legally binding instrument on certain POPs (UNEP/POPS/INC.1/3);
- a note on possible substantive articles of an international legally binding instrument on certain POPs (UNEP/POPS/INC.1/4);
- draft text of final provisions (UNEP/POPS/INC.1/5);
- a note on the consideration of possible criteria for identifying further POPs as candidates for international action (UNEP/POPS/INC.1/6);
- a note from the Secretariat of the Basel Convention regarding its relevance to POPs (UNEP/POPS/INC.1/INF/1);
- a note on the proceedings of the regional and subregional awareness-raising workshops on POPs (UNEP/POPS/INC.1/INF/2);
- the draft LRTAP POPs protocol (UNEP/POPS/INC.1/INF/3);
- the final report of the meeting of the IFCS Ad Hoc Working Group on POPs, held on 21 and 22 June 1996 in Manila, the Philippines (UNEP/POPS/INC.1/INF/4); and
- paragraphs pertaining to POPs from the final report of IFCS-2 (UNEP/POPS/INC.1/INF/5).

RULES OF PROCEDURE

On Monday, 29 June, delegates in Plenary considered the draft rules of procedure for the INC, which were prepared on the basis of the rules of procedure adopted for meetings of the PIC INC. The rules of procedure consist of 56 rules, grouped into the following 12 sections: purpose; definitions; place and dates of meetings; agenda; representation; officers; Secretariat; conduct of business; subsidiary organs of the meetings, such as working and expert groups; languages and records; public and private meetings; and observers.

Delegates briefly discussed rule 53, which states that meetings of subsidiary organs, other than any drafting group that may be established, shall be held in public unless the organ concerned decides otherwise. IRAN said there was no justification for closing any meetings, meetings should be open-ended for all delegations, and proposed deletion of the phrase "shall be held in public unless the organ concerned decides otherwise." The UNEP Legal Counsel said the purpose of such a provision is to provide reasonable discretion for private meetings in an exceptional case, which is in full accordance with UN practice. The Secretariat added that the provision refers to public observers outside the negotiation process, and does not exclude governments from such private meetings. The rules of procedure for the meeting were adopted by the Plenary without amendment.

PREPARATION OF AN INTERNATIONAL LEGALLY BINDING INSTRUMENT

Deliberations on the preparation of an international legally binding instrument on certain POPs began on Monday, 29 June, in Plenary. The Plenary heard opening statements from delegations and considered, *inter alia*, the programme of work for the INC and possible elements to be included in a draft international legally binding instrument on POPs. The Plenary also convened several contact groups to discuss specific issues and report back to Plenary. The following summarizes the various issues discussed during the week.

OPENING STATEMENTS: On Monday, 29 June, and Tuesday morning, 30 June, delegates in Plenary heard opening statements from governments, intergovernmental organizations (IGOs) and non-governmental organizations (NGOs). Many delegates expressed their appreciation to UNEP and the INC Secretariat as well as to the Government of Canada for hosting the first session. Many statements also emphasized, *inter alia*: the development of financial mechanisms; institutional and technical capacity building; training in management of existing POPs; monitoring the use of POPs; developing alternatives; transfer of technology and knowledge; and financial and technical assistance for management of POPs and implementation of a POPs convention for developing countries and countries with economies in transition.

The UK, on behalf of the European Community (EC), said the LRTAP POPs protocol could aid the INC in the development of a global agreement on POPs. He said the INC should initially focus on the 12 POPs identified in the mandate, with a view to later expanding the list for consideration by an expert group to include the four additional POPs in the LRTAP POPs protocol and two additional substances highlighted in the Ministerial Declaration to the "Environment for Europe" Ministerial Conference. He also stressed the need to avoid overlap with other multilateral environmental agreements, in particular the Basel and PIC Conventions.

JAPAN called for, *inter alia*: cooperation among all stakeholders in addressing POPs; a transparent negotiating process; the identification of other substances and criteria for their regulation on a strictly scientific basis, as well as the establishment of an expert group for this purpose; and consideration of other international agreements related to POPs in negotiating the POPs convention. INDONESIA noted that his country had banned all 12 POPs and called for greater cooperation between developed and developing countries, particularly concerning capacity building, to reduce the use of POPs.

AUSTRALIA said that in developing a POPs convention, increased consideration should be given to the experiences of countries in the southern hemisphere. AUSTRALIA also stressed the need to consider the differing national conditions in the development of criteria and called for, *inter alia*: increased information sharing, rather than financial assistance, in ensuring countries' safer chemical management; confining negotiations to the current mandate of 12 POPs and increasing the list only after these have been adequately addressed; and the establishment of an expert group on criteria.

NORWAY said knowledge of the negative effects of POPs is far from complete and that their ability to act as endocrine disrupters is particularly alarming. He called for stopping trade in POPs and encouraged their safe destruction where production and use have been banned. He stressed a precautionary approach in the use of criteria for consideration of future POPs, the importance of mechanisms for supporting developing countries and consideration of the relationship between POPs and the work of the Global Environment Facility (GEF).

THAILAND recognized, *inter alia*, the importance of socio-economic criteria in considering additional POPs, and encouraged industrialized countries to assist developing countries with initiating POPs activities. The CZECH REPUBLIC stressed the importance of



POPs, even to countries that have banned them, because of their long-range transport characteristics. He reiterated the important task of safe disposal of contaminated stockpiles and the prevention of further POPs emissions even where POPs are already banned.

The REPUBLIC OF KOREA highlighted the success of the Montreal Protocol based on its successful provision of technical and financial support to developing countries and proposed it as a model for a POPs convention. CÔTE D'IVOIRE noted that his government has developed a PCB pilot project within the framework of the Basel Convention and stressed the importance of addressing at the outset the concerns of developing countries that lack resources to manage the substances to be banned.

CHILE noted the absence of many developing countries and hoped more would participate as the process moves forward. He proposed the establishment of a network of certified regional satellite laboratories connected to a central laboratory that would provide technical assistance. He also stressed viable alternatives, risk profiles based on scientific evidence to determine inclusion or exclusion, and compatibility with other international agreements such as Agenda 21 and the GATT.

