



### POPS INC-2 HIGHLIGHTS WEDNESDAY, 27 JANUARY 1999

On the third day of INC-2, delegates met briefly in Plenary to hear and comment on reports of the Implementation and Negotiation Groups, which convened in parallel sessions throughout the day. The Implementation Group discussed areas for capacity building activities needing technical assistance. The Negotiation Group finished its initial discussions on measures to reduce or eliminate releases, national implementation plans and information exchange, and heard a preliminary report from the Contact Group on Annexes.

#### PLENARY

The Plenary heard reports from and commented on the Implementation and Negotiation Groups' progress. Implementation Group Chair Maria-Cristina Cardenas Fischer highlighted discussions on financial and technical assistance. Chair Buccini reported on the Negotiation Group, noting that the Contact Group on Annexes was continuing its work. General comments included an EU proposal that banned substances should only be exported or imported for their environmentally sound destruction. The BASEL CONVENTION requested a clear indication that when POPs become waste, they will fall under the Basel Convention to avoid overlap and contradictions.

#### NEGOTIATION GROUP

The Negotiation Group continued its discussion of measures in the morning session. Regarding the measure on reducing certain POPs releases, EL SALVADOR and EGYPT noted the lack of reference to elimination in the text and proposed adding it. The GAMBIA proposed maintaining release and source inventories. NIGERIA proposed deleting the section on releases. CANADA, supported by the US and NORWAY, 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.

On the annex listing chemicals subject to release reporting and reduction or elimination measures, the RUSSIAN FEDERATION queried ambiguities in the reporting time schedule. The US proposed merging the three parts on inventories, technical requirements and release targets into one annex. KOREA proposed merging the parts on inventories reporting and release reduction and elimination targets. Chair Buccini said that the current structure allows for differentiated treatment under each category.

The RUSSIAN FEDERATION, supported by KOREA, requested deleting the section on technical requirements. COLOMBIA proposed practical, instead of best available, technology due to cost, transfer and intellectual property rights (IPR) restrictions. IRAN, supported by TANZANIA, emphasized financial and technical assistance for developing countries. IRAN also said that parties should not be obligated to cooperate with NGOs in the development of technical guidance and, with CHINA, emphasized access to technologies.

The US, among others, questioned including best available technology in the annex. ARGENTINA stressed country commitments to using best available technologies. PAKISTAN and GHANA emphasized assistance for these technologies. The RUSSIAN FEDERATION and others asked that the article state clearly the policy objective of reducing chemical releases. Chair Buccini said text would be reedited to clearly indicate that the INC is proposing reduction release targets to be set in accordance with the annex.

On stockpiles, the EU and AUSTRALIA asked for clear definition of products, articles and waste and asked when a POP is considered to be waste. He questioned the appropriateness of the Basel Convention for POPs and cautioned against potential overlap with the PIC Convention and the London Dumping Convention. ETHIOPIA noted that conventions do not always share the same set of parties. NORWAY stressed concentrating on what the INC wants to achieve before determining what the interaction with existing 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 for INC-3 that the Secretariat produce a document looking into the linkages between regimes to determine gaps. SWITZERLAND stressed the POPs convention should enable export of obsolete stocks to countries that have the ability to destroy them. The GAMBIA, supported by MALL, proposed text stating that those with capacity should help those without in the destruction of stockpiles.

On national implementation plans, ETHIOPIA proposed that national strategy be added. The RUSSIAN FEDERATION countered that strategy is implied. The EU highlighted the value of regional implementation plans in facilitating implementation of national plans. PAKISTAN suggested 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 reflects success in achieving them.

