



## SUMMARY OF THE FOURTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR IMPLEMENTING INTERNATIONAL ACTION ON CERTAIN PERSISTENT ORGANIC POLLUTANTS: 20-25 MARCH 2000

The fourth session of the Intergovernmental Negotiating Committee (INC-4) for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (POPs) met from 20-25 March 2000, in Bonn, Germany. Approximately 500 representatives from 121 countries, international organizations and non-governmental organizations participated in INC-4, and continued preparation of an international legally binding instrument for implementing international action on certain POPs grouped into three categories: 1) pesticides: aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex and toxaphene; 2) industrial chemicals: hexachlorobenzene (HCB) and polychlorinated biphenyls (PCBs); and 3) unintended byproducts: dioxins and furans.

Contentious issues at the center of debate at INC-4 were measures to reduce or eliminate releases, technical assistance, and financial resources and mechanisms. While INC-4 succeeded in drafting articles on technical assistance and financial resources and mechanisms, the text is heavily bracketed and developed and developing country positions are deeply divided. Delegates also devoted much time to addressing control measures (Article D) and made some headway on how to handle elimination language, particularly with respect to by-products. INC-4 also addressed and made progress on articles on: national implementation plans; listing of substances; information exchange; public information, awareness and education; and research, development and monitoring. INC-4 was unable to allow adequate time for discussion of the preamble, objective and definitions, leaving these articles to INC-5.

### A BRIEF HISTORY OF THE POPS NEGOTIATIONS

Persistent organic pollutants have attracted international attention over the last decade due to a growing body of scientific evidence indicating that exposure to very low doses of certain POPs can lead to cancer, damage to the central and peripheral nervous systems, diseases of the immune system, reproductive disorders and interfer-

ence with normal infant and child development. POPs are chemical substances that persist, bioaccumulate and pose a risk of causing adverse effects to human health and the environment. With the further evidence of the long-range transport of these substances to regions where they have never been used or produced, and the consequent threats they now pose to the environment worldwide, the international community has called for urgent global action to reduce and eliminate their release into the environment.

In 1992, the UN Conference on Environment and Development (UNCED) adopted Agenda 21. Chapter 19 of Agenda 21, "Environmentally Sound Management of Toxic Chemicals Including Prevention of Illegal International Traffic in Toxic and Dangerous Products," called for the creation of an Intergovernmental Forum on Chemical Safety (IFCS). Agenda 21 also called for the establishment of the Inter-Organization Programme on the Sound Management of Chemicals (IOMC) to promote coordination among international organizations involved in implementing Chapter 19.

In March 1995, the UNEP Governing Council adopted Decision 18/32 inviting the IOMC, the IFCS and the International Programme on Chemical Safety (IPCS) to initiate an assessment process regarding an initial list of 12 POPs. In response to this invitation, the IFCS convened the *Ad Hoc* Working Group on POPs, which developed a workplan for assessing these substances. The assessments included available information on the chemistry, sources, toxicity, environmental dispersion and socioeconomic impacts of the 12 POPs.

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This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Richard Campbell <richard@iisd.org>, Jonathon Hanks <jon.hanks@iiee.lu.se>, Laura Ivers <laurai@iisd.org>, and Leila Mead <leila@interport.net>. The Digital Editor is Andrei Henry <andrei@iisd.org>. The Editor is Pamela S. Chasek, Ph.D. <pam@iisd.org> and the Managing Editor is Langston James Goree VI <kimo@iisd.org>. The Sustaining Donors of the *Bulletin* are The Netherlands Ministry of Foreign Affairs, the Government of Canada (through CIDA and DFAIT), the United States (through USAID), the Swiss Agency for Environment, Forests and Landscape (SAEFL), the United Kingdom Department for International Development (DFID) and the European Commission (DG-ENV). General Support for the *Bulletin* during 2000 is provided by the the German Federal Ministry of Environment (BMU) and the German Federal Ministry of Development Cooperation (BMZ), the Danish Ministry of Foreign Affairs, the Ministry of Environment 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 Government of Australia, the United Nations Development Programme (UNDP), the Global Environment Facility (GEF) and BP Amoco. Specific funding for this meeting was provided by the UNEP Chemicals Secretariat. 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 of the *Bulletin* 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 Bonn ©2000 The Living Earth, Inc. <http://livingearth.com>. For information on the *Earth Negotiations Bulletin*, send e-mail to <enb@iisd.org>.



In June 1996, the *Ad Hoc* Working Group convened a meeting of experts in Manila, the Philippines, and concluded that sufficient information existed to demonstrate the need for international action to minimize the risks from the 12 POPs, including a global legally binding instrument. The meeting forwarded a recommendation to the UNEP Governing Council and the World Health Assembly (WHA) that immediate international action be taken. In February 1997, the UNEP Governing Council adopted Decision 19/13C endorsing the conclusions and recommendations of the IFCS. The Governing Council requested that UNEP, together with relevant international organizations, prepare for and convene an intergovernmental negotiating committee (INC) with a mandate to develop, by the end of 2000, an international legally binding instrument for implementing international action, beginning with the 12 specified POPs. The first meeting of the INC was also requested to establish an expert group for the development of science-based criteria and a procedure for identifying additional POPs as candidates for future international action. Also in February 1997, the second meeting of the IFCS decided that the IFCS *Ad Hoc* Working Group would continue to assist in preparations for the negotiations.

**INC-1:** The first session of the Intergovernmental Negotiating Committee (INC-1) met from 29 June-3 July 1998, in Montreal, Canada. Delegates from approximately 90 countries, as well as representatives from UN agencies, non-governmental organizations (NGOs), intergovernmental organizations (IGOs) and industry, met with a clear spirit of cooperation, mutual purpose and shared responsibility. INC-1 elected bureau members, considered its programme of work, as well as possible elements for inclusion in an international legally binding instrument, and established the Implementation Aspects Group (IAG) to address technical and financial assistance. INC-1 also established the Criteria Expert Group (CEG) as an open-ended technical working group mandated to elaborate proposals for science-based criteria, and to develop a procedure for identifying additional POPs as candidates for future international action. INC-1 directed the CEG to incorporate criteria pertaining to persistence, bioaccumulation, toxicity and exposure in different regions, taking into account the potential for regional and global transport, including dispersion mechanisms for the atmosphere and the hydrosphere, migratory species and the need to reflect possible influences of marine transport and tropical climates.

**CEG-1:** The first session of the Criteria Expert Group (CEG-1) was held from 26-30 October 1998, in Bangkok, Thailand. Over 100 delegates from approximately 50 countries gathered to consider the CEG's programme of work. Delegates also considered the development of a procedure for identifying additional POPs, including the information required at different stages of the procedure, and who would nominate, screen and evaluate a substance as a future POPs candidate.

**INC-2:** The second session of the INC was held from 25-29 January 1999, in Nairobi, Kenya. Discussions were largely based on a Secretariat-prepared outline of an international legally binding instrument. After general discussions on this document, delegates divided into the IAG and the Negotiating Group (NG). The NG examined the text of the outline and completed preliminary discussions on: measures to reduce or eliminate releases of POPs into the environment; national implementation plans; information exchange; public information, awareness and education; and research, development and monitoring. The IAG held general discussions on possible capacity-building activities requiring technical and financial assistance. A contact group on annexes also met to begin placing the 12 POPs into annexes for:

prohibited production and use; chemicals with restricted production and use; and chemicals subject to certain release reporting and release reduction or elimination measures.

**CEG-2:** Approximately 140 participants representing 60 countries attended the second session of the Criteria Expert Group (CEG-2), which met from 14-18 June 1999, in Vienna, Austria. The CEG succeeded in completing its work in two rather than three sessions, and proposed a procedure that provides for the establishment of a review committee or committees to apply screening criteria and to prepare a risk profile and risk management evaluation for proposed substances. The CEG submitted its recommendations to INC-3.

