



**THE SECOND SESSION OF THE
INTERNATIONAL NEGOTIATING COMMITTEE
FOR AN INTERNATIONAL LEGALLY BINDING
INSTRUMENT FOR IMPLEMENTING
INTERNATIONAL ACTION ON CERTAIN
PERSISTENT ORGANIC POLLUTANTS (POPS):
25 -29 JANUARY 1999**

The second session of the International Negotiating Committee (INC-2) for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (POPs) was held from 25-29 January 1999 in Nairobi, Kenya. Delegates from over 100 countries, as well as representatives from UN agencies, environmental non-governmental organizations (NGOs), intergovernmental organizations (IGOs) and industry, convened to further consider possible elements of an international legally binding instrument on an initial list of twelve POPs grouped into three categories: 1) pesticides: aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex and toxaphene; 2) industrial chemicals: hexachlorobenzene and polychlorinated biphenyls (PCBs); and 3) unintended byproducts: dioxins and furans.

After general discussions in Plenary on a Secretariat-prepared expanded outline of an international legally binding instrument, delegates divided into Negotiation and Implementation Groups that met in parallel sessions. The Negotiation Group examined the text of the expanded outline and the Implementation Group discussed possible needs for technical and financial assistance.

Overall, many delegates characterized INC-2 as a success. Given the early stages of the negotiation process, this success can perhaps be attributed to preexisting global consensus on the hazards of POPs and the solid foundation from which negotiations began. In the Negotiation Group, delegates completed preliminary discussions on measures to reduce or eliminate releases of POPs into the environment, identified by many as the pivotal article of the future POPs convention. Reflecting its importance to the convention, significant time and energy was dedicated to "healthy discussions" on the issue. The general discussions held in the Implementation Group resulted in an initial consensus on possible capacity building activities requiring technical and financial assistance that will provide the basis for development articles on these issues.

A BRIEF HISTORY OF THE POPS NEGOTIATIONS

During the 1960s and 1970s, the use of certain chemicals in industry and as pesticides increased dramatically. Many of these chemicals are important to modern society but they 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 due to a growing body of scientific evidence indicating that exposure to very low doses of certain 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. POPs are chemical substances that persist, bioaccumulate and pose a risk of causing adverse effects to human health and the environment. 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 involved 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. In 1992, the UN Conference on Environment and Development (UNCED) adopted Agenda 21. Chapter 19 of Agenda 21, "Environmentally Sound Management of Toxic Chemicals Including Preven-

IN THIS ISSUE

A Brief History of the POPs Negotiations	1
Report of INC-2	2
Plenary	3
Negotiation Group	4
Implementation Group	6
Closing Plenary	8
A Brief Analysis of INC-2	9
Things to Look For	10

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tion of Illegal International Traffic in Toxic and Dangerous Products," called for the creation of an Intergovernmental Forum on Chemical Safety (IFCS). Agenda 21 also called for the establishment of the Inter-Organization Programme on the Sound Management of Chemicals (IOMC) to promote coordination among international organizations involved in implementing Chapter 19.

In March 1995, the UNEP Governing Council (GC) adopted Decision 18/32 inviting the IOMC, the IFCS and the International Programme on Chemical Safety (IPCS) 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 that developed a workplan for assessing these substances. The assessments of the chemicals included available information on the chemistry, sources, toxicity, environmental dispersion and socioeconomic impacts of the 12 POPs. In June 1996, the *Ad Hoc* Working Group convened a meeting of experts in Manila, the Philippines, which concluded that sufficient information existed to demonstrate the need for international action to minimize the risks from the 12 specified POPs, including a global legally binding instrument. The meeting forwarded a recommendation to the UNEP GC and the World Health Assembly (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, by the year 2000, 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 decided that the IFCS *Ad Hoc* Working Group would continue to assist in 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.

INC-1: The first session of the Intergovernmental Negotiating Committee (INC-1) was held from 29 June-3 July 1998 in Montreal, Canada. Delegates from approximately 90 countries met with a clear spirit of cooperation, mutual purpose and 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. INC-1 elected bureau members, and considered the programme of work for the INC, as well as the possible elements for inclusion in an international legally binding instrument on the list of 12 POPs. INC-1 also established a Criteria Expert Group (CEG), as well as a working group on implementation aspects of a future instrument, such as issues related to technical and financial assistance. Delegates also met in two contact groups to discuss terms of reference for the CEG and technical information needs. Based on discussions at INC-1 and government and NGO submissions received by September 1998, INC-1 asked the Secretariat to prepare a document for INC-2 containing material for possible inclusion in an international legally binding instrument.

CEG-1: Established at INC-1, the CEG is an open-ended technical working group with a mandate to present to the INC proposals for science-based criteria and a procedure for identifying additional POPs as candidates for future international action. The CEG is to incorporate criteria pertaining to persistence, bioaccumulation, toxicity and exposure in different regions and should take into account the potential for regional and global transport, including dispersion mechanisms for the atmosphere and the hydrosphere, migratory species and the need to reflect possible influences of marine transport and tropical climates. The work of the CEG is to be completed and submitted to the INC at or before its fourth session.

The first session of the Criteria Expert Group (CEG-1) was held from 26-30 October 1998 in Bangkok, Thailand. Over 100 delegates from approximately 50 countries gathered to consider the programme of work of the CEG, including the development of science-based criteria for identifying additional POPs as candidates for future international action. Concurrently, delegates considered the development of a procedure for identifying additional POPs, including the information required at different stages of the procedure and who would nominate, screen and evaluate a substance as a potential future POPs candidate.

REPORT OF INC-2

On Monday, 25 January, Chair John Buccini (Canada) opened INC-2 and introduced Shafqat Kakakhel, Deputy Director of UNEP, to deliver opening remarks. Kakakhel welcomed delegates to INC-2 on behalf of UNEP Executive Director Dr. Klaus Töpfer. He underscored that the negotiation of a POPs treaty is a 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 then introduced, and the Plenary adopted, the agenda for INC-2 (UNEP/POPS/INC.2/1). Jim Willis, Director of UNEP Chemicals, presented the Secretariat's report on intersessional work, as requested by INC-1. He informed the Plenary that a POPs characterization database is now available and new GEF funds are financing POPs identification and management initiatives. Dr. Ulrich Schlottman (Germany) highlighted the discussions and outcomes of the ISG-3 held in Yokohama, Japan, in December 1998. Andrea Merla, on behalf of the GEF, emphasized the GEF's support for the POPs negotiations. He said the GEF is ready to serve as the financial mechanism for this convention, but underscored the need for additional resources.

CEG Co-Chairs Reiner Arndt (Germany) and Fatoumata Jallow Ndoeye (The Gambia) reported on the outcomes of CEG-1. 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 include anthropogenic transport of tributyl tin (TBT). Co-Chair Jallow Ndoeye highlighted the table of tasks for a procedure and the proposed work plan for the CEG.

IRAN asked the CEG to evaluate socioeconomic factors in balance with scientific factors. NORWAY stressed inclusion of the precautionary principle in developing criteria and procedure. SOUTH AFRICA asked for closer study of contamination due to river transport, and queried whether this constitutes a global problem. 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. 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 examine socioeconomic factors. Co-Chair Arndt said solving the DDT dilemma was not the CEG's responsibility. Chair Buccini responded that the INC would deal with DDT.

Delegates agreed to retain the Bureau elected at INC-1. INDIA, on behalf of the Asia Pacific Group, announced that Jafar Ghamieh (Iran) would replace Vice-Chair Mohammed Asrarul Haque (India). Maria-Cristina Cardenas Fischer (Colombia) and Ephraim Buti Mathebula (South Africa) were retained as Vice-Chairs. Darka Hamel (Croatia) remained the Rapporteur.