POLAND called for adopting measures to control international trade of POPs and, supported by PAKISTAN, a strong article regarding financial mechanisms. BRAZIL, supported by ARGENTINA and the PHILIPPINES, said the proposed working group on criteria should be open-ended. With respect to this group, BRAZIL also stressed scientifically based criteria, clearly defined terms of reference, and provisions for technical assistance to developing countries. He also called for the POPs convention to include financial mechanisms to assist developing countries. The DOMINICAN REPUBLIC also stressed appropriate financial mechanisms for developing countries.

PAKISTAN said developed countries and multinational corporations should assist with POPs destruction in developing countries since they contributed to their existence in the first place. ICELAND stressed, *inter alia*: its dependence on fisheries; the global nature of POPs and the importance of eliminating dangers of increased POP levels; adoption of a precautionary principle and flexibility in order to adjust to scientific developments; and the importance of NGO participation in the negotiations.

TUNISIA proposed that producers of POPs be forced to withdraw all current unused stockpiles in countries maintaining those stockpiles. NEW ZEALAND said it was premature to give active consideration to adding new POPs to the current list while the negotiations are ongoing. He further noted the LRTAP POPs protocol was a positive development but emphasized that countries in the southern hemisphere may have different situations.

BURKINA FASO noted that as a developing and agricultural country, it is a major importer and consumer of various pesticides and chemicals, but that it lacks the infrastructure and ability to ensure rational management of these substances.

CANADA supported strong international action focused on land, marine and air-based POPs pollution with special consideration to be given to developing countries and countries with economies in transition. He suggested the INC consider criteria for identifying other POPs for regulation based on sound science and that the 2000 deadline is an important and achievable goal. MEXICO emphasized that the INC should focus on the 12 initial POPs and then consider other POPs candidates based on the scientific criteria to be established. Since developed countries will likely play a larger role in the development of criteria for additional POPs, he stressed that consideration be given to the capacities of all countries. He also advocated searching for cost-effective alternatives in partnership with industry and NGOs.

PERU highlighted the need for international cooperation and assistance in order to develop alternatives. SOUTH AFRICA stated its commitment to the sound management of POPs, but suggested that the

LRTAP POPs protocol was not a basis for an international convention since it does not recognize the special situation of developing countries. He stressed socio-economic factors, such as possible impacts on food production and human health and limiting the negotiations to the 12 POPs.

COLOMBIA, NIGERIA and EL SALVADOR supported the creation of an open-ended expert group for establishing criteria for additional POPs. COLOMBIA and the US called for different approaches to the three POPs categories. COLOMBIA and INDIA called for the phase-out of the 12 POPs on a gradual and sustainable basis.

INDIA noted that pesticides and chemicals degrade differently in varying climates and stressed the necessity of studying the behavior of POPs under different environmental conditions. INDIA and BANGLADESH said due consideration should be given to the economic viability of alternatives to POPs for developing countries and countries with economies in transition. BANGLADESH supported the involvement of NGOs and called for protection of the knowledge and lifestyles of indigenous and local communities.

The US called for, *inter alia*: science to remain the guiding principle as the negotiations progress; an open and transparent process that engages the participation of all stakeholders; UNEP to consider POPs alternatives, noting that industry has developed alternatives to many of the POPs under consideration; and greater attention to public health concerns when considering alternatives.

NIGERIA and SENEGAL called for increased financial support for developing country participation in the negotiations. NIGERIA supported the precautionary approach and the identification of criteria using not only scientific means. EGYPT, EL SALVADOR and JORDAN said that producers and traders are primarily responsible for the existence of POPs and therefore bear the primary responsibility for them.

KENYA emphasized, *inter alia*: the special needs and requirements of individual countries that still use some POPs to combat disease; expansion of the POPs list based on the precautionary principle; and elimination or reduction, bearing in mind the limited capacity of developing countries. The GAMBIA emphasized phasing out POPs, called for inventories and stressed networking at the sub-regional level. ETHIOPIA also stressed phasing out POPs, taking into account the economy of each country. KUWAIT called for exchange of technology and information. MALAWI emphasized the existence of stockpiles, the continued importation of POPs and the lack of expertise for disposal. MALI emphasized the importance of pesticides in fighting diseases and called on developed countries to identify alternatives. JORDAN called for governments to include restrictive clauses in their national legislation to ban the use of POPs and for assistance to developing countries to establish such legislation. GUINEA said a convention should increase public awareness and provide for managing emergencies in the field.

The UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE (UN/ECE) said the LRTAP POPs protocol would be valuable for the ECE region as well as other regions. He also highlighted the work of the World Health Organization (WHO) in monitoring transboundary fluxes of POPs. The WHO stressed phasing out POPs through the provision of alternatives, acknowledged the need to use DDT in particular cases but opposed its use by the private sector, maintained that the struggle against malaria should be a priority, and noted efforts to reduce reliance on DDT. The FOOD AND AGRICULTURE ORGANIZATION (FAO) invited the INC to draw on the expertise of the FAO in integrated pest management and with respect to the inclusion of other POPs that are pesticides.

The IFCS recalled the establishment of the *Ad Hoc* Working Group on POPs in 1995 and outlined the relevance of the group's work to the negotiations. He further noted that this Working Group had now



ceased to exist with the commencement of this INC and thanked the members of the Group for their hard work. The ARAB LEAGUE EDUCATIONAL CULTURAL AND SCIENTIFIC ORGANIZATION (ALECSO) stressed the concerns of developing countries regarding POPs and the importance of creating internationally binding provisions.

The INTERNATIONAL POPs ELIMINATION NETWORK (IPEN) advocated a comprehensive and sustained programme of action to eliminate these POPs rather than a risk management framework convention. He also stressed identification of cost-effective alternatives to POPs, including non-chemical alternatives, and shared responsibility for aid and capacity enhancement. The INUIT CIRCUMPOLAR CONFERENCE (ICC) said it perceives POPs as more of a public health concern than an environmental issue. She highlighted the value they place on their land and the food that is gathered there. She stressed the bioaccumulation of POPs in the Arctic food chain, including in whales, seals and polar bears, and their subsequent passage from one generation to the next. She stressed the need for a comprehensive, rigorous and verifiable treaty on POPs.

