POPS INC-4 HIGHLIGHTS: FRIDAY, 24 MARCH 2000

Delegates met in Plenary throughout the day and evening to discuss measures to reduce or eliminate releases (Article D), technical assistance (Article J) and financial resources and mechanisms (Article K). A contact group on the prohibition and restriction provisions met throughout the day.

PLENARY

MEASURES TO REDUCE OR ELIMINATE RELEASES (ARTICLE D): Waste Management and Disposal: INDONESIA, VENEZUELA, PAKISTAN and IRAN called for reference to technical and financial assistance. AUSTRALIA added stockpiles to the paragraph addressing environmentally sound destruction and disposal of wastes, to ensure that stockpiles, products and articles upon becoming waste are addressed. NORWAY noted that stockpiles are also being considered under prohibition of production and use and called for consistency. ARGENTINA, with the US, bracketed text on destruction or alteration to reaction products that do not exhibit POPs properties.

On destruction of wastes, NORWAY, supported by the EU, SLOVAKIA, the PHILIPPINES, VENEZUELA, IRAN, INDIA, COLOMBIA, POLAND and CHINA, supported bracketing reference to the Basel Convention. COLOMBIA noted some parties to POPs may not be parties to Basel and called for clear language on wastes specific to the POPs convention. NEPAL proposed language on using technologies which do not produce POPs, while the PHILIPPINES preferred those that do not “create or release” POPs. ARGENTINA, CANADA, NEW ZEALAND, AUSTRALIA and the US supported including reference to the Basel Convention, noting the desire to avoid duplication. INDONESIA added “transported” to handling and storing wastes in an environmentally sound manner. The paragraph was bracketed and the LDG was instructed to address legal implications of reference to Basel.

On identifying contaminated sites, in response to opposition to qualifying remediation with “if feasible and practical,” NEW ZEALAND said that requiring remediation may create a perverse incentive and that parties may be deterred from identifying sites. Contact group Chair Peter Hinchcliffe (UK) noted varying degrees of technical feasibility, and said contamination of a site may not only be for POPs but that delegates agreed to retain the qualifier. The PHILIPPINES said parties should be required to develop strategies for identifying sites, and bracketed “endeavor to.” IRAN requested further clarification on dealing with stockpiles.

By-Products: Presenting the contact group’s report, Chair Thorgeirsson noted, inter alia: extensive discussion on “ultimate elimination” and on proposals to include the qualifiers “where feasible” and “where technically and economically feasible”; calls for clarification of the term “total” as it applies to releases; failure to reach agreement on the reference to “substitute” materials, products and processes; debate on distinguishing between new and existing sources as regards BAT application; disagreement on whether to include a listing of “major source categories”; and agreement on using the EU’s draft Annex C as a basis for consideration.

On “ultimate elimination,” the SEYCHELLES, the EU, MALI and NEPAL opposed, and CANADA and the RUSSIAN FEDERATION supported, qualifying the term elimination. ARGENTINA and the US said they would consider accepting elimination language with qualification. NORWAY, JAMAICA and NEPAL urged against limiting the obligation to “aim to” take the listed reduction measures. CANADA and the US stated they could accept deletion of “aim to.” NORWAY and CANADA said that parties should require the use of BAT for new sources. The US agreed, if Annex C includes a list of major source categories. AUSTRALIA, the REPUBLIC OF KOREA and ARGENTINA emphasized that BAT is a relative term.

AUSTRALIA opposed removal of any brackets. NIGERIA proposed text on requiring substitution, where appropriate. SURINAME proposed bracketed reference to anthropogenic sources of “each of” the POPs. JAMAICA expressed concern with the phrases “by-product,” “anthropogenic sources” and “major source categories.” Noting the need to define these terms as well as BAT, Plenary referred the text to the LDG, with Suriname’s proposal.