**PLENARY**

On Monday and Tuesday, 25-26 January, delegates met in Plenary and held initial discussions on the preparation of an international legally binding instrument. In opening discussions, Chair Buccini asked delegates to confirm that the document, "Expanded outline of an international legally binding instrument for implementing international action on certain POPs" (UNEP/POPS/INC.2/2), would provide an adequate basis for discussions. The Secretariat explained that the document drew on the Convention on Long-range Transboundary Air Pollution (LRTAP), the Framework Convention on Climate Change (FCCC), the Convention on Biological Diversity (CBD), the Montreal Protocol and the PIC Convention. The majority of delegates supported the document and noted areas of importance to be addressed. Chair Buccini emphasized the need to discuss all of the articles over the course of INC-2 in order to transform the expanded outline into a draft text. He then opened the floor for general discussions on the expanded outline to provide guidance for the discussions of the Implementation Group.

GERMANY, on behalf of the EU, with support from the GAMBIA and NORWAY, called for a provision to ban trade in prohibited chemicals, allowing transboundary movements only for environmentally sound destruction. The US and NEW ZEALAND cautioned against giving excessive attention to trade matters. ETHIOPIA, ANGOLA and SENEGAL called for inclusion of provisions proposed at INC-1 on, *inter alia*: inventory requirements; liability and compensation; and remediation and clean up of contaminated sites. 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 indicated preference for the concept of shared responsibilities under the PIC Convention.

Regarding implementation, IRAN stressed linkage of commitments to financial and technological needs and, with CHINA, emphasized the importance of reliable financial and technological assistance to ensure compliance in developing countries. The RUSSIAN FEDERATION stressed consideration for social and economic factors in developing countries and countries with economies in transition. INDIA, BRAZIL and others emphasized the need for differentiated timetables for phasing out POPs. BRAZIL underscored the need to address unintentionally produced byproducts. COLOMBIA underlined the need to define the convention's objectives and purpose.

Delegates next addressed the proposed article on measures to reduce or eliminate releases of POPs into the environment. INDIA and CHINA stressed different phase out schedules for developed and developing countries. The GAMBIA called for prohibition of production and use to extend to illegal entry. ARGENTINA requested clarification on whether the restrictions on the production and use clause includes exemptions. On reducing releases, the EU and NORWAY called for definition of "best available technology." JAPAN stressed the use of internationally comparable release inventories by all Parties. The US underscored 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 requested a paragraph to reflect that parties with capacity should assist those without. ETHIOPIA called for obligations on exporting countries to address stockpiles. PAPUA NEW GUINEA stressed protection of developing countries from unwanted products.

JAPAN said exemptions should include public health emergencies and research purposes. CANADA and GERMANY supported some limited provision for exemptions. The US, 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 language must reflect this, and called for greater global effort in eradicating stockpiles. The INTERNATIONAL COUNCIL OF CHEMICAL ASSOCIATIONS (ICCA) stressed its support for the negotiations.

Delegates gave general support to the draft text on national implementation plans. IRAN, CHINA, INDIA, the US and others called for a flexible approach to accommodate different national, subregional and regional circumstances. The EU, supported by PANAMA, said plans should be obligatory. CHINA, COSTA RICA and others called for technical and financial assistance for developing countries and countries with economies in transition in formulating plans and building institutions and capacity. The US said that the GEF has pilot action plans to assist developing countries. PANAMA, supported by the PHILIPPINES and ZAMBIA, stressed the value of subregional and regional harmonization and coordination. The US said the starting points for addressing byproducts would vary according to different domestic conditions. The Food and Agriculture Organization (FAO) encouraged assistance to help produce, develop or purchase POPs alternatives at reasonable prices.

Regarding information exchange, IRAN and GREENPEACE INTERNATIONAL advocated a wider scope of information exchange. BARBADOS and LESOTHO requested information on import and export of POPs. GHANA and EL SALVADOR supported information exchange throughout the whole chemical cycle. SURI-NAME proposed information exchange on national implementation plans. GREENPEACE INTERNATIONAL emphasized solutions and information on alternatives regarding byproducts. ALGERIA asked who would decide what constitutes a good alternative and suggested designating organizations to determine scientific validity and to facilitate decision making. ETHIOPIA and BANGLADESH, on behalf of G-77/CHINA, underscored the value of developing and disseminating information on indigenous and non-chemical alternatives. IRAN, CUBA and PERU called for a clearly defined information exchange mechanism. NEW ZEALAND and CUBA cautioned against duplication of information dissemination efforts.

CANADA, supported by the US, proposed separate paragraphs for information exchange on elimination and reduction and on development of alternatives. COLOMBIA, INDONESIA and BANGLADESH emphasized information exchange among countries sharing similar conditions. The EU encouraged IGO and NGO contributions.

On confidentiality, the EU, PERU, INDONESIA, LESOTHO, KUWAIT, GREENPEACE INTERNATIONAL and others called for unrestricted information exchange and stressed transparency and nondiscriminatory treatment. The US and the RUSSIAN FEDERATION supported confidentiality for business information and national security purposes, respectively. The EU, CUBA and THAILAND supported establishing national contact/focal points. ARGENTINA and CUBA asked the Secretariat to supply outlines or models for information exchange mechanisms. The RUSSIAN FEDERATION cited the Montreal Protocol as a possible model.

On public information, awareness and education, the PHILIPPINES, MALI, INDIA and others underscored the importance of activities to change public attitudes and behavior at all levels of society, including comprehensive advocacy campaigns and national POPs awareness networks. The GAMBIA cited sensitizing policy makers as a priority. IRAN called for interregional cooperation and training to reduce adverse impacts of POPs. CANADA and SWITZERLAND requested inclusion of integrated pest management (IPM). The US said the public should have an opportunity for input in developing national plans. INTERNATIONAL POPS ELIMINATION NETWORK (IPEN) said obstacles to public education include inac-



cessibility of information due to national security and intellectual property rights restrictions (IPR), and called for a full disclosure of information that might affect human health and the environment.

On research, development and monitoring, NIGERIA stressed the need for an oversight of technical assistance. CANADA called for harmonization of sampling methodologies. The RUSSIAN FEDERATION, SENEGAL and EGYPT supported using elements of the Montreal Protocol, including national focal points and an oversight committee. The PHILIPPINES said national monitoring should involve the private sector, particularly concerning illegal traffic of banned substances. The FAO recommended the CEG's work on criteria identification for consideration. INUITS OF THE WORLD called for a stronger core obligation on Parties in these activities. PHYSICIANS FOR SOCIAL RESPONSIBILITY (PSR) emphasized phase out of DDT without compromising the battle against malaria. Following an EU proposal that POPs should only be exported and imported for their environmentally sound destruction, the BASEL CONVENTION requested a clear indication that when POPs become wastes, they will fall under the Basel Convention to avoid overlap and contradictions.

NEGOTIATION GROUP

Beginning on Tuesday, 26 January, the Negotiation Group, chaired by John Buccini (Canada), met for six sessions to begin discussing text on articles for inclusion in the legally binding instrument on POPs. Substantial attention was given to: measures to reduce or eliminate releases of POPs into the environment; national implementation plans; information exchange; public information, awareness and education; and research, development and monitoring. The Group also looked at the remaining articles and identified which should be sent to the legal drafting group at INC-3. The Group did not discuss articles on: the criteria and procedure for adding chemicals to the convention, which is left to the CEG; technical assistance and financial resources and mechanisms, under discussion in the Implementation Group; or the preamble, objective and definitions, which are yet to be developed.