The INTERNATIONAL COUNCIL OF CHEMICAL ASSOCIATIONS (ICCA), speaking on behalf of industry organizations involved in the POPs INC, stated its support for the development of a convention. He stressed that: the identification of POPs must be based only on well defined scientific criteria; any classification of a substance warranting management action must be based on risk assessment; risk management options to reduce risks to an acceptable level are available; and the scope of the convention should not be expanded beyond the 12 POPs until science-based criteria and procedures for adding other substances are agreed upon. GREENPEACE INTERNATIONAL emphasized that injury due to POPs is not limited to the Arctic but is also found near and far from sources. He also stressed: the importance of regional actions; addressing capacity and finance issues; and that POPs pose unmanageable risks and therefore must be eliminated. On the question of criteria, he urged the INC to establish an open and transparent process based on science rather than politics. The WORLD FEDERATION OF PUBLIC HEALTH ASSOCIATIONS (WFPHA) emphasized that phasing out POPs is a difficult goal that requires a just transition, as well as protection of the welfare of those involved in POPs production and use.

WORK PROGRAMME OF THE INC

On Tuesday, 30 June, delegates began consideration of the INC's work programme, including: the creation of subsidiary bodies; possible substantive articles for a draft instrument; implementation aspects, including technical and financial assistance; terms of reference for the expert group on criteria; and technical information needs. Jim Willis, UNEP Chemicals, outlined the documents used as the basis for discussion: a summary of certain multilateral legally binding instruments relevant to an international legally binding instrument on certain POPs (UNEP/POPS/INC.1/3); possible substantive articles of an international legally binding instrument on certain POPs (UNEP/POPS/INC.1/4); and possible final provisions of a draft instrument (UNEP/POPS/INC.1/5).

ESTABLISHMENT OF SUBSIDIARY BODIES: On Tuesday, 30 June, delegates discussed in Plenary the establishment of subsidiary bodies of the INC. INDIA said that the Asia-Pacific Group supported the establishment of a financial and technical assistance group. Several delegations, including the REPUBLIC OF KOREA, the CZECH REPUBLIC, ETHIOPIA and the UK, on behalf of the EC, proposed that an initial discussion about substantive articles should take place in Plenary and then appropriate bodies could be established. The UKRAINE suggested creating a single subsidiary body that would consider substantive articles. POLAND proposed that a variety of

groups should be created on different topics. NEW ZEALAND proposed the creation of three subsidiary bodies on technical issues, financial assistance and legal matters.

On the mandate given to the INC to form an expert group to develop science-based criteria and a procedure for identifying additional POPs, the Chair invited delegates to form an open-ended contact group to discuss the operation of the expert group. Relevant details for discussion included the expert group's terms of reference, costs, formula for participation, and recommendations for a work programme. Many delegates expressed their desire to participate in the contact group and Ndoye Fatoumata Jallow (The Gambia) accepted an invitation to chair the contact group.

Delegates agreed to remain in Plenary for the duration of INC-1, and possibly for INC-2 as well, but that contact groups could be convened as needed to address technical issues or to resolve differences.

POSSIBLE SUBSTANTIVE ARTICLES OF A DRAFT INSTRUMENT: Delegates in Plenary began consideration of possible substantive articles for a draft instrument on Tuesday, 30 June.

Possible measures to reduce and/or eliminate releases of POPs into the environment: ICELAND, supported by NORWAY, stressed that the instrument should consider all sources of POPs releases and that attention should be given to regional and subregional cooperation. The REPUBLIC OF KOREA noted that the question of regulation should include trade, sales and elimination of these substances. Several delegations, including SWAZILAND, SPAIN and the US, highlighted the need for information about the categorization, production, use, stockpiles and existing releases of the 12 POPs. GREENPEACE supported SPAIN concerning strong provisions for inventory and reporting measures, and called for public access to this information. The GAMBIA said issues of elimination should be expanded to include distribution, storage and disposal. GREENPEACE said any terminology regarding "release reduction provisions" is inadequate since the goal is complete elimination.

Management and disposal of stockpiles: TUNISIA underscored the problem of stockpiles in developing countries and said disposal should either be part of a long-range programme within the framework of the convention or responsibility should rest with producers. The Regional Organization for the Protection of the Marine Environment (ROPME) said all types of disposal of POPs should be addressed, not solely stockpiles. THAILAND and ROPME proposed an article on national focal points, to clearly designate responsibility for reporting and for implementation of the convention. MEXICO said the use of national focal points and designated national authorities would not be necessary if the convention is limited to elimination of production and/or use of these substances.

CANADA, supported by POLAND, suggested several areas where work could begin: assistance issues; destruction of stockpiles; reduction and elimination of the 12 POPs, specifically identifying inventories, addressing the cost of destroying POPs and eliminating emissions; and identifying criteria and procedures. POLAND proposed an article to regulate the phaseout period of the 12 POPs. ETHIOPIA, THAILAND and GREENPEACE proposed the addition of an article on liability and compensation.

Information exchange: THAILAND, supported by ITALY, requested clarification as to who will provide for the exchange of information.

Public information, awareness and education: INDIA stressed education at the grassroots level with respect to the dangers and implications of using POPs.

Research, development and monitoring: THAILAND stressed the importance of monitoring over research and CHILE stressed studying differing national technical capacities. The DOMINICAN



REPUBLIC noted that many developing countries lack adequate product management and, with the GAMBIA, implored that transfer of technology be actively carried out, particularly technology to facilitate elimination and destruction of POPs. The GAMBIA, supported by INDIA, said research should address alternatives. COLOMBIA emphasized technical assistance and financial resources for, *inter alia*, establishing control programmes, accessing viable alternatives and developing mechanisms for technology transfer. ETHIOPIA requested inclusion of indigenous knowledge when discussing alternatives. ROPME proposed an article on bilateral, multilateral and regional arrangements and stressed: utilizing existing infrastructures at the regional level to carry out activities; developing national action plans within a regional and subregional context; action programmes at the international, regional and national levels; and including capacity building when discussing technical assistance. The US stressed harmonization with the PIC Convention and said the INC should promote utilization of untapped sources of information.