On information exchange, delegates first debated the issue of confidentiality. NIGERIA proposed text stating that information exchange be carried out in a transparent and nondiscriminatory manner. IRAN, TANZANIA, the GAMBIA and KUWAIT said no information should be kept confidential. CANADA, supported by the US, requested retaining reference to consistency with national laws, regulations and practices. The RUSSIAN FEDERATION agreed to information exchange to the extent that it does not contradict national laws. 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 not be kept confidential. Chair Buccini offered to produce text based on the information exchange clause under the PIC Convention. IRAN asked for clarification on what the information exchange mechanism will be. SWITZERLAND

This issue of the Earth Negotiations Bulletin © <enb@iisd.org> is written and edited by Richard Campbell, LL.B. <richcam@hotmail.com>, Laura Ivers <laurai@iisd.org>, Leila Mead <leila@interport.net> and Anny Wong, Ph.D. <wonga@ewc.hawaii.edu>. The Editor is Pamela Chasek, Ph.D. <pam@iisd.org> and the Managing Editor is Langston James "Kimo" Goree VI <kimo@iisd.org>. Digital editing by Andrei Henry <ahenry@iisd.ca>. Logistics by Molly Rosenman <mrosenman@iisd.ca>. The Sustaining Donors of the Bulletin are the Netherlands Ministry of Foreign Affairs, the Government of Canada (through CIDA), the United States (through USAID) and the Swiss Agency for Environment, Forests and Landscape. General Support for the Bulletin during 1999 is provided by the United Kingdom Department for International Development (DFID), the German Federal Ministry of Environment (BMU) and the German Federal Ministry of Development Cooperation (BMZ), the Danish Ministry of Foreign Affairs, the European Community (DG-XI), the Ministries of Environment and Foreign Affairs of Austria, the Ministries of Foreign Affairs and Environment of Norway, the Ministry of Foreign Affairs and Ministry of Environment of Finland, the Government of Sweden, the United Nations Development Programme (UNDP), the Global Environment Facility (GEF) and the Ministry for the Environment in Iceland. The Bulletin can be contacted by e-mail at <enb@iisd.org> and at tel: +1-212-644-0204; fax: +1-212-644-0206. IISD can be contacted by e-mail at <info@iisd.ca> and at 161 Portage Avenue East, 6th Floor, Winnipeg, Manitoba R3B 0Y4, Canada. The opinions expressed in the Earth Negotiations Bulletin are those of the authors and do not necessarily reflect the views of IISD and other funders. Excerpts from the Earth Negotiations Bulletin may be used in non-commercial publications only and only with appropriate academic citation. For permission to use this material in commercial publications, contact the Managing Editor. Electronic versions of the Bulletin are sent to e-mail distribution lists and can be found on the Linkages WWW server at <http://www.iisd.ca/linkages/>. The satellite image was taken above Nairobi (c)1999 The Living Earth, Inc. <http://livingearth.com>. For information on the Earth Negotiations Bulletin, send e-mail to <enb@iisd.org>.



and KUWAIT supported a mechanism through the Secretariat, not precluding information exchange between parties. PAKISTAN cited the clearinghouse mechanism under the Convention on Biological Diversity as a possible model. The RUSSIAN FEDERATION expressed concern over burdening the Secretariat and referred to the structure under the Montreal Protocol.

The Chair of the Contact Group on Annexes, Charles Auer (US), reported 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 on production and use were given to chlordane, dieldrin, DDT, heptachlor, mirex and PCBs. Chair Buccini asked the Contact Group to continue fine tuning language on exemptions and to refine the structure of the annexes. WWF expressed disappointment that only four substances were recommended for prohibition and expressed concern over the Group's coverage of DDT in light of new evidence indicating serious health and environmental effects even in vector disease control. Chair Auer stressed that the Group's work is to illuminate issues, not offer solutions, and reiterated its results should not be taken as an initial proposal or be treated as part of negotiations. 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 was needed for effective malaria control and for reducing dependence on DDT.

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 of socioeconomic effects and scientific evaluation; and assistance from developed countries.