A Contact Group was established to examine the annexes on prohibited and restricted POPs. The Group met for the better part of Wednesday and Thursday and was chaired by Charles Auer (US).

On Wednesday, 27 January, making a general statement on behalf of the G-77/CHINA, BANGLADESH stressed: the need to establish a new multilateral funding mechanism; a timeframe set according to socioeconomic conditions; differentiated responsibilities; equal consideration by the CEG to socioeconomic impacts and scientific evaluation; and assistance from developed countries. He requested the statement be placed in an annex to the report of the meeting.

The WHO reported on progress of its plan of action with special reference to the gradual phasing out of DDT (UNEP/POPS/INC.1/INF/11) and said technical and financial assistance is needed for effective malaria control and for reducing dependence on DDT.

MEASURES TO REDUCE OR ELIMINATE RELEASES:

The Negotiation Group began its work with a discussion on measures to reduce or eliminate releases of POPs into the environment, including measures on prohibition and restriction on production and use of intentionally produced POPs, reducing releases of byproducts, and the management and disposal of stockpiles.

Prohibition and Restriction on Production and Use: On

Tuesday, 26 January, delegates began discussing the prohibition of production and use of POPs and debated whether the prohibition should also include import and export. On prohibition of production and use, the PHILIPPINES, NORWAY, BANGLADESH and GREENPEACE INTERNATIONAL said prohibition of export and import should also be covered. THAILAND, JAPAN and the US opposed this inclusion. CANADA said a discussion on trade measures was premature. COLOMBIA supported export and import only for total destruction. The EU and NORWAY specified that the destruction be environmentally sound. GREENPEACE INTERNATIONAL,

MALAWI and the GAMBIA expressed concern over illegal entry and, with KUWAIT, over transit movements. ICCA suggested that the PIC Convention could cover transboundary movements. JAPAN proposed that products and wastes be treated separately and, supported by ICELAND, suggested dealing with waste issues under the Basel Convention. CANADA, JAPAN, AUSTRALIA and the US proposed a full discussion of the PIC and Basel Conventions before further discussing import and export controls. The US proposed that each party take effective measures to "eliminate" rather than "prohibit" production and use. He said the change would add flexibility, facilitate necessary domestic legislation to take action, and ensure production has been eliminated. On this proposal, GREENPEACE INTERNATIONAL expressed concern about enforcement.

Delegates also debated the two annexes associated with prohibited and restricted production and use. The US proposed a combined annex covering both types. WORLD WILDLIFE FUND (WWF), noting the annex on restricted POPs includes an expiration date, suggested inclusion of a default mechanism whereby after the restricted expiration date is reached, the POP would fall into the prohibition annex. CHINA, supported by IRAN, supported differentiated responsibilities and provision for this in the annexes.

After initial discussions on prohibited and restricted use in the Negotiation Group, Chair Buccini suggested that a Contact Group place the ten intentionally produced POPs in the two annexes and asked the group to explore adding the ten POPs to the current annex format and examine the model put forward by China. The Contact Group was not asked to address the POPs byproducts, dioxins and furans.

On Wednesday, 26 January, Contact Group Chair Charles Auer (US) reported on the Group's progress, noting that four POPs, aldrin, endrin, toxaphene and hexachlorobenzene, were identified as candidates for prohibition in production and use, while differentiated reservations on prohibition and restriction were given to chlordane, dieldrin, DDT, heptachlor, mirex and PCBs. Chair Auer stressed that the group's work should not be taken as an initial proposal nor be treated as part of the negotiations. Chair Buccini asked the Contact Group to continue working to fine tune language on exemptions and to refine the annex structure.

On Thursday, 27 January, Chair Auer reported on the Contact Group's final results, noting it had addressed general and specific exemptions, organization and structure of annexes and approaches to differentiated responsibilities. Noting that the definition of concepts was only to facilitate the Contact Group's discussions, Auer said the terms "general" and "specific" exemptions were used: general being an exclusion addressed in the measures article, which has general applicability to all POPs unless otherwise specified; and specific being an exclusion addressed in a control annex or annexes, which is applicable to a specific chemical in a specific country, for a specific use. He identified the following exemptions for inclusion either in the convention or its annexes: scientific research; intermediates in the manufacture of another chemical; unintentional trace contaminants; substances in articles manufactured or in use as of the date of entry into force; and public health emergencies. He also presented the following structural proposals for the annexes: a single-annex approach for elimination and restriction; a two-annex approach separating elimination and restriction; and two options for differentiated treatment using the single-annex approaches as an example.

On Friday, 29 January, taking into account the results of the Contact Group, delegates completed their preliminary discussions on prohibited and restricted POPs. Delegates decided to leave trade measures to control POPs movement and finalization of the annex for future consideration. On proposed sections dealing with prohibited and restricted POPs, delegates debated over whether such chemicals into a single or two separate ones. CANADA, ICELAND and others suggested, and the Group agreed, the Secretariat fill out both annex structures with country and UNEP data so that INC-3 could evaluate



the benefits of using one annex over the other. Contact Group Chair Auer suggested that the Contact Group could consider continuing its work on annexes interessionally, possibly during the CEG or immediately prior to INC-3, although resource implications would have to be considered.

Reducing Byproduct Releases: On Wednesday, 27 January, delegates began discussing the measure on reducing releases of POPs byproducts. Debate revolved around whether the aim should be elimination. Discussion also addressed clearer intent of the provision to deal with byproducts, best available technologies, and the associated annex listing chemicals subject to release reporting and reduction or elimination measures. The Secretariat's proposed annex includes sections on inventory reporting, technical requirements and annual release targets. The RUSSIAN FEDERATION highlighted the difficulties in reducing annual total releases of byproducts. CANADA, the US, NORWAY and others asked that requirements on best available technologies to reduce releases be changed into guidelines due to difficulties in meeting reporting and technical requirements. The EU asked that guidelines be developed. The GAMBIA proposed maintaining both source and release inventories.

Some queried the current division of the annex into three separate parts. Buccini noted that this structure allows for differentiated treatment under each category. The RUSSIAN FEDERATION said the section on technical requirements was ambiguous, interlinked with the section on inventory reporting, and should be deleted. The US questioned the appropriateness of its inclusion in an annex. COLOMBIA proposed practical, instead of best available, technologies to reduce releases due to cost, transfer and IPR restrictions. IRAN, TANZANIA, GHANA and PAKISTAN emphasized financial and technical assistance for developing countries. IRAN and CHINA emphasized access to alternative technologies. The RUSSIAN FEDERATION and others asked that the article state clearly the policy objective of reducing chemical releases. Buccini said text would be reformulated to clearly indicate that the INC is proposing reduction release targets to be set in accordance with the annex.

On Friday, 29 January, the Group revisited measures on reducing byproducts. Delegates did not reach consensus on whether elimination should be the ultimate goal. JAPAN, supported by AUSTRALIA and the US, said elimination of and timetables on POPs byproducts were unrealistic and opposed reference to them. The US, noting its byproduct problem, said significant and meaningful reduction would be appropriate. CANADA hoped it would be possible to take strong measures, including targets for reduction. The REPUBLIC OF KOREA said having elimination as the aim could have implications for the credibility of the convention. IRAN, EL SALVADOR, the PHILIPPINES, the GAMBIA, GREENPEACE INTERNATIONAL, WWF and others said elimination should be the ultimate goal. GREENPEACE INTERNATIONAL said assistance programmes must be framed in the context of the goal of elimination. ICCA said it supports meaningful and significant reduction, and emphasized that objectives should be technically feasible and foreseeable. AUSTRALIA added that the provision and the annexes warranted further technical development and discussion due to the technical complexities of the issue. The Group did not reach consensus on whether elimination should be the aim.