CHINA emphasized the need for technical assistance, financial resources and mechanisms, and the need for capacity building if countries are to show responsibility. SPAIN highlighted that alternatives could come from countries other than the usual developed nations and that mechanisms to facilitate this should also be envisaged. The UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (UNIDO) and EGYPT stressed the need to consider differences between the assistance given to developed and developing countries. Referring to the provisions on public information, awareness and education and on research, development and monitoring, the WOMEN'S ENVIRONMENT AND DEVELOPMENT ORGANIZATION (WEDO) underscored the importance of giving special attention to gender.

On Wednesday, 1 July, delegates agreed that the Secretariat would prepare a second draft of possible substantive articles of a draft POPs convention for INC-2, incorporating the views expressed in Plenary concerning the proposed articles outlined in document UNEP/POPS/INC.1/4, proposals for additional articles, and written government submissions received by 1 September 1998.

IMPLEMENTATION ASPECTS, INCLUDING TECHNICAL COOPERATION AND FINANCIAL ASSISTANCE: On Wednesday, 1 July, delegates addressed the issue of possible financial measures for a draft convention, including technical cooperation and assistance. Several delegations, including NEW ZEALAND, AUSTRALIA and COLOMBIA, called for an information paper from the Secretariat on existing programmes of assistance. The REPUBLIC OF KOREA and SPAIN called for cost estimates for various disposal options. CHINA requested from the Secretariat a list of contributions from financial mechanisms in other conventions in order to ascertain potential contributions. ETHIOPIA stressed that financial resource requirements extend beyond destruction of stockpiles to capacity building and training. Supporting ETHIOPIA, IRAN added replacement of chemicals to such considerations. SENEGAL identified the potential relevance of the funding arrangements of other conventions. GUINEA suggested financial assistance should encompass the strengthening of risk management. COLOMBIA supported a list of existing financial models to help determine needs. INDIA stressed the difficulties and implications for industries manufacturing and distributing POPs and the value of providing compensation to ensure such activity stops, and, supported by MALI, BENIN and CHAD, stressed the need for financial assistance for education and presentations on dangers and available alternatives.

INDONESIA stressed its current lack of an integrated system for management of chemicals and its need for information on funding sources to facilitate capacity building and coordinated management. SWAZILAND called for a fund under this convention for implementing basic requirements such as establishing a country programme.

BENIN stressed the importance of research in considering alternatives. The FAO noted that it is not a funding organization, but identified some potential for future arrangements with the convention with respect to technical assistance. CÔTE D'IVOIRE stressed that funds are necessary to allow States to evaluate levels of concentration. AUSTRALIA supported capacity building for developing countries and use of the various financial opportunities from regional, bilateral and multilateral sources.

THAILAND, stressing the potentially unique nature of this convention and identifying significant differences between countries in costs of living and income, proposed that POPs-exporting countries bear the greater burden. VIETNAM stressed the importance of public information on toxicity and a POPs inventory for developing countries. ETHIOPIA highlighted the costs of alternatives, especially for DDT, and the need for financial support.

NIGER, supported by BURKINA FASO, stressed information and awareness raising, particularly among customs and excise services. INDIA stressed technical assistance in terms of technology for manufacturing alternatives. KUWAIT stressed funding according to capacity and ability within regions. BURKINA FASO, supported by BENIN, emphasized funding to support programmes on stockpile elimination and public information.

EGYPT emphasized the need for information and support from industrialized countries to address common regional problems. ZAMBIA, supported by the WORLD WILDLIFE FUND (WWF), advocated the "polluter-pays" principle.

UNIDO emphasized the general need for mobilizing financial resources whatever methods are adopted for elimination. The GEF identified a window for assistance through its programme on contamination, but only as relevant to international waters. CHINA expressed its support for the GEF presentation but said POPs involves other issues such as capacity building, public awareness and searching for alternatives, and affects not only water but also air, land and the health of human beings. BURUNDI stressed financial support for addressing repercussions of chemicals withdrawn from the market.

The WWF noted the Intergovernmental Panel on Forests' establishment of intersessional satellite meetings co-sponsored by developed and developing countries as an example of a facilitating mechanism. The WHO outlined four possible cost categories in relation to assistance contained in its position paper on the phaseout of DDT in countries that rely on it for malaria control, and said the WHO would further elaborate these categories in preparation for INC-2.

Based on these discussions, the Secretariat was requested to prepare three papers for INC-2 on: existing financial mechanisms and what is financed through them, bilateral activities to support chemical management and other sources of funding such as the GEF, World Bank, UNDP and regional mechanisms; the cost of assistance for awareness raising, databases, developing inventories, research, alternative chemicals and technologies and technology transfer, considering the different circumstances and socio-economic factors of countries; and models of financial mechanisms that are currently in use.

Delegates also agreed to establish a subsidiary body on technical and financial assistance, chaired by Maria-Cristina Cardenas Fischer (Colombia), which will meet from INC-2 through INC-4. The US stressed a broader package of implementation issues for the subsidiary body to address, including consideration of national experiences thus far in controlling chemicals and the exchange of information.

With respect to additional information on substances, the US stressed obtaining as much information as possible in the negotiations and mentioned the Montreal Protocol as a model. CHILE highlighted that not all countries are starting on equal footing and, with the GAMBIA, proposed regional information laboratories. EL SALVADOR and ETHIOPIA proposed drawing upon existing infor-



mation infrastructures such as those in the Basel and PIC Conventions. COLOMBIA advocated moving away from incineration technologies, and suggested mechanisms to identify alternatives and costs and to exchange information at the global level. UNIDO, as an implementing agency of the Montreal Protocol, offered its services. A contact group was established to consider the potential information needs of the INC.

DRAFT TERMS OF REFERENCE FOR THE CRITERIA EXPERT GROUP: On Wednesday, 1 July, a contact group, chaired by Ndoye Fatoumata Jallow (The Gambia), discussed draft terms of reference for the expert group on the development of criteria and a procedure for additional POPs, as mandated by UNEP GC Decision 19/13C, paragraph 9. In the morning session, delegates discussed a first draft of terms of reference prepared by the Secretariat. The afternoon session considered a revised draft incorporating the morning's discussions and proposals.

