POPS INC-1 HIGHLIGHTS
THURSDAY, 2 JULY 1998

On the fourth day of the first session of the Intergovernmental Negotiating Committee (INC-1) for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (POPs), delegates met in Plenary to discuss draft terms of reference for the Criteria Expert Group (CEG). A contact group on technical information needs also met and will present a draft paper to the Plenary on Friday.

PLENARY

In the morning Plenary, delegates discussed draft terms of reference for the CEG which were introduced by the contact group's chair, Ndoye Fatoumata Jallow (the Gambia). The terms of reference, contained in UNEP/POPS/INC.1/CRP.1, address, *inter alia,* mandate, objective, issues of participation, meetings, officers of the CEG, rules for recommendations, proposals, administrative and procedural matters, agenda, reports and languages for CEG meetings.

On mandate, POLAND supported including reference to the criteria developed by the UN/ECE for the LRTAP POPs protocol to ensure they are taken into account and examined by the CEG during its work. The Chair responded that this was implicit and urged the CEG to take into account the work of the UN/ECE.

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

INDIA stated that socio-economic factors "are to be considered," not "could be considered" by CEG participants. The GAMBIA suggested "socio-economic factors could also be an advantage." AUSTRIA expressed concern with telling experts what they should take into account, as that is a question of mandate. The Chair noted that giving such consideration to socio-economic factors would put them on equal footing with science and questioned how this would influence the participation of the meetings. ANTIGUA AND BARBUDA proposed deleting reference to socio-economic factors as this should be implicit in technical expertise.

CANADA, supported by GUINEA, said reference to socio-economic factors was important and suggested "including socio-economic factors" as it is part of technical expertise. IRAN, supported by INDONESIA, noted the differences in expertise and expressed concern that socio-economic factors would be addressed by technical experts. IRAN proposed that "participants should preferably have technical expertise in chemicals assessment and management and knowledge of socio-economic factors." PAKISTAN stressed that participants "should have technical expertise," and that knowledge of socio-economic factors may also be desirable. INDIA, THAILAND, the CZECH REPUBLIC, GHANA and QATAR also supported deletion of "preferably." IRAN supported retaining "preferably" to give the group flexibility. INDIA said technical expertise in chemical management must include knowledge of societal forces, and could accept deleting reference to socio-economic factors. THAILAND, the CZECH REPUBLIC, CANADA and NIGERIA agreed that technical expertise could include socio-economic factors and that specific reference to it could be deleted. GHANA said technical expertise takes precedence, but knowledge of socio-economic factors could be an added advantage. QATAR agreed that knowledge of socio-economic factors could also be relevant.

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

On the meetings of the CEG, it was proposed that it meet prior to the second session of the INC with other meetings to be decided by the INC. ETHIOPIA proposed deletion of the phrase that meetings be "subject to the availability of funds," but CHILE, on behalf of the Latin American and Caribbean Group (GRULAC), supported holding meetings back-to-back with the INC for participation consistency and to facilitate participation for those with limited resources. CHILE reminded delegates of the cost implications. The US noted that the US Environmental Protection Agency was prepared to offer funds for a first CEG meeting, perhaps in October 1998, if provision of these funds was not seen as a precedent. NEW ZEALAND stressed the need to hold the CEG far enough in advance to give INC members enough time to properly consider the CEG's report. The Secretariat emphasized that UNEP does not have the funding for any CEG meetings or

for the INC and that all POPs activities are funded by donors. He also noted the difficulty in finding facilities for two-week meetings and of translating meeting reports in such a short period of time.

The afternoon Plenary was dominated by a protracted discussion regarding the proposal to use English, French and Spanish as the working languages of the CEG. A number of countries, including QATAR, INDIA, the RUSSIAN FEDERATION, CHINA, EGYPT, IRAN, ARGENTINA, KUWAIT, and SYRIA proposed that all six official UN languages be used. Some delegations, such as JAPAN, the CZECH REPUBLIC, and THAILAND, suggested that English be used in the CEG. ETHIOPIA suggested English be the working language of the group but that CEG documents be produced in all six languages.

AUSTRIA, on behalf of the EC, asked the Secretariat about the cost implications of having both language and document translations for the CEG. The Secretariat responded that with more translation there is a greater cost and noted that subsidiary bodies often operate in less than the six UN languages. He added that all decisions from these bodies are forwarded to the Plenary where there is full translation and highlighted the recent PIC negotiations where subsidiary bodies functioned with three languages. The Chair, supported by the US, added that costs of translation might also have implications for the ability and willingness of donors to fund such meetings. The REPUBLIC OF KOREA asked if there was precedent for having three languages and the Secretariat again said there was and pointed to the Basel and PIC Conventions as examples.

The Chair presented a compromise proposal to use three languages and also include a statement in the report of the meeting that calls upon the Secretariat to work with donor and host governments to accommodate the other three languages. QATAR, supported by the RUSSIAN FEDERATION and KUWAIT, reiterated that all six languages be used. EGYPT supported using English with the other five languages to be decided as finance allows. CHILE, supported by ARGENTINA, rejected using fewer than the three proposed languages. NIGERIA appealed for compromise and supported the three languages, with the meeting report stating the host make arrangements for the other three. The US, supported by COLOMBIA, favored the three proposed languages with the Secretariat and host country endeavoring to accommodate the other three. As no consensus was reached, delegates will revisit this issue in the Friday morning Plenary.

CONTACT GROUP

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

Delegates discussed compilation of information and identification of information gaps, as well as how to use the information in developed countries to inform developing countries. Delegates were in basic agreement that there is already considerable existing information and that it needs to be synthesized. A number of delegates from developing countries noted that their countries had received the questionnaires from UNEP, but could not complete them due to lack of technical know-how. Primary concerns were how to compile this information

and how to bridge information gaps. One delegate said solutions exist but have not been applied, acknowledged gaps in information, and suggested distilling practical guidance for assistance in filling out questionnaires. A number of delegates proposed that the Secretariat could identify needs and gaps and assist with questionnaires, but one expressed concern that if the Secretariat were to assist, it needed resources.

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

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

Some delegates suggested requesting help from other agencies who have done work on specific issues, such as WHO and WWF with respect to DDT. One delegate stressed the need to identify ways and means of other agencies and groups as they have limited time and resources. Another delegate suggested a lead country approach whereby a country with particular expertise would take the lead in compiling information.

A number of delegates said work should begin intersessionally and, in particular, synthesizing of information can begin in those countries with existing information. However, one delegate noted that although his country has an extensive inventory on dioxin, it lacks input from developing countries. He stressed the relevance of information to developing countries and the need for their input.

The Chair suggested using the intersessional period to examine how information gaps could be filled. The group agreed the matter should be taken up at INC-2, and that work should be done intersessionally.

IN THE CORRIDORS

Several delegates expressed surprise and a degree of exasperation that of the range of issues for potential conflict, the INC would become bogged down in a lengthy discussion on the number of languages to be used in the CEG. A number of countries noted that demands for the use of the six official UN languages would have implications for donor country contributions and forthcoming invitations to host meetings. According to other delegates, the debate signalled the continuing importance of linguistic concerns at UN meetings and their potential for creating feelings of exclusion.

THINGS TO LOOK FOR TODAY

PLENARY: The Plenary will convene at 9:00 am to: continue deliberation on the working languages of the CEG and possibly elect a Bureau for that group; consider the report from the contact group on technical information needs; and consider the draft report of INC-1.

REGIONAL GROUPS: Regional groups will also meet in the morning in advance of the Plenary session.