**INC-3:** The third session of the INC met from 6-11 September 1999, in Geneva, Switzerland, and brought together delegates from 120 countries, as well as representatives from UN agencies, NGOs, IGOs and industry. INC-3 adopted the CEG report and approved the CEG's recommendations as a basis for further negotiation. In the NG, delegates made advances on language for articles on measures to reduce or eliminate releases, national implementation plans, the listing of substances in annexes, and information exchange. In the IAG, delegates continued discussions on technical assistance and financial resources and mechanisms, and many governments and regional groups submitted draft text for these articles.

## REPORT OF THE MEETING

Chair John Buccini (Canada) opened INC-4 on Monday, 20 March 2000, and welcomed delegates. Jürgen Trittin, German Federal Minister for the Environment, Nature Conservation and Nuclear Safety, noted sufficient evidence exists to justify banning new POPs and urged the chemical industry to rethink its product policy, noting the highest POPs emissions come from legally produced chemical products.

Bärbel Dieckman, Mayor of Bonn, encouraged transparency and open communication to guide the week's discussions and reiterated Germany's offer to locate the future Secretariat in Bonn.

UNEP Executive Director Klaus Töpfer urged agreement on eliminating the 12 POPs, stressed that POPs are an example of exporting the disadvantages of economic growth to developing countries, and highlighted the importance of a precautionary approach. He emphasized the importance of technical assistance, technology transfer and a financial mechanism to enable active participation of developing countries.

Chair Buccini then introduced, and delegates adopted, the provisional agenda (UNEP/POPS/INC.4/1). He reviewed the decisions, milestones and meetings since 1995 in addressing POPs, and noted that INC-4 needs to address all aspects of the convention.

Jim Willis, UNEP Chemicals, described intersessional work undertaken by the Secretariat and related meeting documents. With regard to ongoing international activities, Willis overviewed the master list of actions on the reduction and/or elimination of the releases of POPs (UNEP/POPS/INC.4/INF/5) and highlighted UNEP actions on POPs, including training and capacity-building workshops on, *inter alia*, managing PCB stocks and addressing stocks of obsolete pesticides.

Delegates agreed to continue with the previously accepted Bureau for INC-4, comprised of: John Buccini (Canada), Maria Cristina Cardenas Fischer (Colombia), Mir Jafar Ghamieh (Iran), Darka Hamel (Croatia), and Ephraim Buti Mathebula (South Africa).

## GENERAL DEBATE

PORTUGAL, on behalf of the EU, stressed the future convention's importance and called for caution as the guiding principle. The US called for a strong and effective treaty with meaningful controls and eliminations. He supported setting realistic goals for by-products and assisting developing countries through existing bilateral and multilat-



eral mechanisms. He announced a US\$500,000 grant to the GEF/UNEP regionally-based assessment of persistent toxic substances. CANADA underlined the importance of technology innovation, pollution prevention, and a sound, science-based process that exercises precaution in identifying additional POPs. He announced that CANADA will provide CAN\$20 million over the next five years for capacity-building activities. INDIA called for assistance that accommodates the differences in priorities and resources among developing countries. JAPAN advocated a science-based risk assessment procedure for listing substances in the treaty and announced a contribution of US\$150,000 to support INC-4 and INC-5.

CHINA underlined the importance of access to technology and financial resources to ensure developing countries' participation, and supported a multilateral funding mechanism similar to that of the Montreal Protocol. CHILE called for, *inter alia*, specific time limits and targets depending on countries' stages of development, exchange of scientific and technical knowledge, and creation of regional centers and certified laboratories. COLOMBIA called for a transparent financial mechanism and a mechanism to deal with liability and compensation.

Noting the need to assess the impact of existing POPs on human health and the environment, ECUADOR stressed the importance of technical and financial assistance for implementing mechanisms established under the convention. VENEZUELA stressed precautionary measures, technical and financial assistance, technology to address risks and damage, and an instrument that is flexible and adaptable to all countries' needs. Remarking that many developing countries cannot afford existing alternatives to POPs, THAILAND called for commitment to technical and financial assistance, especially from exporting countries. SOUTH AFRICA emphasized common but differentiated responsibilities. IRAN stressed the importance of technical and financial assistance. The REPUBLIC OF KOREA supported using existing mechanisms for technical and financial assistance. NIGERIA stressed integrating the needs of developing countries and countries with economies in transition (EIT) in the future POPs treaty. The RUSSIAN FEDERATION called for a flexible instrument to enable broad participation. CAMEROON supported inclusion of the Precautionary Principle and a flexible procedure for identifying POPs. NEPAL drew attention to the problem of illegal entry of banned pesticides.

UNITAR noted progress in the IFCS initiative to develop a global capacity-building network for chemicals management and highlighted available guidance and training packages on, *inter alia*, risk management, financial resources and planning. The FAO overviewed ongoing activities on pesticide management. The INUIT CIRCUMPOLAR CONFERENCE called for financial support through a simple, effective mechanism. THE INTERNATIONAL POPS ELIMINATION NETWORK'S WOMEN'S WORKING GROUP emphasized that POPs are affecting the mental and physical development of children.

### ORGANIZATIONAL MATTERS

Following the opening Plenary, the Implementation Aspects Group (IAG) and the Negotiating Group (NG) reconvened, and met through Wednesday, 22 March. The IAG, chaired by Maria Cristina Cardenas Fischer, met in six sessions and addressed technical assistance (Article J) and financial resources and mechanisms (Article K). The NG, chaired by John Buccini, met in five sessions and addressed measures to reduce or eliminate (Article D), national implementation plans (Article E), listing of substances (Article F), information exchange (Article G), public information, awareness and education (Article H), and research, development and monitoring (Article I). The NG established contact groups on by-products and management and disposal of wastes, and prohibition and restriction. From Thursday, 23 March,

through Saturday, 25 March, delegates met in seven Plenary sessions to continue discussions on these articles. The Legal Drafting Group, chaired by Patrick Széll (United Kingdom), met throughout INC-4.

### NEGOTIATION OF THE DRAFT CONVENTION

The following is an article-by-article summary of the negotiations on the draft convention. *Editor's note: Respecting the confidential nature of some of the contact group negotiations, the Bulletin does not use names of countries and/or groups in parts of this summary.*

**PREAMBLE (ARTICLE A):** On Saturday, Chair Buccini introduced a Chair's submission on the preamble and suggested it be included in the draft convention in brackets to provide a basis for discussion at INC-5. Delegates agreed to this in principle.

**OBJECTIVE (ARTICLE B):** On Saturday, Chair Buccini suggested this article remain unwritten, but that INC-4 report acknowledge that there were a number of submissions of text for the article. He suggested the Secretariat prepare a compilation document of these submissions for consideration at INC-5.

**DEFINITIONS (ARTICLE C):** On Saturday, Chair Buccini noted that some terms needing definition had been identified and said defining them would be the task for the legal drafting group.

**MEASURES TO REDUCE OR ELIMINATE (ARTICLE D):** Delegates used text, as contained in the INC-3 report (UNEP/POPS/INC.3/4), as the basis for discussion.

**Prohibition of the Production and Use of Certain POPs:** On Thursday, the US presented simplified text, on behalf of the EU, JAPAN, AUSTRALIA, NEW ZEALAND, SWITZERLAND, CANADA and NORWAY, which, *inter alia*, adds reference to taking administrative and other measures, in addition to legal measures, and moves provisions on import and export to a *bis* paragraph addressing destruction of banned substances. The RUSSIAN FEDERATION, the GAMBIA, IRAN, KUWAIT, URUGUAY, SAUDI ARABIA, LESOTHO and others advocated retention of import and export. KUWAIT and THAILAND called for prohibiting "transit." COLOMBIA supported adding language on the prior authorization of an importing country with respect to export for environmentally sound destruction. IRAN proposed language on stockpile destruction within a territory and any area under a party's jurisdiction. Buccini established a contact group to address prohibition and restriction, co-chaired by Henk Bouwman (South Africa) and Charles Auer (US).