Delegates agreed to carry out the mandate of the criteria expert group (CEG) as specified in UNEP GC Decision 19/13C, paragraph 9. A number of delegates also stressed the need to include specific reference to the GC Decision in the mandate to provide a strong anchor for the terms of reference. Delegates agreed that the objective of the CEG to develop criteria and a procedure be completed at or before INC-4. Delegates also agreed the CEG would be an open-ended Technical Working Group with a mandate to prepare and present to the INC proposals for science-based criteria and a procedure for identifying additional POPs as candidates for future international action.

One delegate proposed establishing a core group that would be representative of the five regions to ensure regional networking, but the contact group decided that language encouraging broad regional representation was sufficient and that a country could represent a region at the CEG with prior agreement by that region. Text was incorporated to reflect proposals that the CEG will meet prior to INC-2 and that subsequent meetings will be decided on by the INC.

Regarding proposals and recommendations to the INC, delegates decided the CEG should make every effort to reach agreement by consensus. If consensus cannot be reached, all proposals by participating governments shall be reflected in a report to be submitted to the INC. Some delegates said the CEG should not get bogged down with procedural matters or it would be unable to fulfil its mandate. Delegates agreed that the rules of the INC would apply to procedural matters in CEG meetings.

Delegates agreed the agenda of the CEG will be prepared by the Secretariat in consultation with the CEG bureau and made available to all INC participants at least six weeks prior to CEG meeting. The contact group agreed to consider and adopt reports at each meeting to be circulated to all CEG and INC participants. The group chose English, French and Spanish as the working languages of the CEG.

On Thursday, 2 July, delegates in Plenary considered the draft terms of reference for the CEG forwarded to them by the contact group (UNEP/POPS/INC.1/CRP.1).

On participation and with respect to the encouragement of regional networking, INDIA asked for clarification on whether regional networking was for those who could not participate. The Chair of the contact group clarified that two separate issues were being addressed: networking to express views and networking to offset differences in resources, with the understanding that resources referred to expertise rather than financial resources. Delegates agreed to replace "resources" with "expertise" in the text.

Delegates next considered whether socio-economic factors were included in the scope of technical expertise. INDIA, the GAMBIA, CANADA, GUINEA, IRAN, INDONESIA, GHANA and QATAR stressed including specific reference to socio-economic factors. AUSTRIA expressed concern with telling experts what they should take into account, as that is a question of mandate. The Chair noted that giving such consideration to socio-economic factors would place them

on equal footing with science and questioned how this would influence the participation of the meetings. ANTIGUA AND BARBUDA proposed deleting reference to socio-economic factors since this should be implicit in technical expertise.

IRAN proposed that "participants should preferably have technical expertise in chemicals assessment and management and knowledge of socio-economic factors." PAKISTAN stressed that participants "should have technical expertise," and that knowledge of socio-economic factors may also be desirable. INDIA, THAILAND, the CZECH REPUBLIC, GHANA and QATAR also supported deletion of "preferably." IRAN supported retaining "preferably" to give the group flexibility. INDIA said technical expertise in chemical management must include knowledge of societal forces, and could accept deleting reference to socio-economic factors. THAILAND, the CZECH REPUBLIC, CANADA and NIGERIA agreed that technical expertise could include socio-economic factors and that specific reference to it could be deleted.

ARGENTINA, supported by NIGERIA and IRAN, said it should be left to each country to decide who to appoint and what type of expert to send, and ARGENTINA reiterated that governments may designate more than one expert. PAKISTAN stressed the need to identify criteria on technical expert groups, recalling that the biosafety negotiations lacked a good representation of experts. The Chair proposed the following text: "Participants should have technical expertise in chemicals assessment and management and knowledge of socio-economic factors." The Plenary accepted this proposal.

On meetings of the CEG, CHILE, on behalf of the Latin American and Caribbean Group (GRULAC), supported holding meetings back-to-back with the INC for consistency in participation and to facilitate participation for those with limited resources. NEW ZEALAND stressed the need to hold the CEG far enough in advance to give INC members time to properly consider the CEG's report. The Secretariat emphasized that UNEP does not have funding for any CEG meetings or for the INC and that all POPs activities are funded by donors. He highlighted difficulties in finding facilities for two-week meetings and of translating meeting reports in such a short period of time.

A lengthy debate ensued regarding the proposal to use English, French and Spanish as the working languages of the CEG. A number of countries, including QATAR, INDIA, the RUSSIAN FEDERATION, CHINA, EGYPT, IRAN, ARGENTINA, JORDAN, KUWAIT and SYRIA, proposed using all six official UN languages. Some delegations, such as GERMANY, ICELAND, the UKRAINE, JAPAN, the CZECH REPUBLIC, and THAILAND, suggested that English be the only language used in the CEG. ETHIOPIA suggested English as the working language of the group but that CEG documents be produced in all six languages. CÔTE D'IVOIRE, CHILE and the DOMINICAN REPUBLIC suggested not having less than three languages.

The Secretariat noted that with more translation there is a greater cost and that subsidiary bodies often operate with fewer than the six UN languages. He added that all decisions from these bodies are forwarded to the Plenary where there is full translation and highlighted the recent PIC negotiations where subsidiary bodies functioned with three languages. The Chair, supported by the US, added that costs of translation might also have implications for the ability and willingness of donors to fund such meetings.

In Plenary on Friday, 3 July, delegates reconsidered the question of the working languages of the CEG. The Chair, highlighting that the costs of one meeting in six languages may leave the Secretariat with limited or no funds for travel support, said the Secretariat, in consultation with the bureau, could look to different options for distributing available funds for travel. He then proposed that the terms of reference for the CEG specify six working languages and that the meeting report incorporate a management decision for the INC to limit the size of the CEG and further state that UNEP encourage donors to provide supple-



mental funding for experts from all regions to participate in the meetings. The terms of reference for the CEG were then accepted by the Plenary.

Delegates also elected the Bureau of the CEG. Reiner Arndt (Germany) and Ndoye Fatoumata Jallow (The Gambia) were chosen as Co-Chairs and Luis Fernando Soares de Assis (Brazil) was chosen as Rapporteur. Regarding documentation for consideration by the CEG, the Plenary accepted UNEP/POPS/INC.1/6 as a useful starting point. AUSTRIA suggested the work of the UN/ECE on criteria as worthy of further consideration and the US stated it was contributing a paper on criteria that would be made available to the Secretariat. The Chair then addressed the pattern of CEG meetings, noting that, if held back-to-back with the INC, difficulties could arise with respect to translation and distribution for consultations. The Chair proposed meeting at a time separate from the INC, subject to resources becoming available. The US offered to sponsor the first CEG meeting, hopefully in October 1998.