Stockpiles: On Wednesday, 27 January, delegates addressed the proposed provision on stockpiles. There was some debate over the relevance of the Basel Convention to this issue. The EU questioned the appropriateness of Basel's regime for POPs and stressed the need to look at potential overlap with the Basel, PIC and London Dumping Conventions. ETHIOPIA noted that Conventions do not always have the same Parties, and NORWAY stressed concentrating on what the INC wants to achieve before determining what the interaction with other Conventions should be. SWITZERLAND requested a definition of "waste" under the Basel Convention and analysis of potential impacts on WTO agreements. AUSTRALIA, supported by NORWAY,

SWITZERLAND, JAPAN, CANADA and the EU, proposed that the Secretariat produce a document looking into the linkages between regimes in order to determine gaps for INC-3. The Secretariat agreed. SWITZERLAND stressed the POPs convention should enable export of obsolete stocks to countries that have the ability to destroy them. The GAMBIA, supported by MALI, proposed text stating that those with capacity should help those without in the destruction of stockpiles.

On Friday, 29 January, delegates could not reach consensus on whether countries should develop, or should endeavor to develop, appropriate strategies for identifying products and articles still in use and wastes containing such chemicals. They did, however, agree that further discussion on disposal versus destruction was necessary. NORWAY said measures should ensure that wastes are destroyed, not disposed of, and that recycling of banned substances was not acceptable. SWITZERLAND agreed. NORWAY, the US, AUSTRALIA and ICELAND said that the disposal of POPs as wastes needed further policy and technical discussions. The US, supported by CANADA, said the waste provision should cover commercially produced products and not POPs byproducts. COSTA RICA and NORWAY drew attention to ambiguities in definitions of POPs as byproducts, wastes and stockpiles. In response to the uncertainty, the GAMBIA substituted waste for stockpiles in her earlier proposal that countries with capacity help those without in the destruction of stockpiles. In response to the Gambian proposal, MALAYSIA supported reflection of developing countries' need for a financial mechanism; ETHIOPIA requested specific help in cleaning up contaminated sites; GHANA and CAMEROON called for assistance in managing stockpiles and implementation of adequate measures to reduce releases; and NIGERIA sought assistance to develop strategies for destruction. AUSTRALIA said such assistance should be decided later. The US opposed inclusion of Gambia's proposal. IRAN said Parties should carry out their obligations in a manner consistent with their capacities and subject to financial and technical assistance. AUSTRALIA and the US objected, asserting that this demands further discussion by the Implementation Group. Buccini noted a need for refinement of terms at the next INC, and said a new article may be needed for stockpiles since this one would cover wastes. He added that policy discussions and more analysis on the implications of this article were needed, and asked the Secretariat to prepare for INC-3 a paper on waste and stockpiles.

NATIONAL IMPLEMENTATION PLANS: On Wednesday, 27 January, delegates addressed the article on national implementation plans. ETHIOPIA proposed text calling for development of a national strategy, in addition to a national implementation plan. The RUSSIAN FEDERATION said that strategy is implied. The EU highlighted the value of regional implementation plans in facilitating implementation of national plans. PAKISTAN called for a separate article on regional and subregional cooperation. IRAN called for wording to reflect different national circumstances. AUSTRALIA questioned the relationship between national implementation plans and reporting. The Secretariat explained that the former indicates goals and the latter demonstrates success in achieving them.

On Thursday, 28 January, delegates reviewed a revised text of this article, incorporating comments made on Tuesday and Wednesday. Delegates agreed that text with reference to capabilities and technical assistance in implementation and the proposal for the articulation of national strategies be left in brackets. A paragraph requiring cooperation with international organizations to develop national strategies and implementation plans was also left in brackets.

INFORMATION EXCHANGE: On Wednesday, 27 January, delegates considered information exchange, discussing, in particular, the issue of confidentiality. NIGERIA, IRAN, TANZANIA, the GAMBIA and KUWAIT agreed that no relevant information should be kept confidential. CANADA, the US and the RUSSIAN FEDERATION supported exchange to the extent that it remained consistent with national laws, regulations and practices. AUSTRALIA,



supported by the US, noted that some information on alternatives must be kept confidential with respect to IPR. The EU acknowledged this, but stressed that information for the 12 POPs be kept confidential. Buccini said text based on the information exchange article in the PIC Convention would be produced for further examination. IRAN asked for clarification on the information exchange mechanism. SWITZERLAND and KUWAIT supported a mechanism through the Secretariat, not precluding information exchange between Parties. PAKISTAN cited the CBD clearinghouse mechanism as a possible model. The RUSSIAN FEDERATION expressed concern over burdening the Secretariat and referred to the structure under the Montreal Protocol.

On Thursday, 28 January, the Group considered revised text on information exchange. The EU proposed that at its first session, the COP should designate an existing and willing IGO to take the lead in implementation. The PHILIPPINES, CANADA and the US said this should be the function of the Secretariat. The final text refers to relevant information exchange on the reduction or elimination of the production, use or release of POPs and cost-effective alternatives. However, delegates failed to reach consensus on the issue of confidentiality. Text on the precise mechanism for exchange also was left for further discussion.

PUBLIC INFORMATION, AWARENESS AND EDUCATION: On Thursday, 28 January, ETHIOPIA underscored the importance of awareness campaigns for developing countries, particularly those in Africa. CANADA requested inclusion of IPM. GREENPEACE INTERNATIONAL called for greater specificity of information on POPs and the DOMINICAN REPUBLIC drew attention to the information needs of different kinds of users. IPEN called for stipulation that no information be kept confidential.

The revised text has the following in brackets: the EU proposal that Parties ensure public access to information and encourage industry and users to provide information; IRAN's call for Parties to act at the inter-regional level and consistent with their capacities; IRAN and TANZANIA's call for information on the specification, accessibility and relative costs of alternative products and practices; the US addition articulating opportunities for inputs at the national level regarding implementation of the convention; the GAMBIA's request for a paragraph calling for sensitization of policy and decision makers on POPs issues; IRAN's proposal for language reflecting the evaluation of relative health and environmental risks of POPs; the call by INDONESIA and TANZANIA and others for language underscoring the long-term effects of POPs and their alternatives on human health and the environment; TANZANIA's proposal for a paragraph on modalities of information dissemination; and the GAMBIA's call for strengthening of subregional and regional institutions in addition to national ones.

RESEARCH, DEVELOPMENT AND MONITORING: On Thursday, 28 January, delegates proposed changes to the Secretariat's draft on research, development and monitoring. Discussion centered around whether these activities should be obligatory or whether they should depend on individual country capabilities. SWAZILAND, supported by ARGENTINA, the EU and others, proposed text stating that Parties should ensure these activities. KUWAIT and PAKISTAN, opposed by the GAMBIA, agreed that a Party's obligations under this article be determined by its abilities. On best available techniques, the GAMBIA, supported by INDONESIA, proposed reference to IPM. INDONESIA also emphasized the long-term human health and environmental impacts of POPs. On possible alternatives, the GAMBIA and ARGENTINA called for reference to activities on non-chemical alternatives, including indigenous knowledge. CANADA proposed another paragraph on methodologies and techniques to detect, quantify and inventory substances. NIGERIA proposed that a formal body oversee harmonization of activities to ensure coordination between Parties. IRAN said results of research, development and monitoring activities should be made publicly available. IRAN, supported by ARGENTINA, proposed text to ensure that in undertaking actions, Parties address the concerns of developing countries. Brackets remain

around text on indigenous and non-chemical alternatives, a formal mechanism to oversee activities, and public access to results of these activities, and country obligations.