The contact group met on Thursday and Friday. A number of proposals were put forward, but delegates were unable to resolve the trade issue with respect to prohibited substances. A group of countries proposed language on trade with non-parties, however, one delegate opposed opening debate on the issue and said it had not been addressed in Plenary. On a proposal addressing stockpile destruction in territories and any area under a party's jurisdiction, one delegates said the issue was addressed under the provision on stockpiles in Article D.

On Saturday, in Plenary, Co-Chair Auer said the group discussed alternative formulations for addressing import and export, which are included in a proposed text for the provision forwarded by the contact group. He noted introduction of a non-paper, addressing, *inter alia*, trade with non-parties to the future convention, which would be attached to the Co-Chairs' contact group report.

The EU stressed the importance of addressing trade between parties as well as trade with non-parties. He outlined the EU proposal, which addresses: import; export before complete prohibition and use among parties; export after complete prohibition; and export to non-parties. He regretted that the EU's proposals were not included in the contact group's proposed text on procedural grounds, requested the



Secretariat to include the proposals in the compilation of draft articles of the convention, and insisted the issue be placed on the INC-5 agenda.

The US said the EU was introducing a new concept with non-parties and opposed the proposal to restrict trade with non-parties. He emphasized the importance of legitimate access to chemicals for which there are continuing use and production needs for public health and welfare purposes, both before and after countries become parties to the convention. He proposed an obligation that would provide valuable information on the total export and import of POPs.

Buccini said the report of the contact group and all proposed amendments would be included in an annex to the report of the meeting and would be a good starting point for INC-5.

The draft text reflects lack of consensus as to whether countries will be obligated to prohibit, or take legal measures necessary to eliminate, production and use of chemicals listed in Annex A. References to import and export remain in brackets, as does reference to accessibility of financial and technical assistance. A bracketed *bis* paragraph ensures that once production and use are banned, the chemicals are not imported or exported except for environmentally sound destruction or disposal.

**Restrictions on the Production and Use of Certain POPs:** On Thursday, the US presented simplified text, on behalf of the EU, JAPAN, AUSTRALIA, NEW ZEALAND, SWITZERLAND, CANADA and NORWAY, which, *inter alia*, adds reference to taking administrative and other measures, in addition to legal measures. The contact group on prohibition and restriction considered, *inter alia*, insertion of text pertaining to reporting aspects of Annex B chemicals, including periodic reporting to the Secretariat of the quantity produced and quantity imported. On Saturday, Chair Buccini noted the text going forward to INC-5 would remain unchanged from that contained in the report of INC-3 (UNEP/POPS/INC.3/4).

The draft text requires countries to take action on use of Annex B chemicals, but reflects lack of consensus on production of Annex B chemicals, and whether countries will be obligated to prohibit, or take legal and, in brackets, other measures necessary to eliminate, use of chemicals listed in Annex B. The text reflects lack of consensus on "production" of chemicals, which remains bracketed. Reference to accessibility of financial and technical assistance also remains bracketed.

**Annexes A (Production) and B (Restriction):** On Friday, the contact group on prohibition and restriction also addressed the control annexes. The contact group considered a proposal for DDT entry in control for Annex B (restriction) and agreed to allow DDT only for disease vector control. Delegates agreed alternatives should, *inter alia*, include both chemical and non-chemical alternatives and "must" pose less risk to the environment and human health than DDT; and be "comparably cost-effective." The proposal, included in the contact group's report, allows for production and use only for disease vector control and in accordance with the WHO guidelines on residual house spraying, and when locally effective and affordable alternatives are not available in a specific country. The proposal also calls for promoting, subject to technical and financial assistance, development of regulatory mechanisms to ensure use is restricted, and research, as well as development and implementation of alternatives.

On Saturday, Co-Chair Auer reported on the status of the control annexes. He said ten chemicals remain in Annex A, two of which are also listed in Annex B, and noted updates to the control annexes regarding country-specific exemptions. He said text was inserted in both annexes regarding DDT and PCBs. SOUTH AFRICA added language to the text on DDT, which takes into account the unique circumstances of DDT, including international recognition of its use,

and allows for production and use only for disease vector control. Co-Chair Auer noted need for intersessional work and proposed that the INC consider having the Secretariat request submissions on country-specific exemptions for production and use, including the basis for each exemption, the source of the chemical, and information on production, import, stockpiles, and if available, on quantity.

Chair Buccini noted that the proposed changes would be included with the contact group's report and annexed to the report of the meeting, but that Annexes A and B, as contained in UNEP/POPS/INC.3/4, would be forwarded to INC-5 unchanged.

**General Exemptions:** On Friday, the contact group agreed on general exemptions for laboratory research and for trace contaminants. One group of countries proposed the following general exemptions: occurring as constituents of articles manufactured or already in use; use as a closed-system intermediate that is chemically transformed in the manufacture of other chemicals; and substances that are in the possession of an end-user prior to entry into force. A group of countries opposed these general exemptions. On Saturday, the EU opposed a separate article for general exemptions and noted the laboratory scale research exemption could be included in an existing article or in an annex and that the exemption for trace contaminants could be included in Annex A or B. He said exemptions for articles in use and closed-system intermediates should be specific and granted on a case-by-case basis. He opposed an end-user exemption, noting it could create a loophole.

The final text on general exemptions remains unchanged from UNEP/POPS/INC.3/4 and is included in the draft negotiating text, with a footnote stating that location of the article is still to be determined. It includes a general exemption for laboratory scale research. Location of general exemptions in the convention remains unresolved.

**New Chemicals:** On Thursday, the EU, with AUSTRALIA, CANADA, NORWAY and the US, presented a revised text on addressing new chemicals. The text, supported by SWITZERLAND, the CZECH REPUBLIC, NEPAL and VENEZUELA, states that each party having a regulatory and assessment scheme for new pesticides and industrial chemicals shall take measures within those schemes to, in brackets, "avoid," "prevent" and "regulate" production and use of newly developed pesticides and industrial chemicals which, taking into consideration relevant Annex D criteria, exhibit POPs characteristics. VENEZUELA added, in brackets, "prohibit," and, with NEPAL, "import" and "export."

On Saturday, the Plenary agreed to include a provision on new chemicals in the convention and to remove the brackets from the paragraph, while retaining internal brackets.

**By-Products:** On Tuesday, 21 March, delegates began debate on measures to reduce or eliminate releases of POPs and used text forwarded by the Legal Drafting Group as basis for discussion. Much of the debate revolved around the degree of commitment by parties regarding by-products and whether ultimate elimination should be the aim. The EU emphasized that the text should reflect a long-term political commitment to the ultimate elimination of by-products, arguing that elimination is not the same as reduction to zero. NIGERIA, the GAMBIA, CHAD, the PHILIPPINES, ZAMBIA, MALAYSIA and ALGERIA supported an aim of ultimate elimination. The US said it understood elimination to mean reduction to zero and said it is an unrealistic goal. The REPUBLIC OF KOREA, CANADA, JAPAN, THAILAND, AUSTRALIA, the RUSSIAN FEDERATION, NEW ZEALAND, the US and CANADA opposed the aim of ultimate elimination. The US proposed including reference to elimination in the convention's preamble and objective. JAMAICA, supported by SOUTH AFRICA and NEPAL, proposed qualifying ultimate elimination with "where realizable." GREENPEACE INTERNATIONAL



urged delegates to appreciate that “the future of the planet is in your hands.” He expressed alarm at those delegates who opposed elimination, and suggested that the comments, mainly from JUSCANZ, were based on political rather than technical considerations.

NORWAY, supported by the EU, ICELAND, SOUTH AFRICA and MALAYSIA, proposed text promoting the use of available substitute materials, products, techniques and other strategies. NIGERIA proposed a separate obligatory provision on requiring use of substitute materials. AUSTRALIA, with the REPUBLIC OF KOREA, supported reference to releases derived from anthropogenic sources.