TECHNICAL ASSISTANCE (ARTICLE J): Regarding parties recognizing that rendering technical assistance upon request is essential to implementing the convention, CANADA, with the EU, the CZECH REPUBLIC and JAPAN, supported removing brackets to encourage removal of technical assistance attached to obligations in other articles. The US supported retaining brackets until such conditions are removed. SOUTH AFRICA opposed removal of conditional language in other articles. Concerning rendering assistance “upon request,” the US proposed, and the Plenary agreed, to substitute “in response to requests from developing parties and parties with EIT.” Delegates later accepted a revised and unbracketed draft of the amended text. The US agreed not to bracket the provision contingent on inclusion of a note in the record indicating the issue can be revisited if the conditions attached to obligations are not removed.

Regarding the request for countries to cooperate to provide technical assistance for development and strengthening of institutional infrastructure and capacities to implement obligations, BRAZIL, with CHINA, ETHIOPIA, LESOTHO, COLOMBIA on behalf of GRULAC, and MALAYSIA, supported placing the requirement on “the developed country parties,” SOUTH AFRICA, LESOTHO, ETHIOPIA, MALAYSIA, PHILIPPINES, THAILAND, the PHILIPPINES, INDONESIA and others, supported deletion of “to cooperate.” Several delegations, including SOUTH AFRICA, GRULAC and MUCINOSO opposed specifying “institutional infrastructure.” THAILAND stressed imposing obligations on exporting parties. GRULAC supported requesting parties to provide assistance to developing countries and countries with EIT, taking into account the particular needs of these countries in order to assist them to develop and strengthen their capacities. The text was revised to provide that the
developed country parties shall undertake to cooperate with developing country parties and parties with EIT to provide technical assistance, taking into account their particular needs, to develop and strengthen their capacities. "Developing country" and "cooperate with" remain bracketed. INDIA, on behalf of the G-77/CHINA, lamented the lack of progress on technical assistance and called for a more constructive approach.

Regarding the chapeau introducing elements of assistance which states that the assistance to be provided by developed country parties shall include, *inter alia*, as appropriate and, as mutually agreed, technical assistance for capacity building, JAPAN supported removing brackets from "as mutually agreed." NEW ZEALAND, supported by JAPAN, the US, CANADA and the CZECH REPUBLIC proposed lifting brackets from "developed country" and specifying "by developed country parties and other parties in accordance with their capability." Several delegations opposed this, including the G-77/CHINA, LESOTHO and GRULAC. GRULAC called to delete the chapeau language after "*inter alia.*" CANADA opposed, remarking that the notion of partnership was not addressed. The US noted that "as mutually agreed" does not relax the requirement. The PHILIPPINES said "as mutually agreed" is a means to avoid obligations. As revised, the text incorporates the New Zealand proposal and brackets "developed country" and "as mutually agreed."

On assistance to identify and destroy existing stockpiles of obsolete POPs, ETHIOPIA preferred assistance "to identify, inventory and destroy." "Inventory" was added and bracketed. On assistance to promote access to and transfer of appropriate clean and environmentally sound technologies, the PHILIPPINES, supported by AUSTRALIA and opposed by BRAZIL, called to delete the reference to access.

**FINANCIAL RESOURCES AND MECHANISMS (ARTICLE K):** Throughout the article, THAILAND requested adding "and exporting countries" to references to "developed countries." The GAMBIA underscored the need to reflect shared but differentiated responsibilities. Delegates debated two formulations of text on commitment to providing financial assistance: the first stating developed countries shall provide developing and EIT countries with financial assistance in order to implement the convention; and the second stating developed countries, and other parties in accordance with their capabilities, shall seek to mobilize or provide financial and other resources to assist developing and EIT countries in their implementation of the convention. NIGERIA, on behalf of the G-77/CHINA, stressed the importance of retaining the first option. INDIA, on behalf of the G-77/CHINA, objected to any modification within the first option. The EU stated that Article K deals with finance in general, not just financial assistance, and the second option that text regarding parties providing financial support and incentives for national activities should be removed from the article.

With regard to a paragraph on the COP promoting the availability of financial resources, and, in brackets, encouraging the "development/development" strengthening of mechanisms, Bucinni invited delegates to suggest ways to remove brackets. The EU suggested deleting the text referring to mechanisms, and NIGERIA, INDIA, and BRAZIL opposed.