REPORTING: CANADA proposed that reporting should be regular and that intervals and format should be decided at the first COP. PAKISTAN said the objectives of the convention could affect this article and called for their speedy establishment.

NON-COMPLIANCE: The US, supported by the EU, suggested revisiting the issue of non-compliance after further development of the convention. The EU and AUSTRALIA called for consideration of non-compliance mechanisms in other conventions.

SETTLEMENT OF DISPUTES: This proposed article, based on Article 20 of the PIC Convention, provides options for the settlement of disputes. The UK noted a lack of provision in this article for regional economic integration organizations. The RUSSIAN FEDERATION stressed that the Secretariat be informed of any conflicts or contradictions. The US proposed arbitration and/or submission to the International Court of Justice.

CONFERENCE OF THE PARTIES: This proposed article, based on Article 18 of the PIC Convention, lays out the duties and functions of the COP. SWITZERLAND, supported by ICELAND, recommended reconsideration of Party duties and functions as the convention develops.

SECRETARIAT: This proposed article, based on Article 19 of the PIC Convention, lays out the functions of the Secretariat. GERMANY opened discussion with a call to bracket this article because of insufficient information on the duties and functions of the Secretariat. The US, supported by the UK, AUSTRALIA and others, responded that such caution is unwarranted considering that the text is standard for similar international treaties. GERMANY withdrew its proposal and agreed with the GAMBIA, CANADA, the US and others that this article should be addressed following further development of the convention.

AMENDMENTS TO THE CONVENTION AND ADOPTION AND AMENDMENT OF ANNEXES: AUSTRALIA and the US said discussion on this article was premature. The UK pointed out that text is standard and conventional to other similar international treaties and suggested, with support from CANADA, to only bracket text on the percentage of votes required for action, and leave this aspect for future policy discussion. ICELAND underscored flexibility in amendment procedures, with sensitivity to social, economic and environmental conditions in deciding procedures and terms to enable expedient actions and responses.

OTHER ARTICLES: Following review of the above articles, Chair Buccini proposed, and delegates agreed, to turn the articles over to the legal drafting group for scrutiny. In addition, delegates agreed to forward articles on voting, signature, ratification, entry into force, reservations, withdrawal, depositary and authentic texts to the legal drafting group at INC-3. Buccini noted that policy discussions would continue on these articles following study by the legal drafting group.

IMPLEMENTATION GROUP

Beginning on Tuesday, 26 January, a working group met for six sessions to consider implementation issues including technical and financial assistance. Established at INC-1 as a subsidiary body, the Implementation Group was chaired by Maria Cristina Cardenas Fisher (Colombia). Upon convening, the Group elected the following Bureau members: Shantanu Consul (India), Karel Bláha (Czech Republic), Soki Kue-Di-Kuenda (Angola) and Manfred Schneider (Austria). Bláha was designated Rapporteur. Discussions proceeded sequentially on three topics: capacity building areas that could require technical assistance; potential costs associated with such assistance; and sources of technical and financial assistance.

As a basis for discussion, the Group had before it a summary of capacity building areas proposed at INC-1 (UNEP/POPS/INC.1/7) and a detailed summary of key activity areas and capacity building activi-



ties (UNEP/POPS/INC.2/INF.3). These areas were: development of a POPs inventory; development of an action plan; establishment of a POPs focal unit; development, implementation and enforcement of regulatory controls; technology transfer activities; enhancement of local commerce infrastructure; and development of an outreach/information dissemination programme. Three additional activity areas were identified for consideration: risk assessment; socioeconomic factors; and survey and treatment of populations exposed to POPs. The Group produced a report detailing the outcomes of discussions for inclusion in the final report of the meeting. On Friday, the Plenary adopted the report as contained in UNEP/POPS/INC.2/L.1/Add.2.

AREAS FOR TECHNICAL AND FINANCIAL ASSISTANCE: On Tuesday, 26 January, the Implementation Group held general discussions on areas for technical and financial assistance. INDIA suggested that the areas for technical and financial assistance be considered under the umbrella topic of capacity building, and emphasized that any list of activities would not be final. IRAN said a clear idea of commitments under the convention and the financial mechanism is necessary prior to determining activities. The RUSSIAN FEDERATION said a gradual and flexible approach must be taken. SOUTH AFRICA drew attention to differing degrees of action previously taken at the national level in different countries. URUGUAY and NIGERIA called for prioritization of activities. CANADA expressed concern over perceived emphasis on continual technical assistance rather than capacity development. CHINA emphasized developing monitoring capacity to gauge progress in stockpile elimination.

POPS INVENTORY: On Tuesday, 26 January, the Implementation Group held general discussions on activities associated with preparing POPs inventories, including: formulation of an internationally accepted methodology for completing an inventory; training workshops on procedures for completing and evaluating an inventory; and internal and external review of the inventory. Many delegations supported developing inventories and international guidelines.

ZAMBIA underscored the value of inventories in identifying capacity building needs and attracting the attention of policy makers. Noting a need to pool resources, NIGER recommended subregional cooperation and BARBADOS called for regional inventories. The FAO underscored the importance of involving industry and public interest groups in raising awareness and providing data for inventories. ICELAND emphasized that inventories are ongoing and noted that information gathered for inventories on how chemicals are stored will facilitate risk assessments. The US called for identification of countries that need to develop inventories and of international or regional agencies able to provide assistance. GREENPEACE INTERNATIONAL emphasized that inventories must include non-registered POPs in order to be meaningful, and that action should be taken immediately on initial inventories.

ICCA noted that improved identification of transboundary movements of POPs would facilitate inventories. UKRAINE called for clarification as to what will be done with pesticides after inventories are completed, and VANUATU, TANZANIA and NIGER drew attention to existing stockpiles and stressed their elimination as a priority.

The report of the Group notes that, *inter alia*:

- conducting inventories would be an essential step in implementing an international instrument on POPs;
- technical assistance would be needed for many developing countries;
- inventories are an ongoing process;
- differences in conducting inventories for the three categories of POPs may need to be explored;
- little information is available regarding POPs produced as byproducts; and
- more work needs to be done to gather information on industrial chemical POPs and POPs which move through illegal or unregistered channels.

The Group also requested that the Secretariat gather and synthesize national inventory information.

NATIONAL POPs ACTION PLANS: On Tuesday, 26 January, the Implementation Group addressed action plans. The US offered to make available regional action plans in North America on DDT, PCBs and chlordane. The final report reflects that delegates underscored the importance of action plans and the need for development of plans that include assessments of the institutional, policy and regulatory infrastructure. Some delegates stressed identifying and conducting risk assessments and epidemiological studies for populations in developing countries exposed to POPs, as well as provision of appropriate medical attention. Delegates also pointed out that useful information could be obtained by examining the scope, content and development of plans created under existing multilateral conventions such as the Montreal Protocol, as well as assistance provided under that process.