On best available techniques (BAT), ICELAND preferred reference to “best available prevention strategies for by-products” and provided a detailed definition. Noting that more aggressive action could be taken on new sources, CANADA urged differentiating between new and existing sources. NORWAY supported requiring BAT for all new major sources. JAPAN supported establishing major source inventories, which the COP could possibly identify. AUSTRALIA supported identifying sources in the convention. THAILAND emphasized difficulties in promoting control measures without financial commitments, techniques and expertise.

Regarding definition of terms, SOUTH AFRICA, URUGUAY, ARGENTINA, the RUSSIAN FEDERATION and BRAZIL called for clarification of the term “by-products.” NEW ZEALAND distinguished between “unintentional” and “unwanted” by-products. Chair Buccini established a contact group, chaired by Halldor Thorgeirsson (Iceland), to address: bracketed chapeau language regarding elimination; proposals on substitute materials; BAT; and Annex C.

The contact group met from Tuesday through Thursday and spent considerable time on the provision’s chapeau, regarding the aim of ultimate elimination. Some delegations could not accept an aim of ultimate elimination without qualification. The group decided to base discussions on a proposal, which included qualifying “ultimate elimination” with “where feasible.” Many countries agreed that adding a qualifier to elimination was necessary. Noting lack of clarity on “feasible,” one developing country proposed elimination should be “technically and economically feasible.” Others understood the term “feasible” to include these considerations. It was suggested that the Legal Drafting Group could examine the term “feasible” or language that would reflect these considerations. A group of countries proposed language on reducing “total” releases, but others disagreed and said this was ambiguous. No agreement was reached on the chapeau language.

Regarding material substitution, the group felt the term “substitution” unnecessarily limited the available management strategies for materials. The group agreed that further elaboration was necessary for the terms “by-products” and “best available techniques.”

On Friday, Plenary heard a final report from contact group Chair Thorgeirsson. He said the group did not discuss whether to include reference to technical and financial assistance, and reached no consensus on the chapeau. He noted agreement on using an EU proposal for Annex C as the basis for further discussions at INC-5, debate on distinguishing between new and existing sources with respect to BAT application, an EU-submitted definition of BAT, and disagreement on whether to include a listing of major source categories. Delegates commented on the results of the contact group.

The SEYCHELLES, the EU, MALI and NEPAL opposed qualifying “ultimate elimination.” CANADA and the RUSSIAN FEDERATION said a qualification was necessary if elimination language was to be considered. The US and ARGENTINA said they would consider elimination language with a qualifier. NORWAY and CANADA said parties should require BAT use for new sources. The US agreed, on the condition that Annex C include a list of major source categories.

AUSTRALIA, the REPUBLIC OF KOREA and ARGENTINA emphasized that BAT is a relative term. NIGERIA recalled her proposal on material substitution. JAMAICA expressed concern with the phrases “by-product,” “anthropogenic sources” and “major source categories.” Buccini noted the need to define these terms, as well as BAT.

The final draft text states parties shall at a minimum [aim to] take measures to reduce the [total] releases derived from anthropogenic sources of [each of] the POPs listed in Annex C with the aim of their continuing minimization. The text reflects that no consensus was reached on whether to include an aim of “ultimate elimination,” whether to qualify elimination with “where feasible” or whether further qualification would be necessary with where “technically and economically feasible.” These references remain bracketed, as well as reference to implementing measures, consistent with capacity and subject the availability of technical and financial assistance. A footnote states that “total” needs further clarification.

The text includes control measures and calls for promoting application of measures that can achieve a realistic and meaningful level of release reduction and/or source elimination by feasible and practical means. On control measures, the text states that parties shall: promote development and use of [substitute] materials, products and processes; and [require] [promote] the use of BAT [and/or other prevention strategies] for new sources within major source categories [identified in a list in Annex C] [and for which Annex C specifies that BAT exist] taking into consideration the general guidance on release reduction measures given in [Annex C] and the guidelines on BAT developed by the COP. Regarding existing sources, reference to other prevention strategies remains bracketed as well, as does reference to listing major source categories in Annex C. A provision on national action plans and elements to be included in such a plan remains bracketed as well.

**Management and Disposal of Wastes:** On Wednesday, delegates began discussion of the draft text, which contained a provision on management and disposal of wastes and a separate bracketed provision on destruction of stockpiles and wastes. Regarding managing and disposal, the US opposed including language on taking action consistent with capacity and subject to the availability of technical and financial assistance. CHINA, the GAMBIA, IRAN, MALI, the DOMINICAN REPUBLIC, BURKINA FASO and others supported retaining this language. SOUTH AFRICA, supported by the SEYCHELLES, proposed a separate, more general paragraph on technical and financial assistance. Many countries, including KAZAKHSTAN, VENEZUELA, SEYCHELLES, INDONESIA, TANZANIA and SAUDI ARABIA, supported a paragraph on assisting those with less capacity for cleaning up contaminated sites, managing and destroying wastes, and implementing measures to reduce and/or eliminate releases. JAPAN, the US and CANADA opposed such a provision. The EU proposed text which, *inter alia*: streamlines the provisions on waste and stockpiles; calls for managing stockpiles, products, articles and wastes in a manner that protects human health and the environment; provides for developing inventories of stockpiles; and deletes reference to technical and financial assistance, the Basel Convention and assistance for cleanup of contaminated sites.

On destruction of stockpiles, CANADA, AUSTRALIA and the US proposed deleting this provision. The DOMINICAN REPUBLIC and CHINA noted the need for consistency with the Basel Convention without affecting the rights of non-Parties. The LATIN AMERICAN PESTICIDES ACTION GROUP urged delegates to, *inter alia*, stop the transfer of obsolete technologies for treatment of stockpiles. Chair Buccini established a contact group, chaired by Peter Hinchcliffe (UK), to further consider these issues.



On Thursday, Hinchcliffe introduced the revised text forwarded by the contact group, which, *inter alia*, streamlines stockpiles and wastes into one provision, and, regarding disposal, calls for consistency with the Basel Convention, where appropriate.

On Friday, in Plenary, delegates commented on the text forwarded by the contact group. INDONESIA, VENEZUELA, PAKISTAN and IRAN called for removing brackets from the reference to technical and financial assistance. NORWAY noted that stockpiles are also being considered under prohibition of production and use, and called for consistency. On destruction of wastes, ARGENTINA, with the US, bracketed text on destruction or alteration to reaction products that do not exhibit POPs properties. Many delegations, including NORWAY, the EU, VENEZUELA, IRAN, INDIA, COLOMBIA, POLAND and CHINA, supported bracketing reference to the Basel Convention. COLOMBIA called for clear language on wastes specific to the POPs convention. ARGENTINA, CANADA, NEW ZEALAND and the US supported reference to consistency with the Basel Convention. The paragraph was bracketed. On identifying contaminated sites, in response to opposition to qualifying remediation with "if feasible and practical," NEW ZEALAND said that requiring remediation may create a perverse incentive and that parties may be deterred from identifying sites. Contact group Chair Hinchcliffe noted varying degrees of technical feasibility, and said contamination of a site may not only be from POPs. Delegates agreed to retain the qualifier. The PHILIPPINES said parties should be required to develop strategies for identifying sites. The Legal Drafting Group was instructed to address legal implications of reference to the Basel Convention.

On Saturday, Legal Drafting Group Chair Patrick Széll reported on the Group's consideration of the provision's relationship with the Basel Convention. He commented that the issue has strong policy overtones and advised that, given the complexity of the issue, the INC should request the Secretariat to prepare and circulate an analysis for deliberation at INC-5.

