



POPS INC-3 HIGHLIGHTS TUESDAY, 7 SEPTEMBER 1999

On the second day of INC-3, delegates conducted preliminary discussions on measures to reduce or eliminate releases of POPs into the environment. Delegates also established a contact group, which met in an evening session, to consider the provisions and annexes on prohibition and restrictions on the production and use of certain POPs. The Legal Drafting Group (LDG) met throughout the day to examine standard procedural articles.

PLENARY

Delegates heard a report from the LDG's Chair Patrick Szell (UK) who said the group would act carefully in addressing articles as policy issues may arise, and be flexible in order to follow substantive discussions in Plenary. Noting potential delays in adding new chemicals to the convention, ICELAND requested the LDG outline alternative legal options for the proposal, adoption and entry into force of amendments to existing annexes to the convention.

Chair Buccini introduced the article on measures to reduce or eliminate releases of POPs into the environment (Article D). Delegates began discussion on prohibition of and restrictions on the production and use of the ten intentionally produced POPs. NIGERIA and TANZANIA said the article's title should include measures to reduce and/or eliminate releases. FINLAND, on behalf of the EU, called for clear obligations to prohibit production and use, and stressed the ultimate aim of elimination, as did CANADA, POLAND, ICELAND and SWITZERLAND. MICRONESIA, on behalf of the Pacific Small Island Developing States, supported prohibition of all ten POPs.

The EU opposed general exemptions except for research purposes, and said restricted exemptions could be considered for DDT. The US supported several exemptions and allowing individual end users to deplete remaining stocks. ARGENTINA supported restricted and well-considered exemptions. AUSTRALIA said the issue of exemptions needed further consideration. EGYPT stressed caution in allowing production of POPs for research purposes so as to avoid exploitation of loopholes. The EU supported prohibition of PCB production and a phaseout period for PCB use in electric transformers. AUSTRALIA and ARGENTINA supported one provision for prohibition and restriction. The GAMBIA supported separate provisions.

On the issue of import and export, the EU, NORWAY, SWITZERLAND, MICRONESIA, COLOMBIA, PERU, VENEZUELA, the GAMBIA and others opposed export and import of banned POPs, except for the purpose of environmentally sound destruction. The US stressed consistency with the Rotterdam and

Basel Conventions. ALGERIA supported import and export bans in accordance with the Basel and Rotterdam Conventions and export from developing to developed countries for the exclusive purpose of destruction. QATAR opposed developed country exportation of POPs to developing countries. JAPAN called for appropriate scrutiny of other conventions in considering trade restrictions and said it may be difficult to destroy exported substances in an environmentally sound manner. NEW ZEALAND said the EU proposal to limit import and export exceptions to environmentally sound destruction does not accommodate circumstances where destruction is not a viable means of disposal. AUSTRALIA expressed concern over the inclusion of import and export measures and the potential for inconsistency with the WTO. CANADA supported import and export controls but taking into account other conventions, trade agreements and movements for environmentally sound disposal

MICRONESIA, CHINA, ZAMBIA, EGYPT and IRAN supported common but differentiated responsibilities and different phaseout schedules for developed and developing countries. ARGENTINA stressed the need to carefully consider the benefits of different timetables. The DOMINICAN REPUBLIC expressed concern that developing countries could become POPs dumping grounds with a two-track system of obligations. INDIA said if exports are conducted under the Rotterdam Convention, dumping in developing countries could be avoided. CAMEROON asked for an import and export restriction so that developing countries do not receive developed countries' POPs. EGYPT supported measures to stop illegal imports and exports, using the Basel and Rotterdam Conventions as controls.