#### **IMPLEMENTATION GROUP**

Delegates began discussions on specific areas for capacity building activities needing technical assistance (UNEP/POPS/INC.2/INF/3). IRAN said a clear idea of commitments under the convention and the financial mechanism is necessary prior to determining activities. INDIA emphasized that the list of activities is not final and that modalities and financing be discussed later. URUGUAY and NIGERIA said activities must be prioritized. BARBADOS called for technical assistance for scientific 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. The RUSSIAN FEDERATION called for standardization of activities such as risk assessment. VENEZUELA said discussion was premature and suggested that inventories be considered first.

On inventories, TANZANIA noted their role in identifying assistance needs. 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. The FAO suggested starting with substances with available data. GREENPEACE INTERNATIONAL said action should be taken immediately based on available information instead of waiting to complete inventories.

On development of action plans, Chair Cardenas proposed discussing experiences under the Montreal Protocol. GREENPEACE INTERNATIONAL said action plans should be considered concurrently with regulatory controls and technology transfer, and called for an initial inventory of national capacity. The Secretariat responded that infrastructure and capacity issues will often come first. ICCA proposed obtaining specimen plan contents during the intersessional period. The US offered to make available regional action plans in North America on DDT, PCBs and chlordane. UNIDO supported drawing from the Montreal Protocol and stressed having responsible persons and contacts at the national level.

On establishment of a POPs focal unit, ICELAND said this description might be too specific given scope for broader linkages with integrated pest management and general chemicals management. NIGER, SENEGAL, NIGERIA, BURKINA FASO and PAPUA NEW GUINEA supported the use of national interministerial organizations as focal units. CHINA stressed that such units should have proper participation, coordination and an effective structure. On the degree of focal unit permanence, NIGER, supported by BARBADOS, said this is a national matter and should not be imposed externally.

On 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. CHINA emphasized the need for means to exercise controls, and noted cases where PCBs are unknowingly imported as components in products. TANZANIA noted the need to address certain unregulated chemicals. NIGER noted that some countries have regulations which may need to be amended for the POPs convention and that other countries will need to enact legislation. VENEZUELA said capacity building is needed for enforcement control systems and networks. The CZECH REPUBLIC noted the problem of DDT smuggling and illegal use. The NETHERLANDS said feasibility of enforcing regulations should be considered when drafting regulations. GREENPEACE INTERNATIONAL noted that a complete ban on production and use would enable most effective enforcement.

INDIA noted that lack of will, relevant information and manpower undermine implementation. 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.

On technology transfer activities, INDIA, supported by CHINA and COLOMBIA, urged consideration of alternatives and costs of technology transfers. COLOMBIA stressed that best technologies are not always available. IRAN said technology transfer encompasses equipment, material and know-how and called for language better reflecting the needs of developing countries. BARBADOS, supported by COLOMBIA, cautioned against over reliance on high technology measures, stressed the value of using local measures and preferred the term assistance over transfer. CONSUMERS INTERNATIONAL called for broad and comprehensive consideration. GREENPEACE INTERNATIONAL underscored shared responsibility in finding alternatives. The US highlighted strategies and alternatives to DDT for controlling insect-vectored diseases, including treatment of the disease itself, integrated vector management and improved sanitation and housing. EGYPT inquired about biological alternatives to DDT. GERMANY drew attention to technology transfer sources, including the private sector and bilateral and multilateral programmes. The INDIGENOUS ENVIRONMENTAL NETWORK requested recognition of traditional knowledge and the intellectual property of indigenous peoples.

#### **IN THE CORRIDORS**

While many delegates have supported the role NGOs play in implementation, others have voiced opposition. One delegate in particular expressed concern over the implications of such opposition for NGO involvement in domestic implementation.

#### **THINGS TO LOOK FOR TODAY**

**Plenary:** Plenary will convene in Conference Room 2 at 10:00 am to hear reports on the Implementation and Negotiation Groups.

**Implementation Group:** The Implementation Group will convene following Plenary and continue discussions on capacity building activities.

**Negotiation Group:** The Negotiation Group will continue negotiating possible articles for inclusion in a legally binding instrument. The Contact Group on Annexes will meet at 9:00 am in Room 4.