The draft article provides for control measures in order to ensure that stockpiles and wastes, and products and articles upon becoming wastes, are managed in a manner protective of human health and the environment. Language on undertaking the measures consistent with capacities and subject to the availability of technical and financial assistance remains bracketed. These measures include managing existing stockpiles of Annex A and B chemicals in a careful and efficient manner; and identifying products and articles still in use, in particular stockpiles and wastes. Brackets remain around the provision on taking measures to ensure they are handled and stored in an environmentally sound manner, and managed so that POPs content is destroyed or altered to reaction products without POPs characteristics, or destroyed in a manner consistent with the Basel Convention. The text also includes a provision calling on parties to [endeavor to] develop appropriate strategies for identifying contaminated sites and, if remediation of these sites is considered feasible and practical, to ensure that such remediation is performed in an environmentally sound manner. The text also states that the terms "waste," "disposal," and "environmentally sound" shall be defined as in the Basel Convention.

**NATIONAL IMPLEMENTATION PLANS (ARTICLE E):** On Tuesday, delegates considered the article on national implementation plans. Many delegations, including TANZANIA, IRAN, LESOTHO, CHINA, ECUADOR, MALAYSIA and CHILE, supported retaining language on developing national implementation plans (NIPs) consistent with capabilities, and subject to the accessibility of financial and technical assistance. COLOMBIA, CANADA, the REPUBLIC OF KOREA, the US, ICELAND and VENEZUELA called for consistency between NIPs and the action plans relating to reduction of by-

products. CANADA remarked that national plans are mandatory and regional plans supplementary. The GAMBIA proposed reference to sub-regional plans. The EU suggested removing the requirement for regional economic integration organizations to develop regional implementation plans.

Many countries suggested that NIPs should be developed within one year of the convention's entry into force, while POLAND, supported by the RUSSIAN FEDERATION, the REPUBLIC OF MOLDOVA and LESOTHO, supported a two-year period. Delegates agreed that the COP should not determine the plans' schedule or format, and deleted reference to this.

While some delegations, including JAPAN, CANADA, the REPUBLIC OF KOREA, ICELAND and TANZANIA suggested parties "may" cooperate with competent international, regional and sub-regional organizations in developing, updating and implementing plans, others, including the GAMBIA, MALAYSIA, LESOTHO and ECUADOR, preferred "shall." JAMAICA, supported by WHO, added reference to cooperating with national stakeholders.

On Saturday, Legal Drafting Group Chair Széll presented a revised draft text. He suggested replacing bracketed reference to the requirement to "cooperate with" stakeholders with "consult." Following the GAMBIA's query regarding the lack of reference to the role of women, Chair Buccini noted that it would be included in the record of the meeting. SOUTH AFRICA recalled its proposal to replace the qualifier referring to accessibility to financial and technical assistance, with "as appropriate."

The draft article states that parties shall develop national plans, with bracketed options for sub-regional or regional plans. Bracketed options are provided for the plans to be completed within one or two years of entry into force. The article calls on parties to cooperate at the international, regional and sub-regional levels to facilitate development of such plans, with bracketed text relating to consultation with stakeholders.

**LISTING OF SUBSTANCES IN ANNEXES A, B AND C (ARTICLE F):** On Wednesday, delegates discussed listing new substances. Debate revolved around the Precautionary Principle, use of the term "observer" and the procedure for setting aside a proposal. The EU, supported by NORWAY, the RUSSIAN FEDERATION and IRAN, proposed that a decision to set aside a proposal be taken by the COP. The US and AUSTRALIA said the committee should be given authority to take a such a decision on rejecting a proposal.

On the role of observers, JAPAN, IRAN and COLOMBIA requested defining and listing "observers." The US proposed developing language to ensure observer participation, highlighting the role of industry. COLOMBIA expressed concern with the US's undue emphasis on industry.

On application of criteria, JAPAN proposed applying screening criteria in a "preventative," rather than a "flexible" manner. Regarding the Precautionary Principle, NORWAY, the GAMBIA, MALI, ECUADOR and others supported its inclusion in the article. The EU agreed with taking a precautionary approach and proposed a separate paragraph be inserted to reflect this approach. IRAN proposed including a definition of the Precautionary Principle in the convention. The RUSSIAN FEDERATION highlighted the contradiction between applying the Precautionary Principle and scientific criteria. The US noted no internationally agreed definition of the Precautionary Principle exists. The US, the RUSSIAN FEDERATION and JAPAN preferred a reference in the preamble. CANADA and AUSTRALIA expressed their support for the concept of a precautionary "approach," but did not support introducing the concept in the article. Highlighting the dangers of POPs, the SUSTAINABLE DEVELOPMENT



POLICY INSTITUTE and the WORLD WIDE FUND FOR NATURE urged delegates to take a precautionary approach in applying criteria for listing new substances.

On Saturday, Legal Drafting Group Chair Széll reported on the Group's work. He noted two possible types of observer involvement. On making information available to observers, he suggested the Internet could be used as a method of communicating information to the public at large. On direct involvement of observers in the provision of information, he suggested clear indication of who would be invited to submit information. ARGENTINA requested deleting reference to observers.

The final text contains seven paragraphs outlining the procedure for adding new chemicals. The procedure states that any party may submit a proposal to the Secretariat for listing a substance in the annexes on prohibition, restriction and/or by-products and that the proposal must contain information required by the annex on screening criteria (Annex D). The Secretariat would then forward the proposal to the POPs review committee if the criteria are met. On applying criteria in a transparent and integrative manner, references to "flexible" and "preventative" remain bracketed, as does reference to the Precautionary Principle. The article also provides for preparation of a risk profile, and preparation of a risk management evaluation, including an analysis of possible control measures for the substance in accordance with the annex on socioeconomic considerations. The text states that, based on the risk profile and the risk-management evaluation, the review committee will recommend whether the substance should be considered by the COP for listing under the convention. A provision states that the COP will decide whether to amend Annex A, B and/or C to list the substance and related control measures. References to "observers" remain bracketed throughout the article. An additional *bis* paragraph remains in brackets and states that lack of scientific certainty due to insufficient relevant scientific information and knowledge regarding a substance shall not prevent the process set out above, from proceeding and shall not prevent the listing of substances in Annexes A, B and/or C.

**Information Requirements and Criteria for the Proposal and Screening of Proposed POPs (Annex D):** In Plenary on Thursday, delegates discussed the information requirements and screening criteria that parties proposing additional POPs are to provide. With regard to the criteria for persistence in water, many countries, including the EU, SWITZERLAND, NORWAY, the RUSSIAN FEDERATION, POLAND, SOUTH AFRICA, INDONESIA, MALAYSIA, PAPUA NEW GUINEA and KUWAIT, supported a half-life greater than two months, while the US, CANADA, INDIA, MOLDOVA, the REPUBLIC OF KOREA, JAPAN, AUSTRALIA and others supported a half-life in water of six months. VENEZUELA remarked that, in tropical conditions, a two-month half-life could be too long.

On the bioaccumulation criteria, the EU, SWITZERLAND, NORWAY, the RUSSIAN FEDERATION, POLAND, INDONESIA, MALAYSIA, PAPUA NEW GUINEA, and KUWAIT supported a log Kow greater than 4, and the US, CANADA, MOLDOVA, INDIA, the REPUBLIC OF KOREA, JAPAN, AUSTRALIA and others opposed, expressing their support for a log Kow greater than 5.

On the adverse effects criteria, the EU called to specify that evidence be of adverse effect "on human health and the environment." On whether parties proposing POPs would need to provide toxicity data and/or other evidence, the EU and INDONESIA preferred "or," while AUSTRALIA preferred "and/or." Delegates agreed to delete text stating that information on adverse effects will be considered a crucial element for the analysis of environmental and health costs.

On criteria for a "criteria summary," the EU proposed that parties be "encouraged to" submit such a statement, the REPUBLIC OF KOREA supported "should," and CANADA, the US, AUSTRALIA and MOLDOVA preferred "shall," with the understanding that this would be "where possible." Several countries, including the EU, CANADA, AUSTRALIA and CAMEROON, suggested alternative names for the summary such as a "rational statement" or "reasons for concern." Some delegates, including the EU and JAPAN, supported deleting a requirement for the statement to demonstrate "the need for global control," and others, including KUWAIT, CANADA and AUSTRALIA, opposed. Chair Buccini proposed "a short statement indicating the need for global control."