TECHNICAL INFORMATION NEEDS: A contact group on technical information needs, chaired by Robert Kellam (US), met in the morning and afternoon of Thursday, 2 July, to draft a brief report and formulate recommendations to forward to Plenary for further discussion. The Chair stressed immediate identification of short-term needs to be conveyed to the INC. The group identified examples of short-term information needs including: characterization of dioxin sources, assessment tools and abatement measures; compilation of information on substitutes and alternative management strategies for DDT and PCBs; and further elucidation of chlordane use patterns. The group also discussed the merits of undertaking work on dioxin and generally agreed that such work would be of considerable value to the INC. However, the group failed to reach agreement on the appropriate mechanism for proceeding but recommended that it be taken up at INC-2.

Delegates discussed compilation of information and identification of information gaps, as well as providing developing countries with this information. Delegates were in basic agreement that there is already considerable information that needs to be synthesized. A number of delegates from developing countries said their countries had received questionnaires from UNEP, but could not complete them due to lack of technical information and know-how. Primary concerns were how to compile this information and how to bridge information gaps. A number of delegates proposed that the Secretariat could identify needs and gaps and assist with questionnaires, but one expressed concern that if the Secretariat were to assist, it needed resources.

Delegates urged addressing how to bring existing information into the process, suggested using a similar structure to that of the Montreal Protocol, and stressed the necessity of this information for implementation. One delegate noted that the Montreal Protocol drew upon experts independent of the negotiations. Other delegates also stressed a policy-neutral process.

There were initial proposals to establish an expert group, but concerns were expressed over having another expert group and some delegates suggested using a consultant to compile and synthesize existing information. The Secretariat suggested possibilities such as an advisory group to the Chair.

Some delegates suggested requesting help from other agencies or organizations who have done work on specific issues, such as WHO and WWF with respect to DDT. Another delegate suggested a "lead country approach" whereby a country with particular expertise would take the lead in compiling information.

A number of delegates said work should begin intersessionally and, in particular, synthesizing of information and examining how information gaps could be filled can begin in those countries with existing information. The contact group agreed that the matter should be revisited at INC-2.

On Friday, 3 July, delegates heard in Plenary a brief presentation of the results of the contact group, as contained in UNEP/POPS/INC.1/CRP.5. The report outlined some possible appropriate mechanisms to address technical information needs, including, *inter alia*: tasks undertaken by the Secretariat; the formation of special-purpose contact groups; and technical reports prepared by experts. Chair Buccini said the work of this group drew attention to the need to characterize technical information requirements in order to make progress on proposed control measures. He asked the INC to keep resources and different approaches in mind as it deals with this issue. He noted an earlier proposal suggesting the use of a small, specialized expert group to produce a specific policy-neutral technical report, and reiterated that the process of producing a technical report could take up to eight months. Therefore he said the INC must be deliberate about identifying information needs as early as possible.

AUSTRIA, on behalf of the EC, reiterated the need for further technical information, but questioned the usefulness of additional groups to the negotiating process. He proposed that the INC identify needs and called on the Secretariat to provide the required information using all possible means, which could include using additional outside expertise. The Chair warned that a lack of information should not become an impediment to negotiations. The report was noted by the Plenary.

CLOSING PLENARY

On Friday, 3 July, the Chair convened the final Plenary of INC-1 and introduced four position papers on regional views regarding elements for a possible POPs convention from the Asia-Pacific Group (UNEP/POPS/INC.1/CRP.2), the Central and Eastern European Group (UNEP/POPS/INC.1/CRP.3), the African Group (UNEP/POPS/INC.1/CRP.4) and the Latin American and Caribbean Group (UNEP/POPS/INC.1/CRP.6). No interventions were made on these position papers.

NIGERIA said that the IFCS intersessional meeting in December would address capacity building, and noting that POPs raise many capacity building issues, stressed promoting and building on the progress made and the work already completed. She suggested that the INC recommend to the IFCS that it discuss the matter of safe management of PCBs as a concrete example of capacity building. She highlighted the FAO's work on pesticides, but stressed the lack of work with regard to industrial chemicals, in particular PCBs. GERMANY, noting its active participation within the IFCS, supported Nigeria's proposal and assured that it will be discussed at the IFCS intersessional meeting. INDONESIA and JAPAN also supported the proposal and JAPAN noted that it might be able to cooperate in transferring technology and information on PCBs.

The Chair urged governments, industry and NGOs to continue working throughout the negotiating process. He noted the considerable interest in regional and subregional cooperation and said the type of implementation for regional action plans must be identified. ROPME said that it could identify actions for regional action plans and stressed coordination at the regional level. The Secretariat welcomed the opportunity to cooperate with ROPME and with the many other relevant multilateral legally binding instruments, as specified in UNEP/POPS/INC.1/3.

The Chair then invited comments on the draft report of the meeting (UNEP/POPS/INC.1/L.1). ICCA noted that the section addressing risks from POPs lacked balance in terms of how the issue was addressed in the meeting and proposed adding language to the report to reflect its position. Some delegates expressed concern that such language might be attributed to governments rather than an observer. The Chair said that sources of statements are not normally reflected in meeting reports, but asked if an exception could be made in this case. This prompted a lengthy debate on how to address statements by NGOs in meeting reports.



ARGENTINA, supported by BRAZIL, CHILE and IRAN, stressed it was a report of the Intergovernmental Negotiating Committee and since NGOs are not governments, their views should not be in the report. They suggested placing observer statements in an annex. CANADA, supported by other delegations such as the US and the CZECH REPUBLIC, noted the high degree of NGO participation, and said that while such views are useful and should be reflected in the report, a phrase should be formulated to distinguish their statements from government statements. Many delegations, including FRANCE, the NETHERLANDS, ICELAND, DENMARK, the CZECH REPUBLIC and SPAIN, acknowledged the importance of including NGO views, but thought statements from industry and NGOs should be distinguished from those of governments. The REPUBLIC OF KOREA, supported by PESTICIDE ACTION NETWORK, WWF and the CZECH REPUBLIC, said the NGO itself must be identified so that industry would not be confused with environmental NGOs.

