



POPS INC-2 HIGHLIGHTS MONDAY, 25 JANUARY 1999

On the first day of the second session of the International Negotiating Committee (INC-2) for an International Legally Binding Instrument for Implementing Action on Certain Persistent Organic Pollutants (POPs), delegates convened in Plenary throughout the day. In the morning, delegates heard opening remarks, addressed organizational matters and heard updates on the first meeting of the Criteria Expert Group (CEG-1), the third meeting of the Intersessional Group (ISG-3) of the Intergovernmental Forum on Chemical Safety (IFCS) and the activities of the Global Environmental Facility (GEF). Delegates also began discussions on an expanded outline of an international legally binding instrument.

OPENING PLENARY

Chair John Buccini (Canada) opened INC-2 and introduced Shafiqat Kakakhel, Deputy Director of UNEP, to deliver opening remarks. Mr. Kakakhel welcomed delegates to INC-2 on behalf of Dr. Klaus Töpfer, Executive Director of UNEP. He underscored that the negotiation of a POPs treaty is a first priority for UNEP. He noted that the work of the INC is well underway, and lauded the consensus achieved at INC-1 as a step forward for global action to reduce and eliminate all environmental discharges of POPs. He emphasized that no country or person is protected from the effects of POPs and that no country alone can stem the tide. He emphasized the importance of will and resources in meeting the challenge of negotiating a treaty by the year 2000 and highlighted the POPs Club as a mechanism for countries and NGOs to contribute resources to support negotiations. In closing, he expressed his belief that INC-2 will act deliberately and decisively to further the elaboration of a POPs convention.

Chair Buccini introduced, and the Plenary adopted, the agenda for INC-2 (UNEP/POPS/INC.2/1). Regarding the organization of work, Chair Buccini explained that Plenary sessions will be held daily and that there are provisions for the working group on implementation issues to meet from Tuesday through Thursday. INDIA, on behalf of the Asia Pacific Group, announced that Jafar Ghamieh (Iran) would replace Dr. Mohammed Asrarul Haque (India) as the regional representative to the Bureau.

PLENARY

Jim Willis, Head of UNEP Chemicals, presented the Secretariat's report on intersessional work as requested by INC-1, highlighting the significant degree of work undertaken and noting the documents prepared for INC-2. He also noted the availability of a POPs characterization database and new contributions received from the GEF towards POPs identification and management initiatives. Mr. Willis then introduced a document on the development of a master list of actions on the reduction and/or elimination of the releases of POPs (UNEP/POPS/INC.2/INF/8). He hoped to produce and maintain a master list of ongoing activities at the national, regional and international levels for distribution at INC-3 and to update the list to match the meeting schedule.

Dr. Ulrich Schlottmann (Germany) highlighted the discussions and outcomes of ISG-3 held in Japan in December 1998. Andrea Merla, on behalf of the GEF, underscored the GEF's support for the POPs negotiations and its awareness of the adverse effects of POPs. He emphasized the success of the Montreal Protocol, and the GEF's contributions and experience. He confirmed that the GEF is ready to serve as the financial mechanism for the POPs instrument and underscored that additional resources will be required.

CEG Co-Chairs Reiner Arndt (Germany) and Fatoumata Jallow Ndoeye (The Gambia) reported on CEG-1 and referred delegates to the report of the meeting (UNEP/POPS/INC/CEG/1/3). Co-Chair Arndt highlighted the CEG's suggestion for the INC to consult the International Maritime Organization (IMO) before addressing whether the POPs instrument should encompass anthropogenic transport of tributyl tin (TBT). He noted both the CEG's recommendation for a provision to protect against new substances exhibiting POPs characteristics and the screening criteria identified by the CEG. Co-Chair Jallow Ndoeye highlighted the table of tasks for a procedure and the proposed work plan for the CEG. IRAN emphasized that the CEG evaluate socio-economic factors in balance with scientific factors.

