



POPS COP-1 HIGHLIGHTS: TUESDAY, 3 MAY 2005

Delegates met in a brief morning plenary session. In the morning and afternoon, delegates met in a Committee of the Whole (COW), a legal working group, and the POPs Review Committee (POPRC) contact group. Contact groups on financial mechanisms and on guidance on Best Available Techniques (BAT) and Best Environmental Practices (BEP), and the legal working group, convened in evening sessions.

PLENARY

ORGANIZATION OF WORK: Plenary approved the nominations of Haddad El Gottary (Egypt) and Anne Daniel (Canada) as Co-Chairs of the legal working group.

COMMITTEE OF THE WHOLE

SPECIFIC EXEMPTIONS AND RELATED ISSUES:

Elena Sobakina, Secretariat, introduced documents on the register of specific exemptions (UNEP/POPS/COP.1/5), case studies (UNEP/POPS/COP.1/7), and the review process for entries (UNEP/POPS/COP.1/6).

On the register format, AUSTRALIA proposed amendments to include columns on: estimated quantity required; purpose of use; and reason for exemption. The COW agreed to request the Secretariat to draft a decision adopting the register format as amended.

On case studies, the COW requested the Secretariat to draft a decision deferring case studies.

On the review process, NORWAY, AUSTRALIA and CANADA, opposed by the EU, supported review by the POPRC, with NORWAY proposing the establishment of criteria for assessing specific exemptions. The EU, BRAZIL and SWITZERLAND opposed establishing an expert group to perform the review. The COW requested the Secretariat to draft a decision adopting the exemption request form, and deferring a decision on whether the POPRC should conduct the review.

Sobakina introduced a Secretariat note (UNEP/POPS/COP.1/INF/6) on Party notification on articles in use and site-limited intermediates. Noting the lack of a process to assess the information collected, AUSTRALIA suggested the Secretariat prepare an agenda paper for COP-2 on this item. Delegates agreed to elevate the status of the information document to an agenda paper for consideration by COP-2.

FINANCIAL RESOURCES, MECHANISMS AND RELATED FINANCIAL ARRANGEMENTS: Guidance to the financial mechanism: Maria Cristina Cardenas, Secretariat, introduced draft guidance to the financial mechanism (UNEP/POPS/COP.1/17) and comments received on the initial draft guidance (UNEP/POPS/COP.1/INF/18).

The EU, SWITZERLAND, CANADA, NORWAY and the US supported the draft guidance, with the EU proposing

amendments to enhance consistency with the Convention text and the Global Environment Facility's (GEF) operational modalities. The PHILIPPINES said GEF-eligible countries in the Asia-Pacific group supported a fast-track mechanism, and noted the need for a shorter budget cycle. CANADA, NORWAY and URUGUAY said the GEF should become the ongoing financial mechanism. SOUTH AFRICA, with BARBADOS, noted the draft guidance does not incorporate all of the Convention's requirements.

Memorandum of Understanding: Cardenas introduced a document on the Memorandum of Understanding (MoU) between the GEF Council and the COP (UNEP/POPS/COP.1/19). Laurent Granier, GEF, introduced the GEF's report to COP-1 (UNEP/POPS/COP.1/INF.11).

The EU supported the draft MoU, with a minor amendment recognizing countries with economies in transition as eligible recipients. IRAN, with EGYPT, said the COP's authority to question decisions on project eligibility taken by the GEF is too limited. CHINA objected that, while the Convention text refers to the GEF as the "interim" financial mechanism, the MoU refers to it as the financial mechanism.