The text of the annex states that parties shall provide information on the substance and its transformation products relating to criteria on persistence, bioaccumulation, potential long-range environmental transport and adverse effects. On persistence, the text contains bracketed options for a half-life in water of two or six months. With regard to bioaccumulation in aquatic species, the text calls for a bioaccumulation factor greater than 5,000 or a log Kow greater than, in brackets, 4 or 5. It states that "the party proposing POPs [should] [shall] [is encouraged to] provide a [rationale] or [statement of concern] including, where possible, a comparison of toxicity or ecotoxicity data with predicted levels of a substance resulting or anticipated from long-range environmental transport and [a short statement indicating the need for global control]." Finally, it states the proposing party shall, to the extent possible and taking into account its capabilities, provide additional information to support the review of the proposal.

**Information Requirements for the Risk Profile (Annex E):** On Thursday, POLAND, AUSTRALIA and JAPAN made minor modifications to the text, resulting in "clean" text. There was no further discussion or debate on this annex. Annex E details information requirements for a POPs candidate that has fulfilled the screening criteria and is the basis of which the POPs review committee prepares a risk profile to determine whether the candidate should proceed to the risk management stage.

**Information on Socioeconomic Considerations (Annex F):** On Thursday, Chair Buccini remarked that the text on Annex F is "clean," and delegates did not consider it at INC-4. Annex F details information on socioeconomic considerations to be applied to the evaluation of control measures for a POPs candidate as part of a risk management evaluation to determine whether the substance should be listed under the convention.

**INFORMATION EXCHANGE (ARTICLE G):** In the NG on Wednesday, several countries, including JAPAN, CANADA, the US, BRAZIL and the RUSSIAN FEDERATION, supported text reflecting that information exchange should be in a manner consistent with national laws, regulations and practices. Others, including LESOTHO, KUWAIT, INDONESIA, MALAYSIA and the EU, opposed such text. IRAN called for language on exchanging information in a transparent and non-discriminatory manner, and CANADA and the US agreed, contingent on retaining reference to consistency with national laws. With regard to cost-effective alternatives, the US, with MALAYSIA, proposed language on including information relating to risks, as well as economic and social costs. Several countries, including the GAMBIA, BURKINA FASO and MALAYSIA, called for deleting the paragraph on confidential information, but JAPAN and the US opposed. The RUSSIAN FEDERATION, VENEZUELA and KUWAIT called for clarity on the scope of "safety" information not to be regarded as confidential. The GAMBIA, with the ORGANIZATION FOR PROHIBITION OF CHEMICAL WEAPONS, called for



clarification that information would be exchanged through the POPs national focal point. SOUTH AFRICA asked for clear definition of the clearing-house mechanism (CHM).

The text states that each party "shall in a [transparent and non-discriminatory manner] [manner consistent with their laws, regulations and practices], [create conditions favorable to] [facilitate] or [undertake] the exchange of information relevant to the reduction or elimination of the production, use and release of POPs and alternatives, including information relevant to their risks as well as to their economic and social costs."

It further states that each party shall designate a national focal point for information exchange and that the Secretariat shall serve as a clearing-house mechanism for information on POPs, including information provided by parties, international organizations and NGOs. In brackets, it states that "parties shall protect any confidential information as mutually agreed, and that for the purposes of the convention, human and environmental health and [chemical] safety information shall not be regarded as confidential.

**PUBLIC INFORMATION, AWARENESS AND EDUCATION (ARTICLE H):** On Tuesday, delegates considered the article on public information, awareness and education. POLAND, with the RUSSIAN FEDERATION and INDIA, supported deleting chapeau language stating that parties' actions be carried out consistent with parties' capabilities, and the GAMBIA, the REPUBLIC OF KOREA and BRAZIL opposed. SOUTH AFRICA suggested alternative language taking into account common but differentiated responsibilities, respective capabilities, and specific national and regional development priorities and circumstances. JAPAN, with CANADA, the RUSSIAN FEDERATION, the US, CHINA, INDIA and BRAZIL, supported promotion and facilitation of the article's provisions in accordance with national laws and regulations. The US, supported by URUGUAY, suggested that information be provided if "available," and proposed removing bracketed text referring to specific types of information. The EU proposed a streamlined version of the article, which includes reference to providing information relevant to the convention, deletes sub-sections referencing specific types of information, and deletes reference to "in accordance with national laws and regulations." IRAN, with ETHIOPIA, ECUADOR and THAILAND, expressed concern over the EU's proposed removal of the sub-sections. URUGUAY opposed the removal of a sub-section relating to the provision of information on POPs by industry and professional users. CANADA, with ARGENTINA, BRAZIL, ECUADOR, CHILE, VENEZUELA and THAILAND, called to retain the sub-section, as well as "in accordance with national laws and regulations." The GAMBIA suggested governments should "ensure" rather than "encourage" industry to fulfill the specified obligations, and proposed reference to women, children, and workers. ARGENTINA recommended retaining reference to alternative methods and to integrated pest management (IPM). VENEZUELA emphasized the need for civil society's participation and for POPs substitutes.

On Saturday, Legal Drafting Group Chair Széll presented a revised draft text, which included two options for the article. He requested clarity on: the scope of the "relevant" information to be provided; the ambiguity relating to whether information should be provided "on" or "to" those who produce, use and/or release POPs; and the nature of the "existing bodies" that parties should use, *inter alia*, in the development and implementation of education and training programmes. Recalling Plenary discussions, the US, the RUSSIAN FEDERATION and VENEZUELA questioned why the qualifier on providing information in accordance with national laws and regulations, was bracketed. Following intervention by the EU in favor of retaining the text, Chair Buccini stated that the text remains bracketed. Recalling agreement of

Plenary to refer to "available" information, the US and VENEZUELA expressed concern that this was not reflected in the second option. SOUTH AFRICA, with the RUSSIAN FEDERATION, queried the omission of reference to specific requirements on the role of industry and other groups. Széll responded that the Legal Drafting Group had considered that these elements are covered in the revised text.

Both options of the draft article require parties to promote and facilitate the provision of information on POPs to the public, including information on the assessment of hazard and risk, pollution prevention, risk reduction, economic and social impacts, integrated pest management, and alternative products and practices, including their accessibility and relative costs and processes. Pending removal of brackets, both options also require Parties to "encourage" or "ensure that" industry and professional users promote provision of relevant information; and to promote at the international level the development and exchange of educational and public awareness materials, and training programmes, on POPs. The first option requires parties to promote and facilitate the provision of information on the above activities.

The second option requires parties to promote and facilitate, *inter alia*: development and implementation of educational and public awareness programmes on POPs; public participation in relevant fora that address POPs; training of scientific, educational, technical and managerial personnel, with bracketed reference to workers; enhancing awareness among policy-makers; and training on ways to reduce the effects of POPs.

**RESEARCH, DEVELOPMENT AND MONITORING (ARTICLE I):** On Tuesday, delegates considered the article on research, development and monitoring. The EU proposed streamlining the article to emphasize key elements, including: chemical and non-chemical alternatives; monitoring levels in the environment; effects on human health and the environment; and social, cultural and economic factors. POLAND, JAPAN and the RUSSIAN FEDERATION supported retaining the provision on monitoring and assessing releases, persistence and long-range transport based on modeling, and harmonizing or standardizing methodologies. The US proposed that parties shall "encourage" research, development and monitoring, and that brackets be lifted from references to IPM, non-chemical alternatives, and harmonization of methodologies and techniques. The US called for public availability of research and monitoring results "where appropriate." IRAN supported making results publicly "accessible." CANADA proposed developing a harmonized global monitoring programme, implemented on a regional basis, to detect changes in POPs concentrations in the environment, utilizing existing programmes as much as possible. COLOMBIA, INDONESIA, POLAND, the FORMER YUGOSLAV REPUBLIC OF MACEDONIA, JAMAICA and the US generally supported such a programme. The EU questioned the need to establish a formal mechanism, noting the Canadian proposal would be costly. CANADA responded that the programme constituted a legitimate activity for capacity building resource allocation.

