



POPS INC-3 HIGHLIGHTS WEDNESDAY, 8 SEPTEMBER 1999

On the third day of INC-3, delegates met in a morning Plenary session to hear reports from the LDG and the contact group on prohibition and restrictions and to consider the article on national implementation plans. In the afternoon, the Implementation Group held general discussion on technical assistance and the Negotiation Group discussed the report of the CEG. The contact group on measures to reduce or eliminate POPs releases met throughout the day.

PLENARY

LDG Chair Patrick Szell reported on the group's progress. He said the group addressed cleared articles on reporting, settlement of disputes and conference of the parties. The group agreed the compliance article needed further consideration and the article on the relationship with other conventions was of a sensitive policy nature. Buccini requested the LDG look at the issue of cross-referencing other conventions, highlighting issues raised regarding reference to the Basel Convention under management and disposal of waste and stockpiles. Chair Charles Auer (US) reported that the contact group on measures to reduce or eliminate releases had begun to work on general exemptions and annexes. He said some countries expressed concerns over import and export of banned POPs, specifically with respect to the issues of non-Parties and the WTO. He said the US tabled language on exemptions that would help ensure a cost-effective and legally workable convention.

Buccini opened discussion on national implementation plans. Many delegations indicated their strong support for the requirement to develop national implementation plans. Most delegations preferred referring to "national plans" instead of "national strategies and plans," as strategies are considered to form part of national plans. The GAMBIA proposed "strategies and/or plans." BENIN preferred "plans and strategies." On the EU's call for language to allow for regional plans, NEW ZEALAND, with AUSTRALIA, stressed the need for a clear obligation on each party to develop a plan.

CHINA, TOGO, CHILE, ECUADOR, TANZANIA, VENEZUELA, ZAMBIA, MALAYSIA, EGYPT, YEMEN, BURKINA FASO, the PHILIPPINES, the GAMBIA, LESOTHO, SAUDI ARABIA, MICRONESIA, SENEGAL, PERU, CUBA, BOTSWANA and others supported retaining text on developing national plans consistent with capabilities and subject to the availability of technical assistance where appropriate, and further extending this condition to availability of financial assistance. The RUSSIAN FEDERATION recommended replacing "consistent with capabilities and subject to the availability of technical assis-

tance where appropriate" with "national strategies and plans which include implementation." MALI suggested dividing this paragraph, in order to separate developed and developing countries, stating the availability of technical assistance does not apply to developed countries. The CZECH REPUBLIC opposed MALI's proposal. The EU, NEW ZEALAND, AUSTRALIA and the US preferred including reference to technical and financial assistance in articles on technical assistance and financial mechanisms. INDIA, CANADA and SOUTH AFRICA supported inclusion of technical assistance. IRAN and PAKISTAN suggested replacing "availability" with "accessibility" of technical assistance.

Suggesting the requirement to "develop" plans may presuppose that a national development plan already exists, YEMEN preferred a word such as "establish" to reflect the need to first create a plan. CANADA proposed language stating that plans be transmitted to the COP within six months of the convention's entry into force and updated at regular intervals to be determined by the COP. The US and AUSTRALIA supported consideration of such language.

The RUSSIAN FEDERATION and POLAND suggested deleting text on cooperation between parties or through international organizations at the subregional, regional and global levels. Delegates agreed to retain the text. YEMEN, with the FAO, called for obligatory cooperation. The US stated a need to consider the application of the provision on national implementation plans to action plans needed for byproducts. JAPAN stressed considering the provision's relationship to the provision on national reporting. The FAO outlined its activities relevant to implementation of the convention including managing pesticides and supporting development of inventories. It highlighted its willingness to support establishment of national implementation plans and stressed that exemptions for POPs use should be in accordance with integrated pesticides management. Buccini said the proposed changes will be reflected in a CRP for further consideration.

NEGOTIATION GROUP

Bo Wahlström, POPs Secretariat, introduced the CEG's final report (UNEP/POPS/CEG/2/3) and the estimated time-frames and costs (UNEP/POPS/INC.3/INF/11) to facilitate discussions on the procedure and criteria for adding new chemicals. He noted that the CEG agreed a POPs review committee would handle the procedure and that it would meet intersessionally. NORWAY expressed concern over the estimated four to six year time-frame for adding new substances. The US suggested possible ways to expedite the process including written reviews. Delegates discussed three options for dealing with procedure: inclusion as an article; inclusion as an annex; or a decision on procedure taken at the diplomatic conference. The EU supported: inclusion of an article on the POPs

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>, Violette Laclache L.L.M <vlaclache@hotmail.com> 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



review committee and its functions; a decision on procedure to be taken at the diplomatic conference to set the process in motion before entry into force; a decision at COP-1 on procedural aspects of the review committee; and a flexible and easy process for changing procedure in the form of successive COP decisions. The US highlighted the sensitivity of the issue and stressed that ratification would not be likely if the procedure could be easily changed and, with JAPAN and AUSTRALIA, expressed a strong preference to include an article on procedure and criteria in the text. CANADA supported a flexible procedure and preferred placing it in an annex.

On procedure, IRAN supported a six month deadline to verify whether the proposal to add a new chemical contains the information required. SOUTH AFRICA supported a time-frame of three months for collecting technical comments on a risk profile. NORWAY, COLOMBIA, ARGENTINA and the DOMINICAN REPUBLIC supported reference to the precautionary principle. The EU supported its inclusion in the article on objective as well. Highlighting different interpretations of the precautionary principle, the US, supported by PAKISTAN, preferred reference to the precautionary approach. Stressing application to the whole convention, CANADA, ICELAND, the US and AUSTRALIA supported its inclusion in the preamble.