Review of the Financial Mechanism: Cardenas introduced the draft terms of reference (ToR) for review of the financial mechanism (UNEP/POPS/COP.1/18), noting the need to adopt the ToR to allow for its review by COP-2, as stipulated in the Convention. SWITZERLAND, opposed by INDIA, MONGOLIA, EGYPT and CHINA, suggested that the mandate for review be postponed. The EU, CANADA and KENYA supported deferring the review to COP-3, with KENYA urging early consideration of the calculation of incremental costs and co-funding. IRAN proposed establishing review criteria. BARBADOS noted the ToR are specific to a COP-2 review, and asked whether new ToR would be developed to guide subsequent reviews. CANADA urged the legal working group to factor in the cost of a COP-2 review. A contact group on the financial mechanism, co-chaired by Jozef Buys (European Community) and Luis Almagro (Uruguay), was created.

DDT: Jacob Williams, World Health Organization (WHO), presented a revised draft decision on DDT prepared by the Secretariat in consultation with the WHO (UNEP/POPS/COP.1/CRP.9). SOUTH AFRICA suggested adding references to "non-Parties" so that all countries producing, using, exporting, importing and/or maintaining stocks of DDT be invited to submit data. The EU cautioned against using wording that may weaken the text of the Convention, and asked for an estimate of the costs of proposed activities in the work plan. The WHO said more data is required to complete the estimate. The INTERNATIONAL POPS ELIMINATION NETWORK (IPEN) emphasized the need to work on strategies for integrated vector control, non-chemical alternatives and adequate public health measures, and KENYA suggested adding these measures to the list of GEF-



supported activities. The US proposed noting that strategies on cost-effective alternatives to DDT must not only be developed but also “deployed.” A small drafting group was formed to prepare a revised draft decision.

REPORTING: Cardenas introduced documents on Party reporting, format and timing (UNEP/POPS/COP.1/20) and the results of field testing of the draft model format for Party reporting (UNEP/POPS/COP.1/INF/21). Parties supported the suggested periodicity and timing of reporting, and made several editorial suggestions to the reporting format. The EU proposed that the Secretariat develop a detailed reporting format for PCBs for consideration at COP-2. The COW asked the Secretariat to prepare a draft decision incorporating suggested revisions.

GUIDELINES ON BAT AND BEP: David Ogden, Secretariat, drew attention to the Co-Chair’s report of the expert group (UNEP/POPS/COP.1/8) and the draft guidelines on BAT and BEP (UNEP/POPS/COP.1/INF/7). Expert Group Co-Chair Sergio Vives Pusch (Chile) reported on the outcomes of the group.

SWITZERLAND, CANADA, AUSTRALIA and the EU supported immediate adoption of the draft guidelines, and, with GHANA, called for the establishment of a time-limited open-ended working group to continue work. The PHILLIPINES, with EGYPT and CHINA, called for further discussions. Noting that developing countries did not have the resources for immediate implementation, EGYPT and the GAMBIA objected to references to “immediate adoption.”

CHINA emphasized the need for the guidelines to take into account economic feasibility and, with YEMEN and others, to address the particular situations of developing countries. Barbados for GRULAC, FIJI, KIRIBATI, and MAURITIUS stressed the need for the guidelines to reflect the constraints facing small island developing states. Ecuador for GRULAC, the US, WWF, and IPEN supported continued intersessional work. KENYA highlighted the need to address social and economic considerations when considering the reduction of POPs emissions from non-industrial sources. The US suggested that a contact group develop recommendations for Parties’ use of the guidelines. The COW agreed, and created a contact group on BAT/BEP chaired by Vives Pusch and Patrick Finlay (Canada).

IDENTIFICATION AND QUANTIFICATION OF RELEASES: Heidelore Fiedler, Secretariat, introduced the standardized toolkit for identifying and quantifying dioxin and furan releases (UNEP/POPS/COP.1/9), a second edition of the toolkit (UNEP/POPS/COP.1/INF/8), a compilation of comments from governments and NGOs (UNEP/POPS/COP.1/INF/9), and information from UNEP Chemicals on the incorporation of comments and other information received in the toolkit’s second edition (UNEP/POPS/COP.1/INF/10).