The Chair proposed that reference be made to NGO statements in the report, where appropriate, and the actual statements be included in an annex, where the statement would be clearly attributed to an NGO. An attempt would be made to distinguish public interest NGOs from industry. CHILE, on behalf of GRULAC, supported the Chair's proposal. The US asked for clarification on the treatment of IGOs. It was decided that IGOs would not be treated the same as NGOs and that IGO statements would remain in the actual report.

The US proposed additional language for the report of the meeting that "many representatives also stressed the fact that POPs cause local risks to human health or the environment." This was accepted by the Plenary.

With regard to a financing mechanism, the US proposed that reference be made to the identification and more effective mobilization of existing mechanisms for financial and technical assistance. BRAZIL, supported by ARGENTINA, noted that only a few delegations had made reference to such a statement in their opening comments. The US responded that they and Japan had suggested such language earlier and AUSTRALIA noted that they had also made similar statements. The US, supported by ETHIOPIA and JAPAN, proposed that reference to there having been no opposition to the inclusion of the draft articles contained in the discussion document UNEP/POPS/INC.1/4 be amended to say that the document was "a starting point."

AUSTRIA, on behalf of the EC, thanked the Chair and the Government of Canada for hosting the meeting and noted this INC had been marked by a collaborative mood. He emphasized the need for a broadened information base about these substances and suggested the work of the UN/ECE POPs protocol as a valuable information source. He proposed that the Secretariat collect already existing information on POPs and make it available to governments as soon as possible and that this may help shape the scope and focus of the draft instrument. CÔTE D'IVOIRE, on behalf of the African Group, thanked the Chair and Bureau for their work in assisting the INC to take a step forward. He also thanked donors who provided financial assistance enabling them to attend the meeting and highlighted the hope of the African Group that frank and honest cooperation will continue. CHILE, on behalf of the Latin American and Caribbean Group, thanked the Chair for his good work and sense of humor, and also thanked the host country and other participants.

KUWAIT, on behalf of the Arab States, thanked the Canadian Government and the UNEP Secretariat and noted that they had greatly benefited from this meeting. AUSTRALIA, on behalf of JUSCANZ, thanked the Chair and the Government of Canada and noted that the environment will benefit from the results of these negotiations. CHINA thanked the Governments of Canada and Quebec, as well as the Chair, and emphasized that they hope to achieve the objective of achieving a legally binding instrument. POLAND, on behalf of the Eastern and Central European Group, thanked the Governments of

Canada and Quebec and the Chair. He noted that his group had a smaller number of representatives at this meeting, but hoped that their participation will increase at future meetings.

After reviewing the current score of the Brazil-Denmark World Cup match, the Chair thanked the Secretariat and Bureau. He stressed that the work of this INC was very much a team effort and emphasized that INC-2 would be a more intense meeting. The meeting was adjourned at 4:45 pm.

A BRIEF ANALYSIS OF INC-1

To the satisfaction of many participants, POPs INC-1 enjoyed a smooth and relatively trouble-free start. Delegates met with a clear spirit of cooperation, mutual purpose, shared responsibility and voiced their determination to tackle what is universally acknowledged as a very real and serious threat to human health and the environment. Unexpectedly, many of the procedural issues that have typically required a full week at the commencement of other negotiations were resolved within the first few days. There was universal support for the sound and clear platform for progress established by prior activities. The INC quickly adopted its rules of procedure and began considering some initial elements that could be included in a draft convention. The INC created a Criteria Expert Group with terms of reference and a bureau, and a subsidiary body on technical and financial assistance was also established. Despite this progress, some delegates thought that given the work and experience on POPs leading up to the meeting, including a recently completed POPs protocol under the LRTAP Convention, greater efforts could have been devoted to the substance of a potential draft instrument in order to accelerate the process.

TOP OF THE POPs: The beginning of a negotiating process is often characterized by optimism when everything seems possible. INC-1 was no exception. Many participants expressed real enthusiasm for a process that seemed to have many advantages. First, the broad consensus among virtually all participants regarding the *raison d'être* for this negotiation in many ways sets the POPs negotiations apart from many other multilateral environmental negotiations. The focus on a list of 12 initial POPs, with others to be added later, and the agreement on the need for a solutions-oriented convention further enhances the prospects of completing the instrument within the time period mandated by the UNEP Governing Council. Second, many delegates noted that the INC reaped the benefits of the substantial work that took place before INC-1, in particular the preparations of the IFCS *Ad Hoc* Working Group on POPs and the recently completed LRTAP POPs protocol, which was, according to some, a potential model for this instrument. Additional groundwork was done at the PIC negotiations, as evidenced by the fact that rules of procedure mirroring those of the PIC INC were adopted by the POPs INC and several articles from the PIC Convention were put forward as proposed articles for a draft POPs convention.

Third, the broad approval and enthusiasm for the choice of INC Chair and Chairs for the CEG and implementation subsidiary body was another indication of the spirit of cooperation in a consensus-driven approach that, for the most part, was clearly present during the week. Finally, the North-South polarization that plagues other negotiating processes was noticeably absent since many developing countries are also producing and using POPs substances. Rather, there was strong emphasis on the benefits of regional cooperation and regional efforts to implement commitments that many predicted would play a key role in the negotiating process.

BARRIERS TO STOPPING THE POPs: There remain, nevertheless, several hurdles that will need to be overcome during the coming months if the POPs process is to maintain its early momentum. As is so often the case, "the devil is in the details" and no amount of good can smooth over potential conflicts of interest as the negotiations zero in on more substantive matters.



Not surprisingly, many developing country delegates have already emphasized the importance of provisions for financial and technical assistance if they are to successfully implement any obligations placed on them by a future convention. The issue of financing of the whole process loomed large as the Secretariat repeatedly noted that there was as yet no provision for funding for INC-2. The difficulty of securing the required resources for meetings, an issue faced by virtually all other environmental conventions, was highlighted in Montreal by the debate over the costs of translation for all six official UN languages at meetings of subsidiary bodies. Some delegates expressed concern that potential donors would be "scared off" by the daunting task of funding many expensive meetings.