POPS FOCAL UNIT: The Implementation Group then addressed the establishment of POPs focal units. NIGER, SENEGAL, NIGERIA, BURKINA FASO and PAPUA NEW GUINEA stressed the use of a national trans-sectoral organization acting as a focal unit. The final report notes the need for a clear organizational structure of the units and appropriate participation of governmental bodies and others to ensure appropriate implementation of activities. The focal units could provide feedback on implementation status of the convention and could link up into regional networks to pool information activities. The report notes the amount and type of assistance required for such units would be dependent on what is already in place, and that a unit would exist as long as there is work to do.

REGULATORY CONTROLS: On Wednesday, 27 January, the Implementation Group considered the development, implementation and enforcement of regulatory controls. Several countries, including NIGER, COLOMBIA and CHINA, noted that regulatory controls often exist but are not implemented or enforced. INDIA noted that lack of will, relevant information and manpower undermine implementation. CHINA emphasized the need for means to exercise controls and noted cases where PCBs are unknowingly imported as components in products. NIGER noted that some countries have regulations that may need to be amended for the convention and that other countries will need to enact legislation. VENEZUELA called for capacity building for enforcement control systems and networks. TANZANIA noted the need to address certain unregulated chemicals, and the CZECH REPUBLIC pointed out the problem of smuggling and illegal use. The NETHERLANDS said feasibility of enforcing regulations should be considered when legislating. GREENPEACE INTERNATIONAL noted that a complete ban on production and use would enable most effective enforcement. COLOMBIA underscored the impossibility of prohibiting some substances without safe alternatives and said technical assistance must meet economic and geographic demands. BENIN noted ignorance of policy makers and illegal entry of POPs as problems, and called for financial assistance.

The final report identifies the need to differentiate between countries that may need assistance to create a regulatory framework for POPs from scratch, and those that already have laws in place to regulate specific POPs. It also emphasizes: the importance of access to viable, safe and economic alternatives to POPs; the need for technical capacity to regulate POPs; and the need to combat illegal transboundary traffic. It suggests that countries with formulated POPs legislation provide advice and sample legislation to serve as a model.

TECHNOLOGY TRANSFER: INDIA, supported by CHINA and COLOMBIA, called for consideration of costs of technology transfer and alternatives. GREENPEACE INTERNATIONAL underscored finding alternatives and shared responsibility for this. The final report states that many delegates consider technology transfer to be a key element of a future convention, providing the means to phase out POPs with safe, economic and environmentally friendly alternatives. It notes support for innovative, new and situation-tailored approaches in



transfers. It was pointed out resources might be needed to cover potentially higher costs of alternatives, or avenues found to access them. Multilateral, bilateral and private sector resources could be considered.

INFRASTRUCTURE ENHANCEMENT: On Wednesday, 27 January, delegates briefly discussed capacity building activities to enhance local infrastructure for alternative technologies, including evaluation of existing infrastructure, development of a guidance document on enhancing infrastructure, and facilitation of meetings between government officials, industry and local business to enhance infrastructure. ARGENTINA emphasized the need to make the use of alternative technologies feasible, with special attention to the development of non-chemical alternatives. The final report supports activities to create the necessary infrastructure for use of alternatives to POPs, including non-chemical alternatives, taking country specific considerations into account.

OUTREACH PROGRAMME: On development of an outreach/information dissemination programme, CANADA highlighted and endorsed its own decentralized and participatory information dissemination system. EGYPT noted that developing countries should not copy developed countries, but find solutions specific to their needs. The final report identifies outreach as vital to the success of capacity building and notes that programmes must be developed within the context of specific national, subregional and regional circumstances.

RISK ASSESSMENT: On Tuesday, 26 January, the RUSSIAN FEDERATION requested that risk assessment be added to the capacity building areas under discussion. In discussions on Thursday, 28 January, KENYA said risk reduction should be a priority over risk assessment while the viability of POPs alternatives is assessed. The RUSSIAN FEDERATION called for standardization of activities such as risk assessment. VENEZUELA called for non-chemical alternatives to POPs to avoid similar problems in the future. PSR called for injury assessments to help educate and raise awareness. The final report notes that risk assessment must be a part of national plans.

SOCIAL AND ECONOMIC CONSIDERATIONS: On Tuesday, IRAN called for adding the activity area of social and economic considerations to the discussions. On Thursday, 28 January, IRAN, supported by CHINA, VENEZUELA, EGYPT and others, emphasized the need to examine the social, economic, and environmental and human health impacts of POPs alternatives, prior to their application. CANADA and ICELAND suggested that socioeconomic considerations be included in national plans. INDIA said socioeconomic aspects should be considered when determining whether to ban a substance. The final report notes that socioeconomic assessment should be a part of the preparation of a country's national implementation plan but, that as a crosscutting issue, it also needs to be considered under technology transfer activities and the enhancement of local infrastructure.

ASSOCIATED COSTS: On Thursday, 26 January, delegates addressed potential costs of technical assistance. INDIA stressed that availability, not source of funds, is important, supported adopting the Montreal Protocol provision, and proposed funding be organized through the Secretariat. The final report highlights statements that the nature of a future convention and differing country needs and problems warrant a new and feasible approach to financial assistance. Noted are cost saving ways of pooling resources such as information sharing, centralized training of in-country trainers, and developing common mass media campaigns using developing country infrastructure and expertise. Also advocated is information-accessing through the clearinghouse mechanism of other conventions and bodies. On traditionally cost-intensive assistance, costs could be reduced by identifying, tasking and funding research and development facilities in developing countries, with a view to sharing benefits, and by sharing expensive destruction plants between countries.

SOURCES OF TECHNICAL AND FINANCIAL ASSISTANCE: Regarding existing or future sources of technical and financial assistance (UNEP/POPS/INC.2/INF/4 and UNEP/POPS/INC.2/

INF/5), a number of delegations said that it was too early to make an accurate assessment of the extent of assistance and resources required, since much work remained to assess actual needs. The EU, supported by AUSTRALIA, on behalf of JUSSCANZ, ICELAND, the US and CANADA, stressed existing mechanisms and programmes. IRAN said the GEF lacks the financial resources needed for the convention due to heavy requests for its assistance and its narrow focus on contamination in international waters. INDIA presented a G-77/CHINA position paper emphasizing, *inter alia*, that financial resources must be provided through a new and additional financial mechanism to enable effective implementation. The final report stresses that: some delegations identified existing sources and mechanisms as insufficient; a strong financial mechanism is of central importance; and the Montreal Protocol provisions could serve as a model. It further notes that other delegations considered that existing sources of funding and financial mechanisms could be used by prioritizing activities, reassigning funds, looking at new approaches and seeking ways to avoid duplication. The Group also requested the Secretariat to compile, as appropriate, the following information for its next meeting:

- a summary of possible models for developing national inventories on POPs;
- existing national inventories on POPs;
- a summary of existing national legislation on POPs;
- the scope, content, and development process of national action plans under the auspices of existing environmental conventions;
- written information from governments on their priorities regarding technical assistance in the above areas; and
- assessment of the feasibility of establishing a clearinghouse mechanism, such as that under the Global Programme of Action for the Prevention of Land-based Sources of Marine Pollution, tailoring such information to POPs tasks and also incorporating IFCS work on distribution of information on chemical safety.

On Thursday, 26 January, ARGENTINA, on behalf of the Latin American and Caribbean Group (GRULAC), introduced a synthesis of activities that cited the formulation of national plans as a first priority. It suggested that plans be based on: a national diagnosis of priorities for capacity building in the legal, administrative, technical and technological spheres; and elaboration of national inventories. She explained that the text provided a flexible framework accommodating the needs of all countries. AUSTRALIA asked for clarification as to where the GRULAC text would be used. INDIA said the implications of the GRULAC statement were not clear and requested to suspend action on the text until it was examined.