NORWAY stressed inclusion of the precautionary principle in developing criteria and procedure and the importance of international and regional concerns and substantiating potential damage with respect to long range transport. SOUTH AFRICA called for a closer look at contamination due to river transport and asked whether this constituted a global problem.

Supporting IRAN, GREENPEACE INTERNATIONAL said socio-economic considerations are necessary in determining measures, a timeframe and alternatives. The DOMINICAN REPUBLIC expressed concern regarding proof of risk or hazard. GREENPEACE INTERNATIONAL underscored the difficulty in proving the harm of a substance. KUWAIT said a POPs convention needs solutions, including alternatives to DDT.

CEG Co-Chair Jallow Ndoeye highlighted the CEG's discussion on contamination due to river transport and reiterated that the CEG had established a contact group to look at socio-economic factors. CEG Co-Chair Arndt said solving the DDT dilemma was not the CEG's responsibility. Chair Buccini said the CEG is to deal with new POPs and the INC would deal with DDT. At the CEG's request, he said an information document would be made available outlining what the IMO is doing to address the problem of TBT. He said consideration of including a new chemical provision in the convention should be dealt with under the agenda item on preparing an international instrument.

Prior to actual discussion on the topic of preparation of an international legally binding instrument, Chair Buccini asked delegates to confirm that the Secretariat-prepared document, Expanded outline of an international legally binding instrument for implementing international action on certain POPs (UNEP/POPS/INC.2/2), would provide an acceptable departure point for discussions and to note additional items that they wished to include in the instrument. Chair Buccini said that the discussion would indicate



the types of measures that will be taken under the convention and thereby provide guidance for the discussions of the working group on implementation issues. He also emphasized the importance of covering all articles in the instrument during the week in order to turn the Secretariat draft text into an INC draft text.

Mr. Willis explained that the Secretariat based the elaboration of the expanded outline on a variety of other international treaties and emphasized that the document did not provide draft text but an expanded outline. The majority of delegations, including the CZECH REPUBLIC, SOUTH AFRICA, IRAN, MALAYSIA, THAILAND and ICELAND, expressed support for the document and noted areas of importance to be addressed. GERMANY, on behalf of the EU, called for inclusion of obligations that ban trade in prohibited chemicals, with the exception of transboundary movements for destruction. ETHIOPIA, ANGOLA and SENEGAL called for inclusion of provisions proposed at INC-1 on, *inter alia*: inventory requirements; liability and compensation; remediation and clean-up of contaminated sites; transportation, storage and distribution; and regional cooperation. SOUTH AFRICA said attention must be given to differing regional and national conditions, especially in developing countries and countries with economies in transition. EGYPT called for regional training centers to raise awareness.

CHINA noted that issues surrounding the production, export and accumulative impacts of POPs are different for developed and developing countries and, with IRAN, said the instrument should stipulate shared but differentiated responsibilities. The US, recalling discussions of responsibilities during negotiations of the PIC Convention, preferred the concept of shared responsibilities. The DOMINICAN REPUBLIC underscored the need to address non compliance and called for a financial mechanism modeled after that of the Montreal Protocol. IRAN stressed the need to link commitments undertaken and financial and technological needs for implementation and, with CHINA, emphasized the importance of reliable financial and technological assistance to ensure compliance in developing countries. SWITZERLAND said the GEF offer to serve as the financial mechanism could meet concerns regarding financial mechanisms.

The RUSSIAN FEDERATION emphasized that the convention must be dynamic and take into account social and economic factors in developing countries and countries with economies in transition. INDIA underscored the importance of the determination of criteria for new POPs and financial and technical assistance. He said diseases such as malaria may necessitate a phase out over a period of time and, along with BRAZIL, COLOMBIA and PAKISTAN, emphasized the need for a differentiated timetable, similar to that of the Montreal Protocol, for phasing out POPs.