Several participants also emphasized that information about sources and emissions of many of the POPs to be regulated is unavailable in some countries or in some parts of the world. It is hoped, however, the efforts undertaken parallel to the negotiations, such as the intersessional work suggested by the contact group on technical information needs, will assist in reducing information gaps before the end of the process.

A number of African delegates also expressed their concerns that health issues related to vector-borne diseases such as malaria be given more consideration by the INC. Moreover, developing countries feared that developed countries might place too much emphasis on criteria issues rather than the realities of finding and funding cost-effective alternatives to POPs, in particular DDT. Lastly, elimination of the 12 specified POPs may be the ultimate goal, but some target substances, particularly by-products such as dioxins and furans, are difficult to eliminate per se. The process for dealing with these substances as well as existing stockpiles remain unclear, and alternatives, such as cost-effective incineration processes, remain elusive.

POPS IN PROGRESSION: Despite the future hurdles, expectations are high. Participants at INC-2 will need to hit the ground running on substantive discussions now that organizational matters have been resolved, lest the advantages that INC-1 enjoyed are wasted. The POPs negotiations are now center stage in international efforts regarding chemical safety and a global audience will be following the proceedings with ever-increasing interest.

THINGS TO LOOK FOR

PERSISTENT ORGANIC POLLUTANTS: The second session of the Persistent Organic Pollutants (POPs) Intergovernmental Negotiating Committee (INC-2) is tentatively scheduled for 8-12 February 1999 in Geneva. The first meeting of the CEG is tentatively scheduled for October 1998, at a location to be decided. For more information contact: UNEP Chemicals (IRPTC); tel: +41 (22) 979-9190; fax: +41 (22) 797-3460; e-mail: dogden@unep.ch; internet: <http://irptc.unep.ch/pops/>.

DIPLOMATIC CONFERENCE FOR ADOPTION OF THE PIC CONVENTION: The Diplomatic Conference for the adoption of an international legally binding Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC Convention) is scheduled for 10-11 September 1998 in Rotterdam, the Netherlands. For more information contact: UNEP Chemicals (IRPTC); tel: +41 (22) 979-9111; fax: +41 (22) 797-3460; e-mail: jwillis@unep.ch; internet: <http://irptc.unep.ch/pic/>. Also: FAO; tel: +39 (6) 5705 3441; fax: +39 (6) 5705 6347; email: niek.vandergraaff@fao.org; internet: <http://www.fao.org/ag/agpp/pesticid/pic/pichome.htm>.

WTO COMMITTEE ON TRADE AND ENVIRONMENT: From 23-24 July 1998, the WTO Committee on Trade and Environment (CTE) will discuss items related to the linkages between the multilateral environment agenda and multilateral trade agenda, including the use of trade measures taken pursuant to multilateral envi-

ronmental agreements. For further information contact Sabrina Shaw at the WTO Secretariat, Environment Division: tel: +41 (22) 739-5383; fax: +41 (22) 739-5620; e-mail: sabrina.shaw@wto.org; internet: <http://www.wto.org>.

IEP '98: Issues in Environmental Pollution (IEP'98), the first in a new series of international symposia, will take place from 23-26 August 1998 in Denver, Colorado, USA. The symposium will focus on the state and use of science and predictive models. The main scientific issues in environmental pollution — persistent organic chemicals; metals and radioactivity; ozone and acidic deposition; particulates and global climate change — will be linked with the use of science and predictive models. For more information, contact Lyn Quirke at the Conference Secretariat; tel: +44 (0) 1235-868380; fax: +44 (0) 1235-868420; e-mail: lynquirke@compuserve.com. Also try: <http://www.elsevier.nl/locate/iep98>.

INTERNATIONAL CONFERENCE ON INDUSTRY AND ENVIRONMENTAL PERFORMANCE: This conference will be held in Aalborg, Denmark, from 23-25 September 1998. The themes to be discussed include: environmental management; environmentally sound product development; self-regulation versus public regulation; cleaner technology and prevention; and stakeholder management. For further information contact the Secretariat at the Aalborg Congress and Culture Centre: tel: +45 9935 5555; fax: +45 9935 5580; e-mail: euro@akkc.dk; internet: <http://www.akkc.dk/uk/euro/envire/index.htm>.

23RD 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): The meeting will be held from 21 September - 1 October 1998 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.

EIGHTH MEETING OF THE PESTICIDE FORUM: This meeting will be held in Paris from 2-3 November 1998 jointly with the 28th Joint Meeting of the Chemicals Group and Management Committee. For information contact: Nicky Grandy, OECD; tel: +33 (1) 45 24 16 76; fax: +33 (1) 45 24 16 76; e-mail: nicola.grandy@oecd.org.

INTERGOVERNMENTAL FORUM ON CHEMICAL SAFETY: The Third Meeting of the Intersessional Group (ISG-3) will be held from 1-4 December 1998 in Yokohama, Japan. Brazil will forward its decision to host FORUM III, scheduled for late 2000, to the IFCS as soon as possible. The Plenary also agreed tentatively to hold ISG-4 in 2002. For information on these meetings, contact the IFCS Secretariat, World Health Organization, CH-1211 Geneva 27, Switzerland: tel: +41 (22) 791-3588; fax: +41 (22) 791-4848; e-mail: ifcs@who.ch; internet: <http://www.who.ch/whosis/ifcs/ifcshome.htm>.

13TH SESSION OF THE FAO GROUP ON REGISTRATION REQUIREMENTS OF THE PANEL OF EXPERTS ON PESTICIDE SPECIFICATIONS, REGISTRATION REQUIREMENTS, APPLICATION STANDARDS AND PRIOR INFORMED CONSENT: This meeting will be held from 7-11 June 1999 in Rome and will produce recommendations on procedures for the preparation and revision of guidelines and increased transparency and recommendations for the revision of the International Code of Conduct on the Distribution and Use of Pesticides. The 14th Session of the Panel of Experts on Pesticide Specifications, Registration Requirements, Application Standards and Prior Informed Consent will be held from 14-17 June 1999. For information contact: Gerold Wyrwal, FAO; tel: +39 (6) 5705 2753; fax: +39 (6) 5705 6347; e-mail: Gerold.Wyrwal@fao.org.