The US, ETHIOPIA, TURKEY, ZAMBIA, GHANA and the INTERNATIONAL COUNCIL OF CHEMICAL ASSOCIATIONS (ICCA) supported two annexes for prohibition and restriction. NORWAY supported such a two-annex approach to signify that elimination is the ultimate aim. The EU and the REPUBLIC OF KOREA supported a single annex approach. The US, supported by SOUTH AFRICA, BOTSWANA, TANZANIA, JAMAICA and JAPAN, said the text should include "effective measures to eliminate" production rather than "prohibit" production. The PHILIPPINES supported compilation of existing POPs information and supported environmentally sound destruction.

YEMEN said that developing countries need the means and facilities to utilize alternatives to DDT. LESOTHO supported elimination of DDT in the country of origin. BOTSWANA called for a delay in the prohibition of DDT and asked for reference to effective sustainable alternatives to DDT. JAMAICA supported reference to the Rotterdam Convention and to the Montreal Protocol to demon-

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Richard Campbell <richcam@hotmail.com>, Valerie Colas <vcolas@iisd.org>, Laura Ivers <laurai@iisd.org> and Leila Mead <leila@interport.net>. The Editor is Pamela Chasek, Ph.D. <pam@iisd.org> and the Managing Editor is Langston James "Kimo" Goree <kimo@iisd.org>. Digital engineering by Andrei Henry <ahenry@iisd.ca>. French translation by Mongi Gadhoun <mongi.gadhoun@enb.intl.tn>. The Sustaining Donors of the *Bulletin* are The Netherlands Ministry of Foreign Affairs, the Government of Canada (through CIDA), the United States (through USAID), the Swiss Agency for Environment, Forests and Landscape, and the United Kingdom Department for International Development (DFID). General support for the *Bulletin* during 1999 is provided by the German Federal Ministry of Environment (BMU) and the German Federal Ministry of Development Cooperation (BMZ), the Government of Australia, 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. Specific funding for coverage of this meeting has been provided by the UNEP Chemicals Unit. 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 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 Geneva ©1999 The Living Earth, Inc., <http://livingearth.com>. For information on the *Earth Negotiations Bulletin*, send e-mail to <enb@iisd.org>.



strate examples of effective import and export control measures. The WHO recommended exportation of DDT stockpiles to countries that use DDT for malaria control as a cost-effective manner for disposal. He supported including a definition of "alternatives" in the convention. The SEYCHELLES supported a global inventory of DDT in order to expedite prohibition.

WWF said the message of elimination must be in specific control measures and supported a two-annex approach to highlight the ultimate goal of elimination. He said import or export of POPs should be consistent with the Basel Convention and only for environmentally sound disposal. He highlighted a new report on disease vector management for public health and conservation. The INUIT CIRCUMPOLAR CONFERENCE (ICC) called for elimination, cost-effective alternatives, financial and technical assistance and new funding through a reformed GEF or through a multilateral fund. IPEN'S WOMEN'S WORKING GROUP supported complete elimination and expressed concern over breast milk contamination from POPs. She also requested inclusion of language to address the role of women.

Buccini requested the contact group on prohibition and restrictions, established at INC-2 and chaired by Charles Auer (US), to reconvene and focus its work on operative language of the prohibition and restriction paragraphs, the issues of exemptions and import and export, and allocating the ten POPs into the annexes.

Delegates next commented on reduction in the release of byproducts. AUSTRALIA, noting the wide range of byproduct sources, said a prescriptive approach would not be effective and suggested regular progress reports. NORWAY noted the need to take concrete measures to reduce dioxin releases and to use best available techniques for new and existing sources. CANADA and the REPUBLIC OF KOREA called for realistic and achievable action. CHINA supported concrete measures to eliminate dioxin. The US described reduction of byproducts as an ambitious and far reaching element of the convention and said legal commitments were not feasible due to the lack of precise baseline data. While recognizing the lack of information on byproduct releases and difficulties in developing inventories, the EU said countries should set reduction targets with the aim of continual minimization and, with SWITZERLAND, supported development of release estimates based on sources. The EU suggested the COP could provide guidance on data gathering techniques. The US suggested such guidance be developed at the expert level. LESOTHO emphasized consistent methodologies for generating inventories. NORWAY, supported by ICELAND, called for clear and adequate reporting requirements on reductions and a review committee to evaluate obligations and whether they should be strengthened.