On Friday, 27 January, delegates briefly considered a draft report of the Group's proceedings (UNEP/POPS/INC.2/IAG/WP.1). Minor amendments were made to more accurately reflect the generality and substance of the week's discussions prior to adopting the report.

CLOSING PLENARY

In Plenary on Friday afternoon, 29 January, GERMANY, on behalf of the EU, made a general statement and requested it be attached as an annex to the report of the meeting. The statement stressed: phasing out of POPs production and use as the ultimate goal; export and import of prohibited POPs only for environmentally sound destruction; national level implementation; best use of existing bilateral and multilateral arrangements; national efforts to raise awareness among policy and decision makers; and the importance of information exchange and access between governments and IGOs and NGOs. SWITZERLAND associated itself with this statement.

CÔTE D'IVOIRE, on behalf of the African Group, stressed the need for: a multilateral financial mechanism; a compilation of POPs inventories; common, but differentiated responsibilities; provisions for compensation; and research into local and indigenous knowledge and non-chemical alternatives.



UNEP Executive Director Dr. Klaus Töpfer reiterated that the 12 POPs listed for action in the mandate from the UNEP Governing Council are truly the "dirty dozen" as they are toxic, persistent, travel long distances and build up through the food chain. He said POPs must be stopped and a global solution must be reached by the year 2000. He said these negotiations and UNEP's support for them reflect the shared commitment to environmentally sound management of chemicals made in Chapter 19 of Agenda 21. He noted that the first contributions to the POPs Club helped to fund ongoing work. Töpfer identified UNEP Chemicals as the flagship of UNEP and thanked Chair Buccini and Jim Willis for their outstanding work. He emphasized that much can be learned from NGOs and from the Inuit people, in particular. Taking advantage of Töpfer's presence, Buccini welcomed him into the POPs Club by presenting him with an honorary pin. Töpfer, in return, donated a penny to the POPS Club for good luck.

The Plenary then considered the report of the meeting (UNEP/POPS/INC.2/L.1) that reflected Monday and Tuesday's Plenary discussions. Buccini stressed that this is a consultation draft and said firmer positions are to be expected at INC-3. The US underlined the need for science-based criteria in listing POPs candidates and, with regard to exemptions, proposed a change in wording from "essential equipment" to "products and articles in use." CANADA noted that discussion on the possible use of trade measures was premature. ICELAND proposed formal status for resolutions under the convention. In reaction to text reflecting support for the concept of differentiated responsibilities, the US proposed adding a sentence supporting the concept of shared responsibility reflected in the PIC Convention as more appropriate. CHINA and IRAN asserted that this sentiment is not widely shared. The US then modified the sentence to state that others questioned the applicability of differentiated responsibility to this convention. The GAMBIA recalled that many countries had called for non-chemical alternatives, and Chair Buccini amended the report accordingly.

The Plenary then adopted the addendum to the final report of the meeting containing the report of the Negotiation Group (UNEP/POPS/INC.2/L.1/Add.1). On prohibition and restriction, CANADA asked that the report indicate that some felt discussion on trade was premature. On byproducts, CANADA asked that the report indicate that one country suggested reduction goals for byproducts. SWITZERLAND reiterated the strong support for a Secretariat paper on the relationships with other conventions to serve as a basis for discussions at INC-3. IRAN added that some delegates expressed strong views that the development of national implementation plans should be consistent with countries' capacities and be subject to the availability of financial and technical assistance. Chair Buccini proposed that this sentiment be reflected in a separate paragraph.

Regarding adoption and amendment of conventions, ICELAND added that it was also agreed to consider at a later stage the role of resolutions within the convention, in particular the complex issue of byproducts. To reflect its concerns, the WWF added reference to DDT and the serious health and environmental effects associated with its use and its replacement by effective and viable alternatives. ICCA requested a separate paragraph to reflect its views on the need to reduce and/or eliminate POPs.

Implementation Group Chair Cardenas introduced the Group's report (UNEP/POPS/INC.2/L.1/Add.2) to the Plenary. Chair Buccini noted the report was final and closed for comment except for a question on whether to include a paragraph providing for annexing to the report statements by G-77/CHINA and the EU on sources of technical and financial assistance or to exclude the paragraph on the basis that the statements were reflected in the report. Chair Buccini noted there was precedent for annexing such statements in the PIC negotiations. AUSTRALIA, on behalf of JUSSCANZ, and supported by NORWAY, NEW ZEALAND, CANADA and the US, said annexing under the current circumstances would be unproductive, pressure countries into making statements and lead to a statement war. She suggested a sepa-

rate conference document. IRAN, supported by PAKISTAN, IRAN, the PHILIPPINES, EGYPT and CHINA, said the final report should reflect the discussions, and that the statements should be annexed. The meeting adjourned briefly for legal consultation. Upon reconvening, Buccini noted that there was no provision to address the situation, and ruled that the reports would be attached since both he and Chair Cardenas had agreed to annex the reports as requested during the meeting. AUSTRALIA, the US, CANADA and ICELAND emphasized that the decision should not be viewed as a precedent. Buccini responded that it would not be, and that future INC sessions could agree on other approaches. The G-77/CHINA position paper, an EU paper on implementation matters, and statements by GRULAC and the AFRICAN GROUP were annexed to the report.

In closing remarks, GERMANY, on behalf of the EU, characterized INC-2 as having cooperative spirit, and thanked Kenya, Chair Buccini and the Secretariat for making INC-2 a success. AUSTRALIA, on behalf of JUSSCANZ, indicated a profound sense that much progress was made at INC-2 and, along with CÔTE D'IVOIRE, on behalf of the African Group, BANGLADESH, on behalf of G-77/CHINA, and the CZECH REPUBLIC, on behalf of Central and Eastern Europe, offered thanks to Kenya, the Secretariat and the Bureau. IPEN also offered thanks and hoped for continued collaboration between all Parties to achieve a final goal. Chair Buccini noted his appreciation for the positive way delegates worked and interacted at INC-2, and gavelled the meeting to a close at 8:00 pm.

A BRIEF ANALYSIS OF INC-2

TAKING THE INC-1 BALL AND RUNNING WITH IT:

Overall, many delegates characterized INC-2 as a success, setting a "highwater mark" for negotiations. Given the early stages of the negotiation process, the success can perhaps be attributed to pre-existing global consensus on the hazards of POPs and the solid foundation from which negotiations began. The Negotiation Group achieved "a very successful start." Delegates completed preliminary discussions on measures to reduce or eliminate releases of POPs into the environment, identified by many as the pivotal article of the future POPs convention. Reflecting its importance to the convention, significant time and energy was dedicated to "healthy discussions" on the issue.

The general discussions held in the Implementation Group resulted in an initial consensus on possible capacity building activities requiring technical and financial assistance that will provide the basis for developing articles on these issues. Some delegates felt that the discussions skirted controversial matters and remained focused on the "what" is to be done and not the "how." However, others said progress could be found in the prioritization of national plans and inventories to assess capacity building needs. Candid discussions on financial assistance demonstrated progress. Despite developed countries calling for consideration of existing sources and developing countries calling for additional resources, there appeared to be willingness to take a measured open-minded approach and consider all possibilities.

GOING PROFESSIONAL: There was general agreement among INC-2 delegates that the POPs negotiation process benefits from the experiences acquired in previous negotiations of international environmental conventions. A case in point was the broad acceptance of the expanded outline of a legally binding instrument that provided the basis for discussions at INC-2. With a skeletal outline loosely based on the PIC Convention and the inclusion of relevant elements of the Montreal Protocol, the Convention on Biological Diversity, the Framework Convention on Climate Change and the Basel Convention, delegates were clearly in an advantageous position from the start.