MEXICO, SWITZERLAND, COLOMBIA and CANADA supported adoption of the toolkit. COSTA RICA and CUBA said it was a valuable instrument for decision-making in developing countries. NIGERIA suggested drawing on experience from various regions, while the GAMBIA stressed the need to consider developing countries’ circumstances.

EFFECTIVENESS EVALUATION: The Secretariat introduced documents on the Convention’s effectiveness evaluation, including arrangements to provide the COP with comparable monitoring data on the presence of POPs (UNEP/POPS/COP.1/21), and guidance for a global POPs monitoring programme (UNEP/POPS/COP.1/INF/23). The EU said evaluation should be cost-effective and, supported by CANADA, NORWAY and NEW ZEALAND, proposed using existing national and regional programmes to obtain comparable data. EGYPT suggested using regional and subregional centers for evaluating effectiveness. The US said it was premature to create a subsidiary body for evaluation, and proposed creating an *ad hoc* expert working group. NEW ZEALAND suggested cost information be provided for the various proposals.

The COW suspended discussion on the issue until Wednesday morning, pending regional consultations.

CONTACT GROUPS

LEGAL AND ADMINISTRATIVE WORKING GROUP

The legal working group met on Tuesday to address rules of procedure, dispute settlement, financial rules, and non-compliance. On the rules of procedure, delegates could not reach agreement on the notification of requests for observer status by other bodies, agencies or NGOs, or on appeals to COP-Presidents’ rulings on procedural issues. Delegates drafted text to allow the staggering of the mandates of the Bureau’s President and Vice-Presidents.

On the dispute settlement mechanism, delegates reached agreement on interim measures of protection in the arbitral tribunal.

On financial rules, delegates agreed on: the financial period; the establishment of the general Trust Fund and its objectives; and support by non-Parties of the Convention’s activities. Delegates could not agree on limits to Parties’ contributions.

On non-compliance, delegates agreed to consider a Co-Chair’s draft decision defining the intersessional process.

POPRC CONTACT GROUP

Chair Ibrahima Sow (Senegal) led participants through the revised and annotated draft ToR of the POPRC. Delegates continued to rely on the model of the Rotterdam Convention’s Chemical Review Committee, and agreement was reached on outstanding issues, including: experts’ terms of appointment, the invitation of up to 30 experts, and attendance by observers. Disagreement remained only on the working language of the Committee. Participants also discussed guidelines for the election by COP-1 of the Chair of POPRC.

CONTACT GROUP ON THE FINANCIAL MECHANISM

In the evening, a contact group met to review the draft guidance to the financial mechanism, including a draft decision on guidance to the financial mechanism and a draft guidance directed to the financial mechanism. The group agreed to start with a “first reading” of the draft decisions. Several amendments were introduced by delegates and left in brackets for further discussion.

CONTACT GROUP ON GUIDELINES ON BAT/BEP

In the evening, the contact group addressed the use of the BAT/BEP guidelines and the establishment of a body to continue work. Participants considered how to reconcile language in a draft decision with that in Article 5 (Measures to Reduce or Eliminate Releases from Unintentional Production) relating to the use of the guidelines. They recognized that they are not prescriptive and are not being adopted by the COP. On the ToR for an expert group to continue work on the guidelines, participants considered timeframes, substantive tasks, participation, membership and funding. A drafting group will prepare text for consideration by the contact group on Wednesday.

IN THE CORRIDORS

Delegates hurried through the corridors to the tropically-named meeting rooms for the many contact groups that met throughout the day and evening. In the financial mechanism contact group, many expressed surprise at the lack of fundamental discussion on the use of the GEF, especially considering the heated debate in the COW. While developed countries are generally united in their support of the GEF as the Convention’s financial mechanism, some have emphasized the need for the GEF to “internalize” guidance from the COP if the Convention’s objectives are to be achieved. Meanwhile, some developing countries insisted that the GEF’s permanent role should not be “presupposed,” and favored a “multi-source” mechanism to avoid the GEF’s “procedural rigidity.”