CUBA noted that pollution from POPs varies over the life cycle of the pollutants and, noting that this could exempt some POPs in certain uses, called for an article establishing the scope of the treaty. ALGERIA noted that the problem of storage of waste is not addressed. ZAMBIA said emphasis should be placed on alternatives to POPs. The INTERNATIONAL POPS ELIMINATION NETWORK (IPEN) called for, *inter alia*: a provision stating that POPs be eliminated in an expedient manner; the development of programmes to help developing countries find alternatives to POPs; and clear criteria for identifying new POPs.

BRAZIL underscored the importance of addressing unintentionally produced byproducts. SWITZERLAND said the convention should have a procedure for amending annexes to allow technical provisions to adapt to state of the art technology. SOUTH AFRICA, supported by KENYA, underscored coordination of international instruments. COLOMBIA stressed the need to define the objective and purpose of the convention.

The INDIGENOUS ENVIRONMENTAL NETWORK called for evaluation of religious, environmental and cultural impacts of exposure. INUITS OF THE WORLD called for a comprehensive, verifiable and rigorous POPs elimination treaty.

Delegates next addressed the proposed article on Measures to Reduce or Eliminate Releases of POPs into the Environment and its specific paragraphs on prohibition, restrictions, reduction with the aim of elimination, and management and disposal of stockpiles. INDIA and CHINA stressed different phase out schedules for developed and developing countries. In addition to prohibiting production and use of certain POPs, ALGERIA, supported by NORWAY, called for prohibition of their import and export. The EU, supported by the GAMBIA, said transboundary movement should be for the explicit purpose of destruction. The GAMBIA called for prohibition of production and use to extend to illegal entry. The US stressed prohibition of production as a key measure. ARGENTINA called for clarification as to whether the restrictions on the production and use clause embraced exceptions.

On reducing releases, the EU, with NORWAY, said definition of best available techniques was necessary. JAPAN stressed the importance of internationally comparable release inventories for use by all parties. The US stressed efforts from both developing and developed countries on release inventories and the need for good baseline data in reduction of total annual releases. CANADA supported emissions reduction targets that accommodate individual circumstances.

On stockpiles, the GAMBIA supported a paragraph to reflect that parties with capacity should assist those without. NORWAY supported further looking into stockpiles of banned substances and said export should only be for environmentally sound destruction. JAPAN emphasized identifying all stockpiles in an environmentally sound manner and preventing their accumulation.

ALGERIA stressed the need to address the stockpile elimination difficulties of some countries and ETHIOPIA called for obligations on exporting countries to address stockpiles problems. PAPUA NEW GUINEA stressed protection of developing countries from dumping of unwanted products.

JAPAN said exemptions should include public health emergencies and use for research. CANADA and GERMANY supported some limited provision for exemptions. SWAZILAND reiterated the need to address export and import issues. AUSTRALIA, CANADA and NEW ZEALAND cautioned against putting too much emphasis on import and export controls. The US, supported by CANADA, JAPAN and others, supported a simpler structure with fewer annexes.

CONSUMERS INTERNATIONAL called for consideration of chemical or biological transformation of certain substances into POPs. GREENPEACE INTERNATIONAL underscored that elimination is the ultimate goal and that the language used must reflect this, and called for a greater global effort in eradicating stockpiles. The INTERNATIONAL COUNCIL OF CHEMICAL ASSOCIATIONS (ICCA) underscored their historical involvement and support for the negotiations.

IN THE CORRIDORS

On the first day of INC-2 there was an overall feeling of positive energy among delegates and little sign of controversy. However, initial trembles of underlying issues surrounding financial mechanisms were felt as some delegates expressed doubt that the GEF could provide adequate means for comprehensive implementation of a POPs convention, given its current responsibilities.

THINGS TO LOOK FOR TODAY

PLENARY: The Plenary will convene in Conference Room 2 at 10:00 am to continue general discussions on clauses of the convention. The Plenary will also discuss terms of reference for the working group on implementation issues, which is expected to convene following this discussion.

SPECIAL EVENT: IPEN will hold a reception at 6:15 pm. Dr. Klaus Töpfer is expected to address delegates at the reception.