With the PIC Convention tucked neatly under its belt, the Secretariat had a basic framework from which to work in preparing the expanded outline of possible articles for inclusion in the convention. The INC settled comfortably into negotiations and was much further along than it had been by the end of INC-2 of the PIC negotiation



process. After initial hesitancy in attempting to dissect the Secretariat's proposed outline, by Wednesday the INC had taken over and appeared to have "a sense of ownership" over the document.

"Modeled after the Montreal Protocol" became a familiar refrain at INC-2. Some delegates pointed to the success of shared but differentiated responsibilities and the financial mechanism of the Montreal Protocol as role models to be emulated. However, others cautioned against clamoring for a reproduction of the Protocol, noting that mirroring it could lead to repeating sub-optimal phase-out targets and scaring off donor delegations.

DODGING THE OBSTACLES: Throughout INC-2, requests for clarification of commitments to guide financial and technical assistance were answered by calls for indication of available assistance to assess ability to commit. At INC-1, the establishment of the Implementation Group attempted to nip the classic chicken-versus-egg play in the bud by separating considerations of the goal and the means of achieving it. This separation, orchestrated at INC-1, may well prove to be an astute and productive tactic in that it allows discrete and untrammelled consideration of interdependent issues and at the same time provides for forward looking consideration of how they will interlock. The separation has allowed negotiations to continue in good faith upon the understanding that financial and technical needs will be met. However, while amicable, the initial discussions on financial assistance were characterized as somewhat superficial, indicating this issue will be battled out at a later date.

INC-2 also witnessed the early struggle of reconciling global consensus to take concerted action with the practical demands of national implementation. The general discussions teased out the tensions that often exist between domestic self-interest, sovereign rights and local implementation on the one hand and delivering on agreed obligations reflecting the consensus of the international community on the other. This reality played itself out in the negotiations as some countries took a realist approach in refusing to bite off more than they could chew.

The relationship of the future POPs convention to other conventions on chemicals has yet to be articulated, but there is strong support to address the issue at INC-3. Some delegates believe that instruments are already in place for dealing with trade of potentially produced POPs under the PIC and Basel Conventions and therefore there is no reason to duplicate efforts. Others argue that the POPs convention is still in its infancy, and cannot be compared to other conventions until it has fully developed its own objectives. Some warned that looking at the relationship with other conventions does not mean "conveniently" trying to place the issue of trade under the auspices of the PIC and Basel Conventions, as they may not adequately deal with the problem of POPs, and said failure to include strict trade measures in the convention would defeat the purpose of a global convention on substances that travel long distances and from which "no one can hide."

THE PLAYOFFS: While the deadline of completing work by INC-4 appears to be attainable, much remains to be accomplished. For example, the real costs of implementing the convention have yet to be assessed and a deal will have to be brokered so that developing countries are ensured adequate finances and developed countries feel they can foot the bill. In addition, details on prohibitions, restrictions and exemptions will have to be fleshed out.

Although INC-3 will certainly have its work cut out with respect to measures, there is clear commitment to "attacking the beast head on." However, it is still too early to tell what the outcome will be since no real negotiations on placement of substances into the annexes took place. The willingness of some to continue working on the annexes in a Contact Group along with requests for very specific information from the Secretariat for INC-3 illustrated a clear resolve to further the negotiating process. INC-3 will mark the official start of "real" negotiations and the "hashing out of critical details." The challenge for INC-3 will be to stay afloat at the new high watermark.

THINGS TO LOOK FOR

SECOND MEETING OF THE CRITERIA EXPERT

GROUP: The Second Session of the Criteria Expert Group is scheduled to meet in June 1999 to continue its work on identifying criteria and a procedure for adding additional POPs to the future convention. The location and date are still to be determined. For more information, contact UNEP Chemicals (IRPTC), tel: +41 (22) 979-9111; fax: +41 (22) 797-3460; dogden@unep.ch; Internet: <http://irptc.unep.ch/pops/>.

PERSISTENT ORGANIC POLLUTANTS INC-3: The third session of the Persistent Organic Pollutants (POPs) Intergovernmental Negotiation Committee (INC-3) is tentatively scheduled for September or October 1999 in Geneva. For more information, contact UNEP Chemicals (IRPTC), tel: +41 (22) 979-9111; fax: +41 (22) 797-3460; dogden@unep.ch; Internet: <http://irptc.unep.ch/pops/>.

INTERNATIONAL CONFERENCE ON LEAD POISONING PREVENTION AND TREATMENT: The World Bank, the George Foundation, the Centers for Disease Control and Prevention (US), and the US EPA are co-sponsoring this conference that will take place from 8-10 February 1999, in Bangalore, India. The conference will provide a forum for policymakers, scientists, health and environmental specialists, and representatives of IOs and NGOs to discuss the formulation and improvement of national lead poisoning prevention programmes. The conference is also co-organized by the Indian Ministry of Environment and Forests and the Ministry of Health, the WHO, Johns Hopkins University (US), and the Friends of Lead-Free Children USA. For more information, contact: Jude Devdas, George Foundation, Bangalore, tel: +91-80-5440164; fax: +91-80-5440210; or Ms. Tareshwari, tel: +91-80-2217384; fax: +91-80-2217481; Internet: <http://www.worldbank.org/html/extdr/extme/ps011599.htm>.

ASIA PACIFIC REGIONAL WORKSHOP ON POPS

MANAGEMENT: This meeting will be held from 16-19 March 1999, in Vietnam in a city yet to be determined. For more information, contact: David Ogden, UNEP Chemicals (IRPTC), tel: +41 (22) 979-9111; fax: +41 (22) 797-3460; dogden@unep.ch; Internet: <http://irptc.unep.ch/pops/>.

13TH SESSION OF THE FAO GROUP ON REGISTRATION

REQUIREMENTS: 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. For information contact: Gerold Wyrwal, FAO; tel: +39 (6) 5705 2753; fax: +39 (6) 5705 6347; e-mail: Gerold.Wyrwal@fao.org.

SIXTH PIC INC MEETING: The Sixth Session of the PIC INC meeting will be held in Rome from 12-16 July 1999 at FAO Headquarters to begin work during the interim period between signing the Convention and its entry into force. 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/>. Or contact: FAO, tel: +39 (6) 5705 3441; fax: +39 (6) 5705 6347; e-mail: Niek.Vandergraaff@fao.org; Internet: <http://www.fao.org/ag/agpp/agpp/pesticid/pic/pichome.htm>.

WMO/EMEP WORKSHOP ON MODELING OF ATMOSPHERIC TRANSPORT AND DEPOSITION OF POPS AND MERCURY

This workshop will take place in November 1999 at the WMO Headquarters in Geneva. For more information contact: Marina Varygina, Meteorological Synthesizing Centre East, tel: +7 (95) 124 4758; fax: +7 (95) 310 7093; e-mail: msce@glasnet.ru.

THIRD MEETING OF THE INTERNATIONAL FORUM

ON CHEMICAL SAFETY: The Third Meeting of The International Forum on Chemical Safety is tentatively scheduled for September or October 2000, and will be held in Brazil. For more information contact: Executive Secretary, Intergovernmental Forum on Chemical Safety, tel: +41 (22) 791-3650/4333; fax: +41 (22) 791-4875; e-mail: ifcs@who.ch; Internet: <http://www.who.int/ifcsh>.