On criteria, the REPUBLIC OF KOREA supported a narrow scope for criteria, supporting a 6 month half-life in water for persistence and a log Kow greater than 5 for bioaccumulation. AUSTRALIA, JAPAN, INDONESIA, the US, the RUSSIAN FEDERATION and NEW ZEALAND supported this. NEW ZEALAND said a log Kow greater than 4 but less than 5 requires more bioconcentration factor and bioaccumulation factor data generation, and said emphasis should be placed on bioaccumulation, rather than persistence. The EU, ARGENTINA, ICELAND, SWITZERLAND and TURKEY supported a half-life of 2 months and, with CAMEROON, a log Kow greater than 4. JAMAICA noted that some POP pesticides under discussion have a log Kow less than 4 and have low solubility in water. NORWAY preferred "adverse effects" to "reasons for concern" but suggested a new paragraph could address reasons for concern. The RUSSIAN FEDERATION said language on organo-metallic chemicals did not respect a standard scientific definition. CEG Co-Chair Reiner Arndt (Germany) agreed the phrasing was unclear and submitted new wording to the Secretariat.

Buccini said text would be revised based on comments and forwarded to the LDG. He suggested the LDG look at the procedure in an annex without prejudice to any final decision the INC may take. The EU objected on the basis that putting one option forward could prejudge the outcome. The US also objected and suggested the LDG evaluate the procedure in its current form, but look at the legal consequences of the various options. The EU objected and Buccini suspended discussion on the issue.

Two representatives of the INDIGENOUS ENVIRONMENTAL NETWORK highlighted: the devastating impact of dioxin on indigenous peoples; increasing cancer rates; the multi-generational impact of POPs; and the threat of cultural extinction, citing disproportionate impact on women and children. Calling attention to PVC facilities in the US, MOSSVILLE ENVIRONMENTAL ACTION NOW, INC. stated that US laws, policies and industrial practices do not protect people and called for a treaty to eliminate POPs.

IMPLEMENTATION GROUP

The Implementation Group, chaired by Maria Cristina Cardenas Fischer (Colombia), held general discussion on technical assistance. Several delegates, including the EU, PERU and UNIDO underscored the breadth and complexity of the convention. MICRONESIA expressed uncertainty as to how to address technical assistance and suggested considering the needs of a hypothet-

ical country. The EU called for a process to first identify needs and then determine technical assistance. BRAZIL suggested conducting inventories to help determine needs. GREENPEACE INTERNATIONAL proposed simplifying the task by considering an initial three year period focused on development of inventories and national implementation plans. The US emphasized identification of country-specific needs and said technical assistance will be an ongoing discussion. CANADA emphasized commitment to the provision of technical and financial assistance while noting individual countries' responsibility to take action. MICRONESIA and URUGUAY called for consideration of technical assistance on a regional basis.

URUGUAY emphasized the need to know how funds will be distributed and how countries will receive implementation training. GREENPEACE INTERNATIONAL stressed the convention's success depends on its ability to transfer capacity to countries in need of assistance. PERU emphasized a spirit of international cooperation throughout the convention. CANADA said needs and available resources must be identified and coordinated, and proposed a clearing-house mechanism to this end. The EU said focal points should have capacity to connect with funding sources. The CZECH REPUBLIC said basic areas for technical assistance had been outlined at INC-2 and called for identification of proper mechanisms and necessary funds. UNIDO said estimated costs and timetables should be included in national implementation plans. The PESTICIDE ACTION NETWORK highlighted experiences from the technical options committee to address methyl bromide under the Montreal Protocol. The GLOBAL ENVIRONMENT FACILITY highlighted a case study project for national implementation plans. GERMANY highlighted the forthcoming results from a project assessing dioxin and furan emissions in Thailand.

Highlighting the list of possible capacity building activities identified at INC-2 (UNEP/POPS/INC.3/INF/8), Cardenas sought preferences for a general or specific article. CANADA, the EU, the US and others supported an open, non-exhaustive formula. URUGUAY proposed a short article addressing activities, means of providing assistance and assistance recipients. The US emphasized reflecting the primary goal of implementing the convention's obligations and stressed coordination of existing and future activities. Cardenas suggested delegates consider what capacity building activities the article should include, eligibility for technical assistance and the type of mechanism envisaged in preparation for further deliberation.

IN THE CORRIDORS

With low participation and long silences in the Implementation Group, some delegates expressed disappointment with progress at INC-3. While some pointed to a lack of coordination among regional groups, others suggested a lack of confidence that the Implementation Group would make progress. Others simply suggested delegates were overwhelmed by the intimidating task of addressing the pivotal issue of technical and financial assistance. In the midst, a seasoned negotiator offered reassurance that a measured start forward was preferable to a fast advance in the wrong direction.

THINGS TO LOOK FOR TODAY

Plenary will convene briefly to hear reports from the LDG, the contact group on measures to reduce and eliminate releases, the Implementation Group and the Negotiation Group. Immediately after, the Implementation Group will continue deliberations on technical assistance and the Negotiation Group will continue discussions on procedure. The contact group and LDG are expected to reconvene sometime during the day.