On Saturday, the Plenary discussed a revised draft text submitted by Legal Drafting Group Chair Széll, who noted that, with advice from the FAO, "agricultural practices" had been amended to "good agriculture practices." To ensure consistency in the text, reference to "indigenous control" of human disease vectors was changed to "indigenous knowledge and practices." Széll proposed deletion of the reference to the control of human disease vectors, since this was not an example of good agricultural practices as suggested in the text. Noting problems in understanding the requirement to undertake and/or promote research, development and/or monitoring on methods for evaluating how to use estimates to structure future obligations, he proposed deleting the





requirement. In discussion on the Legal Drafting Group draft, JAMAICA proposed reference to “cultural” knowledge and practices. CANADA suggested moving the provision on a harmonized global monitoring system to a separate article on monitoring.

Pending removal of brackets, the draft article states that parties shall encourage and/or undertake research, development, monitoring and cooperation on POPs, including on: releases, persistence in different media, long-range transport and deposition levels and their modeling; pollutant pathways and inventories in representative ecosystems; effects on human health and the environment; monitoring levels in the environment and in humans; best available technologies and practices; possible alternatives; and levels of the chemicals listed in Annexes A, B or C contained as contaminants in other substances. Parties are required, *inter alia*, to support international efforts to strengthen national scientific and technical research capacities, and make the results of research and monitoring programmes either publicly “available” or “accessible;” each of these terms is bracketed.

**TECHNICAL ASSISTANCE (ARTICLE J):** On Monday, the IAG commenced discussions on technical assistance based on the IAG Bureau’s compilation text on technical assistance and financial resources and mechanisms (UNEP/POPS/INC.4/3).

Regarding a paragraph recognizing technical assistance as essential to implementation of the convention, and calling on parties to cooperate to provide technical assistance, the EU specified technical assistance “upon request.” On a paragraph listing types of assistance to be provided, the US, supported by CANADA and MICRONESIA, said the list should be illustrative, not exhaustive. Delegates agreed to a Canadian proposal to make the list more action oriented and to cross-reference relevant articles. BRAZIL proposed a provision for assistance in identifying and recovering contaminated sites. On assistance for training decision makers, managers and personnel responsible for collecting data regarding the effect of POPs, CANADA proposed amending the text to include data collection and analysis required by its proposed harmonized global monitoring programme to be established under Article I. The US suggested including the effects of POPs alternatives.

Regarding assistance for strengthening training and research capacity at the national and regional level for introducing alternatives to POPs, the EU specified “identifying and” introducing alternatives. The US suggested it should be for monitoring POPs releases, reducing the use of POPs, and identifying and developing environmentally sound alternatives to POPs. ZAMBIA proposed amending the US suggestion to provide for continuous reduction of POPs. SOUTH AFRICA noted the African Group’s proposal is for “assistance for training and research capacity,” not its “strengthening.” CANADA proposed “to develop and strengthen.”

On Tuesday, delegates considered a revised text. On the paragraph calling on parties to provide technical assistance, CAMEROON stressed including language on developing and strengthening infrastructure. The EU specified “institutional infrastructure.” CAMEROON opposed, noting a broader need for infrastructure.

The IAG agreed on broad chapeau language introducing a list of types of technical assistance, but did not agree on references to assistance being provided by “developed countries” or “as mutually agreed.” The IAG bracketed text on assistance to compile inventories and release registers due to the related discussions under Article D. The group agreed on assistance to develop and implement NIPs taking into account national priorities. Regarding assistance to develop and strengthen training and research capacity for monitoring POPs releases, continuously reducing the use of POPs, and identifying, developing and introducing environmentally sound alternatives, AUSTRALIA proposed “maintain efforts to reduce.” The PHILIP-

PINES, with PAKISTAN, preferred language referring to elimination. CANADA, supported by the US, proposed “maintaining efforts to reduce or eliminate use.” The EU supported retention of “continuously.” CANADA proposed “maintaining efforts to continuously reduce or eliminate.” Delegates accepted the Canadian proposal in brackets.

Regarding assistance to destroy existing stockpiles of obsolete POPs, the US, supported by the EU, called to bracket text in order to allow consideration of related initiatives and agreements, including the Basel Convention. Noting that not all developing countries are Parties to the Basel Convention, CAMEROON opposed bracketing the text and underscored that technical assistance be provided to “identify and” destroy existing stockpiles. The IAG accepted adding “identify and” but bracketed the provision, as well as a provision on assistance to identify and decontaminate sites affected by POPs, pending outcomes on Article D. BRAZIL, INDIA and CHINA bracketed assistance to facilitate private sector involvement.

Regarding assistance to promote access to, and transfer of, clean and environmentally sound technologies, as mutually agreed and in accordance with national legislation, MICRONESIA supported deleting the reference to national legislation. The PHILIPPINES proposed referring to assistance to promote access to and the transfer of cleaner and/or ESTs appropriate or suitable under local conditions. The IAG agreed to this, excluded the reference to national legislation and retained “as mutually agreed” in brackets.

On modalities for providing technical assistance, CANADA proposed draft text for a “Capacity Assistance Network” (CAN) to coordinate available resources and demand for POPs activities. AUSTRALIA, SWITZERLAND and NEW ZEALAND supported the proposal. INDIA called to bracket text within the proposal referring to private sector involvement. MICRONESIA supported such a mechanism, but preferred a CHM capable of providing funds and, with CAMEROON, suggested a new article on a CHM.

In Plenary on Thursday, the US said it would remove brackets from a provision requiring parties to cooperate to provide technical assistance through recognizing the rendering of assistance upon request is essential to implementing the convention, provided conditions for financial and technical assistance attached to other requirements in the convention were removed.

In considering the same provision on Friday, CANADA, with others, supported removing brackets to encourage removal of conditions of technical and financial assistance attached to obligations in other articles. The US supported retaining brackets until such conditions are removed. SOUTH AFRICA opposed removal of conditional language in other articles. Concerning rendering assistance “upon request,” the US proposed, and the Plenary agreed, to substitute “in response to requests from developing parties and parties with EIT.” The US agreed to remove the provision’s brackets conditional upon inclusion of a note in the record indicating the issue can be revisited if the conditions attached to obligations are not removed.

Regarding the general requirement on parties to cooperate to provide technical assistance for development and strengthening of institutional infrastructure and capacities to implement obligations, BRAZIL, with CHINA, ETHIOPIA, LESOTHO, COLOMBIA, on behalf of the Latin American and Caribbean Group (GRULAC), and MALAYSIA, supported replacing “parties” with “the developed country parties.” SOUTH AFRICA, LESOTHO, ETHIOPIA, MALAYSIA, MICRONESIA, THAILAND, the PHILIPPINES, INDONESIA and others, supported deletion of “to cooperate.” Several delegations, including SOUTH AFRICA, GRULAC and MICRONESIA, opposed specifying “institutional infrastructure.” THAILAND stressed imposing obligations on exporting parties.



GRULAC supported requesting parties to provide assistance to developing countries and EIT countries, taking into account the particular needs of these countries in order to assist them to develop and strengthen their capacities.

Regarding the chapeau introducing types of assistance, stating that the assistance to be provided by developed country parties shall include, *inter alia*, "as appropriate" and, "as mutually agreed," technical assistance for capacity building, JAPAN supported removing brackets from "as mutually agreed." The PHILIPPINES said "as mutually agreed" is a means to avoid obligations. NEW ZEALAND, supported by JAPAN, the US, CANADA and the CZECH REPUBLIC, proposed replacing "developed country" with "developed country parties and other parties in accordance with their capability." The G-77/CHINA opposed this.

