



## POPS COP-1 HIGHLIGHTS: WEDNESDAY, 4 MAY 2005

In the morning and afternoon, delegates met in Committee of the Whole (COW) sessions, in a legal working group, and in contact groups on financial mechanisms and on guidance on best available techniques (BAT) and best environmental practices (BEP). The legal working group and both contact groups also met in the evening.

### COMMITTEE OF THE WHOLE

#### TERMS OF REFERENCE OF THE POPS REVIEW

**COMMITTEE:** Ibrahima Sow (Senegal), Chair of the POPS Review Committee (POPRC) contact group, introduced a draft decision establishing the POPRC and detailing, in its annex, the Committee's terms of reference (ToR) (UNEP/POPS/COP.1/CRP.13). He highlighted remaining disagreement on the POPRC's working language. CHINA, MOROCCO, TOGO, YEMEN, MAURITANIA, EGYPT and URUGUAY asked that the POPRC conduct its work in the six UN languages. CANADA suggested that the number of meetings be limited to control interpretation costs. The UK, for the EU, supported by JAPAN, underscored the efficacy of discussing technical issues in a single working language.

Delegates agreed to create a small group to continue deliberations, which reported back to the COW Wednesday afternoon. COW Chair Mark Hyman (Australia) introduced the compromise text, which: provides for simultaneous interpretation into the six UN languages; states that only the major resource documents shall be translated into the six UN languages; and requires that meetings of the POPRC take place at the seat of the Secretariat, unless otherwise agreed by the COP. The EU said this compromise should not set a precedent. The COW will consider a revised draft decision reflecting these substantive and other editorial changes on Thursday.

**EFFECTIVENESS EVALUATION:** COW Chair Hyman reopened discussions on the Convention's effectiveness evaluation. The World Health Organization (WHO) highlighted the recent revision, with UNEP, of its protocol for human milk analysis. Chile, for GRULAC, called for using existing monitoring networks. URUGUAY, supported by EGYPT, said extending the existing network would divert resources from meeting the Convention's main goals. Delegates asked the Secretariat to prepare a draft decision on effectiveness evaluation, emphasizing efficiency and the use of existing materials and protocols.

**DDT:** Jason Williams, World Health Organization, introduced the revised draft decision on DDT (UNEP/POPS/COP.1/CRP.9/Rev.1), which the COW adopted without amendment.

**IMPLEMENTATION PLANS:** Fatoumata Ouane, Secretariat, introduced notes on: development of guidance to assist countries in preparing national implementation plans (NIPs) (UNEP/POPS/COP.1/12); interim guidance for developing NIPs (UNEP/POPS/COP.1/INF/13); possible text for inclusion in the interim guidance relevant to the Rotterdam Convention (UNEP/POPS/COP.1/INF/13/Add.1); a compilation of comments received on the guidance (UNEP/POPS/COP.1/INF/14); and the review and updating of NIPs (UNEP/POPS/COP.1/13).

Several countries expressed support for adopting the guidance. AUSTRALIA, CANADA and the EU supported including text relevant to the Rotterdam Convention, while COLOMBIA expressed concern that it would disadvantage countries that have already completed NIPs. EGYPT proposed the recommended length of the NIP summary be longer. TOGO and BENIN emphasized requirements for support for implementation. The PHILIPPINES called for involvement of stakeholders. MOROCCO and THAILAND asked UNEP to maintain a list of relevant international experts. CHINA, supported by KENYA and ECUADOR, emphasized the need to assess socioeconomic issues. The COW asked the Secretariat to prepare a draft decision adopting: the preparation guidance, with the Rotterdam-related amendments; and guidance on the review and updating of NIPs.

**REPORTING:** Maria Cristina Cardenas, Secretariat, introduced a draft decision on Party reporting, timing and format (UNEP/POPS/COP.1/CRP.14), and a revised format model for reporting (UNEP/POPS/COP.1/CRP.15). PAPUA NEW GUINEA and CHINA said the deadline for submitting the first report was too ambitious, with CHINA highlighting contradictions between the obligations of Parties to submit NIPs within 2 years of ratification and the first report by 31 December 2006. The decision was adopted without amendment, with the concerns of China and Papua New Guinea to be reflected in COP-1's report.

**TECHNICAL ASSISTANCE:** Cardenas introduced a note on technical assistance, which includes guidance on the issue in its annex (UNEP/POPS/COP.1/16), and a compilation of comments on the issue from governments (UNEP/POPS/COP.1/INF/17). TOGO and MOROCCO asked that issues requiring training include effectiveness evaluation. SWITZERLAND asked that synergies be promoted with other international organizations, institutions and processes. CHINA proposed the inclusion of a



list of technologies to be transferred from developed countries and other Parties. Delegates asked the Secretariat to prepare a draft decision reflecting the discussions.

Paul Whyllie, Secretariat, introduced notes on: a feasibility study on regional and subregional centers for capacity building and technology transfer (UNEP/POPS/COP.1/27); a summary of the results of four case studies on such centers (UNEP/POPS/COP.1/30); the full report of those results (UNEP/POPS/COP.1/INF/26); and results of a survey of institutions identified as potential centers (UNEP/POPS/COP.1/INF/27).