Delegates next considered the two proposed mechanisms: the EU, CANADA and the US submissions for existing mechanisms; and the G-77/CHINA submission for establishing a new mechanism. Chair Bucinni called for clarification on the submissions' intent. CANADA, recognizing additional resources will be required, supported using existing mechanisms to build upon existing POPs activities and to provide faster access to funds. He noted CAN provisions for, *inter alia*: an inventory of technical assistance sources and requests; advice on requirements for assistance; a source development; and identifying and reporting requests for assistance not being met to the COP.

The EU noted its support for strengthening existing mechanisms, and said selecting the GEF is the best way to secure implementation. Noting some countries' concerns with the GEF, he drew attention to a GEF paper that details what would be required to establish an operational POPs programme within the GEF.

The US supported a financial mechanism comprised of the CAN, serving as a broker, and existing entities. He said the COP would provide guidance to the mechanism; *inter alia*, identify areas where requests for assistance are not being met and consider policies to strengthen existing funds. He said using existing entities will allow for a synergistic approach.

NIGERIA, BRAZIL, INDIA and CHINA spoke on behalf of the G-77/CHINA, and underscored the importance of establishing an independent multilateral fund. NIGERIA challenged the contention that establishing a new mechanism would be more costly and time consuming than making necessary modifications to restructure the GEF. BRAZIL, stressing that developing countries will not adopt an instrument without provision of assistance, requested the EU to elaborate on how it intends to provide funds. INDIA emphasized that developing countries should not be kept in the dark about what type of assistance will be available. He said the experience of developing countries with the GEF has not been good, and noted frustrations associated with multiple funding sources, including meeting differing criteria and submitting multiple applications. Noting the GEF takes its own decisions and decides how funds will be spent, CHINA asked who will guarantee that the GEF will direct sufficient funds to support the POPs convention. SOUTH AFRICA said the CAN could supplement the G-77/CHINA proposal.

The CZECH REPUBLIC, on behalf of the Central and Eastern European region, supported using the GEF, rejected assertions that the GEF is inefficient and slow, and supported the CAN. CAME-ROON questioned the legality of determining the effecting institution before completing negotiations.

The SUSTAINABLE DEVELOPMENT POLICY INSTITUTE noted challenges faced when seeking assistance to clean-up contamination from obsolete pesticide stockpiles. The ENVIRONMENTAL HEALTH FUND noted that while strong pressure to accept obligations is being applied in the debate on control measures, only assurances that assistance needs can be met are being offered in the debate on financial resources. WWF INTERNATIONAL expressed concern that draft language is being weakened to allow voluntary or token financial support. JAPAN noted Secretariat research on POPs-related activities provides information that could facilitate access to assistance. Chair Bucinni proposed that delegates either defer further work to INC-5 or establish an intersessional group.

**CONTACT GROUPS**

**PROHIBITION AND RESTRICTION:** The contact group considered, *inter alia*, prohibition and restriction provisions, Annexes A and B, exemptions, DDT and PCBs, and a proposal on stockpiles. The group considered a proposal for DDT control for Annex B (restriction) and agreed to allow DDT only for disease vector control. Delegates considered alternatives should, *inter alia*, include both chemical and non-chemical alternatives and "must" pose less risk to the environment and human health than DDT. On prohibition, a number of proposals were put forward, but delegates were unable to resolve the trade issue with respect to prohibited substances. A group of countries proposed language on trade with non-Parties, however one delegate opposed opening debate on this issue, noting it has not yet been addressed in Plenary. On restrictions, delegates considered, *inter alia*, a proposal on reporting requirements but reached no consensus. The group also discussed a proposal on general exemptions. A group of countries called to bracket exemptions for articles in use, closed-system intermediates and end users.

**IN THE CORRIDORS**

An NGO scoreboard indicating country positions on elimination and the Precautionary Principle has been circulating throughout INC-4. Some participants are suggesting this may be positively influencing some countries’ decisions to rethink their stances, given rising support for elimination and for operationalization of the Precautionary Principle.

**THINGS TO LOOK FOR TODAY**

**PLENARY:** Plenary will meet at 10:00 am to discuss, *inter alia*, the Chair's Proposal for the preamble and to review the report of INC-4.