Several delegations, including JAPAN, MALAYSIA and INDONESIA, supported development of an action programme to reduce byproducts. The US said such a programme should be flexible with varying commitments depending on the country. Noting the lack of data on byproduct releases in developing countries, MALAYSIA, supported by CHINA and INDONESIA, identified development of inventories as the first step toward reducing byproduct releases and emphasized contingency on technical assistance and financial resources. INDIA highlighted the need for training, education and technological equipment to create inventories. INDONESIA, supported by CHINA, INDIA and the REPUBLIC OF KOREA, expressed concern that baseline requirements would make participation in the convention difficult. GREENPEACE INTERNATIONAL underscored elimination as the ultimate goal, called for a provision requiring use of practicable alternatives when available and supported implementing the polluter pays principle. ECUADOR emphasized prevention through clean production. EGYPT called for development of clean

incinerators and regional and subregional cooperation. Chair Buccini suggested a contact group to consider these issues could be established at a later date.

On management and disposal of wastes and destruction of stockpiles and waste, the EU emphasized development of inventories on stockpiles and wastes. She also underscored management in a controlled and safe manner and called for this to be defined in the convention. CANADA opposed using the Basel Convention as a key vehicle for POPs waste. COLOMBIA said reference to the Basel Convention was not necessary in the context of management and disposal of waste. AUSTRALIA called to evaluate the relationship between POPs waste and the Basel Convention and supported reference to cleaning up contaminated sites. CANADA preferred "environmentally-sound disposal" to "destruction of wastes" in the text. Noting that the substances can be trace contaminants, JAPAN, supported by CANADA and the US, called for omission of the annex on byproducts from the measures on waste management and disposal. CHINA, INDIA, MALAYSIA and INDONESIA emphasized the importance of retaining reference to technical and financial assistance. With JAPAN, the US recommended that information referring to technical and financial assistance be moved to articles on technical assistance and financial resources and mechanisms.

The US said reference to the Basel Convention in destruction of stockpiles and waste may impede ratification of the POPs convention. The EU, supported by INDONESIA, requested deleting the text on the destruction of stockpiles and waste. The BASEL CONVENTION announced that its work programme includes a proposed classification of obsolete pesticides needing reformulation, in close cooperation with UNEP Chemicals to avoid possible gaps or overlaps. He added that under Basel, there are provisions that request environmental management of POPs, and that criteria for those are included in annex documents or technical directives. IPEN drew attention to communities affected by POPs used or stored by the military and asked that the convention hold the military responsible for cleanup in national and foreign bases. Buccini remarked that the Implementation Group would tackle the management and disposal of wastes.

Jim Willis announced that: Germany will host INC-4 in Bonn from 20-25 March 2000; South Africa will host INC-5, with a contribution from Denmark, sometime between October-December 2000; and the Diplomatic Conference is tentatively scheduled to be hosted and funded by Sweden sometime between April-June 2001. Willis underscored the urgent need for funding for INC-3, consultancy and intersessional work.

IN THE CORRIDORS

Pulses quickened when a group of countries shifted their position on byproducts from "elimination" to "continual minimization." Delegates speculated over whether this was motivated by concerns over the financial burden associated with elimination or due to a sage recognition of the infeasibility of pursuing elimination. Despite this possibility of divergent reasoning, bilateral discussions pointed to the promise of a compromise.

THINGS TO LOOK FOR TODAY

Delegates will convene in Plenary to hear brief reports from the Chairs of the LDG and the contact group on prohibition and restrictions on the production and use of POPs. The plenary will then break into a Negotiation Group to continue discussions on provisions of the convention and an Implementation Group to begin discussions on implementation aspects.