URUGUAY introduced a proposal from GRULAC on regional centers (UNEP/POPS/COP.1/CRP.18). NORWAY proposed a draft decision (UNEP/POPS/COP.1/CRP.17) with Australia, Iceland, South Africa and Switzerland, supported by NEW ZEALAND and CANADA, that requests the Secretariat to develop ToR for regional and subregional centers, based on existing regional centers or institutions. The EU and CANADA preferred allowing all Parties to propose candidate institutions, under the assumption that regional and subregional centres will have similar technical assistance functions. KENYA recommended that, rather than creating new centers, those with proven competence be strengthened. FIJI and SAMOA noted the capabilities of the South Pacific Regional Environment Program. MOROCCO said the feasibility study should be supplemented by more in-depth studies in various regions, while KUWAIT suggested extending those studies to other national institutions. The COW asked the Secretariat to prepare a draft decision based on this debate, taking into account the need to consult with Parties and established centers.

#### MEASURES TO REDUCE OR ELIMINATE

**RELEASES FROM WASTES:** Matthew Gubb, Secretariat, introduced the Secretariat's report on technical guidelines for the environmentally sound management of POPs wastes (UNEP/POPS/COP.1/11), and referred delegates to the Basel Convention's technical guidelines for their environmentally sound management (UNEP/POPS/COP.1/INF/12 and INF/12/Corr.1). The BASEL CONVENTION asked the COP to consider adopting the guidelines, and many countries expressed their support for them.

The EU introduced a draft decision reminding Parties of their obligation under the Stockholm Convention to take the guidelines into account (UNEP/POPS/COP.1/CRP.5). SWITZERLAND asked that the decision request, rather than encourage, active participation in the Basel Convention's ongoing work. AUSTRALIA proposed text asking the BAT/BEP expert group to develop, if practicable, information on BAT/BEP for technologies on destruction relevant to the Basel Convention. INDIA stressed the importance of these guidelines, especially in helping Parties meet the Stockholm Convention's deadlines. NORWAY underlined the provisional nature of the guidelines and the need to further define "low POP content" levels. Delegates agreed to request a small group to prepare a revised decision based on the EU's proposal and reflecting the discussion.

#### CONTACT GROUPS

##### LEGAL AND ADMINISTRATIVE WORKING GROUP

The legal working group met throughout the day, preparing draft decisions on budget and non-compliance and finalizing the rules of procedure and financial rules. On the proposed budget for 2006-07, delegates agreed to use the UN scale of contributions, but to convey developing countries' concerns about the scale to the UN General Assembly. On non-compliance, delegates agreed to convene an open-ended working group prior to COP-2, and to ask the Secretariat to prepare a draft for consideration by that group based on opinions from Parties and non-Parties and on precedents from other relevant environmental agreements. On the rules of procedure, delegates reached agreement on all matters

except voting. The financial rules were almost completed with a minor issue on the contribution by host governments outstanding.

##### FINANCIAL MECHANISMS CONTACT GROUP

The contact group on the financial mechanism met until late in the evening to finalize the revised versions of the draft guidance to the financial mechanism, the draft Memorandum of Understanding between the Global Environment Facility (GEF) Council and the COP, and the draft ToR for the review of the financial mechanism. The discussions proved controversial, particularly in relation to the future role of the GEF in financing implementation of the Stockholm Convention. While a number of developed country delegates accepted including references to the GEF as being the Convention's "interim" financial mechanism, several developing country participants opposed making particular reference to the GEF as one of the possible financial mechanisms of the Convention, arguing it would prejudice the nature of the financial mechanism. Discussions continued on past midnight.

##### CONTACT GROUP ON GUIDELINES ON BAT/BEP

The contact group on the guidelines on BAT/BEP considered a draft decision recognizing the guidelines and proposing the establishment and ToR of an expert group on BAT/BEP. The importance of awareness-raising activities and case studies at the regional and national level was included in the chapeau of the draft decision, as proposed by a developing country. In the operative paragraphs, there was disagreement over adopting the draft documents at COP-1. The group agreed to language encouraging Parties to take the guidelines into consideration where practicable and feasible. The draft decision notes the need for further work to enhance or strengthen the guidelines and decides to establish an expert group.

On the expert group's tasks, participants discussed and agreed to text on: the need to identify and more fully address the needs and circumstances of developing countries and regions; additional information on indigenous alternatives; reference to case studies; and the development of additional information on the use of substituted and modified materials, products and processes.

On participation, delegates disagreed over whether to base membership on: equitable representation from the five UN regions, with the aim of facilitating adoption of the guidelines at COP-3; or the structure of the previous BAT/BEP expert group, in order to ensure continuity and retain expertise. A compromise option was proposed that builds on the expertise and experience of the previous group, but adds experts from Africa, the Asia/Pacific region and Central and Eastern Europe to achieve the same representation as in the POPRC. With this option, Western European and Other States would retain 14 experts as in the original expert group, leading to a 38-member expert group open to eight non-member experts from NGOs and two from intergovernmental organizations. Discussions continued well into the night on whether the expert group should be open to observers, or just to experts from countries that have signed the Convention.

#### IN THE CORRIDORS

With the POPRC contact group beating the odds to be the only group finishing its work on schedule, delegates were looking for tips on which candidate POPs might next be proposed for inclusion in the Convention. Norway has already proposed penta-BDE as a candidate for lucky number 13. Some said the pesticide lindane, rumoured for imminent proposal by a developing country, is a good bet for the next candidate POP. Alas, with contact groups running through the night on Wednesday and an evening session scheduled for Thursday, there will be little time for delegates to place their "new POPs" bets at the casino next door!