On assistance to identify and destroy existing stockpiles of obsolete POPs, ETHIOPIA preferred assistance "to identify, inventory and destroy." On assistance to promote access to and transfer of appropriate clean and environmentally sound technologies, the PHILIPPINES, supported by AUSTRALIA and opposed by BRAZIL, called to delete the reference to access.

With regard to text on a Capacity Assistance Network (CAN), COLOMBIA remarked that the concept merits discussion, but that INC-4 is the first time such a proposal has been put forward and she would prefer to postpone discussion to allow time for consideration of the topic. CANADA agreed that the proposal for the CAN is complex due to its intent to coordinate the multiplicity of actions being taken on POPs with the needs of developing countries, and supported allowing time for thought, given the complexity and importance of the proposal. Delegates agreed to bracket the text and to separate it from Article J and call it "J bis."

The final revised text for Article J contains a broad obligation of commitment, specific areas requiring assistance and modalities for providing the assistance. Text requiring reconciliation with other articles is bracketed. The general obligation provides that the parties recognize that rendering of timely and appropriate technical assistance in response to requests from developing country parties and EIT parties is essential to successful implementation of the convention. It stipulates that "[the developed country] parties shall [undertake to] [cooperate with] developing country parties and parties with EIT to provide technical assistance, taking into account their particular needs, to develop and strengthen their capacities."

A chapeau introduces the specific areas requiring assistance and states that "provision of assistance by [developed country] parties and other parties in accordance with their capability shall include, *inter alia*, as appropriate, [and as mutually agreed], technical assistance for capacity building in those areas.

Thirteen types of technical assistance are listed under the chapeau. The areas without brackets are:

- Review in cooperation, as appropriate, with relevant international organizations, available infrastructure capacity and institutions at different levels and to examine needs and options for strengthening them;
- Train decision makers, managers and personnel responsible for the collection and analyses of data regarding effects of POPs and their alternatives, including with respect to collection and analysis required by the harmonized global monitoring programme established under Article I;
- Assist in developing, implementing and enforcing regulatory controls;
- Strengthen capacity to meet reporting requirements under Article L;
- Promote awareness-raising and information-dissemination

programmes; and

- Effect a transition to sustainable alternatives.

The types of technical assistance containing internal and/or external brackets are:

- Compile inventories and release registers;
- Develop and strengthen training and research capacity at various levels for monitoring POPs releases, either "maintaining efforts" towards or "continuously" reducing or eliminating POPs use and promoting environmentally sound alternatives;
- Identify, inventory and destroy existing stockpiles of obsolete POPs;
- Identify and premeditate sites affected by POPs;
- Facilitate private sector involvement; and
- Promote access to and the transfer of clean and environmentally sound technologies and related know-how and rights.

Regarding the modalities for providing assistance, the text provides "the parties shall establish arrangements for the purpose of providing technical assistance [the transfer of technologies] to developing countries and EIT countries. [These arrangements shall include regional and sub-regional centers for capacity-building and transfer of technology to assist developing country parties and EIT parties.]" It also states that "[the national reporting under Article L shall include information relevant to Article J's implementation]." Canada's proposal for the CAN appears in brackets in the text as "draft Article J bis." It provides that the Secretariat shall, under supervision of the COP, perform a CAN function that shall:

- Identify and maintain an inventory of sources of technical assistance available for activities relevant to the convention's implementation;
- Maintain an inventory of requests by developing country parties and EIT parties for technical assistance under the convention;
- Assist parties to identify and give advice on the requirements for accessing technical assistance sources and foster linkages between the inventory of sources and requests;
- Maintain information on experts in managing POPs and their alternatives;
- Facilitate private sector and other NGO involvement in providing technical assistance; and
- Identify and alert the COP to requests for assistance not being met.

In the final Plenary, CANADA, supported by the CZECH REPUBLIC, proposed that the Secretariat conduct intersessional work on the cost of the CAN, with assistance from Canada.

#### FINANCIAL RESOURCES AND MECHANISMS

(ARTICLE K): On Monday and Tuesday, the IAG held general discussion on a compilation text, which the IAG Bureau prepared at an intersessional meeting based on country submissions at INC-3 (UNEP/POPS/INC.4/3). Debate centered on the two options for a financial mechanism: use of existing mechanisms; or establishment of an independent multilateral fund.

NIGERIA, on behalf of the G-77/CHINA, and supported by SOUTH AFRICA, BRAZIL, ZAMBIA, INDIA, BURUNDI and MICRONESIA, stressed establishment of an independent multilateral fund with regular and obligatory contributions from developed countries. Noting inefficiencies associated with establishing a new mechanism, the EU, the US, CANADA, JAPAN, NEW ZEALAND and SLOVAKIA supported the use of existing mechanisms to facilitate immediate funding and optimize synergies. The US cautioned that a new fund could impede ratification. The EU proposed that the GEF act as the mechanism. AUSTRALIA supported a role for the GEF as part of bilateral, multilateral and regional funding. The US and SWITZERLAND supported the GEF and other entities. Drawing attention



to various organizations' POPs-related work, CANADA cautioned that establishing a new mechanism may result in such organizations ceasing POPs-related activities. The US suggested the Canadian-proposed CAN coordinate a financial mechanism comprised of one or more existing international entities. MICRONESIA supported expansion of the CAN proposal to incorporate financial assistance. CAMEROON expressed caution over use of existing mechanisms, noting many of them have a history of dictating how developing countries use funds. PAKISTAN, INDIA and MICRONESIA opposed using the GEF, citing concerns with, *inter alia*, meeting the GEF's criteria, the GEF's incremental cost policy, and the lack of a programme to address POPs within the GEF. CANADA stressed that the convention would need to give the GEF direction on what is required.

On Wednesday, delegates began negotiating the draft text. To a paragraph on each party providing financial support and incentives for national activities, the US proposed adding text stating "developed countries shall also seek to mobilize financial and additional resources to assist parties from developing and EIT countries in implementing the convention." After "developed countries," NEW ZEALAND added "and other parties in accordance with their capabilities." MICRONESIA opposed the language "seek to" provide, and the GAMBIA suggested "shall provide." Delegates agreed to include the proposal and these options in brackets.

In a paragraph on the COP promoting the availability of financial resources and mechanisms, and encouraging the development of such mechanisms, AUSTRALIA called to replace "development" with "strengthening." The EU added text on arrangements for technical assistance, and the GAMBIA opposed, stating the article should focus on financial assistance. The EU proposal was retained with brackets.

On additional provision of financial resources through "bilateral, regional and financial resources by developed country parties," NEW ZEALAND specified "and other parties in accordance with their capabilities." The G-77/CHINA called to bracket this amendment.

CANADA, with the G-77/CHINA, supported deleting a requirement on developing parties and EITs to use national coordinating mechanisms integrated in national sustainable development programmes to ensure efficient use of financial resources. The EU called for retention of the provision's intent. The G-77/CHINA broadened the requirement to apply to parties. With this amendment, the provision was bracketed. The G-77/CHINA proposed deleting a requirement on parties to take account of the specific needs and special situation of least developed countries. AUSTRALIA, supported by the EU, opposed, and the provision was bracketed.

On language requiring the COP to review the financial mechanism, the US supported requiring regular review, in order to provide recommendations and guidance on improving effectiveness, and on the possible extension of the financial mechanism's scope. The EU advocated regular review and appropriate action to improve effectiveness if necessary. The G-77/CHINA supported review by the second COP and subsequent regular reviews to determine effectiveness and the required level of funding. With regard to the options for a funding mechanism, the EU, the US and CANADA each requested that their submissions on existing arrangements replace the current text, while the G-77/CHINA advocated replacing the text for establishing an independent fund with its proposal for Article K. The EU submission establishes the GEF as the mechanism; the Canadian submission proposes the CAN; and the US advocates a coordinated approach comprised of the CAN and existing entities. The G-77/China proposal establishes an independent multilateral fund consisting of regular and obligatory contributions.

In Plenary on Friday, delegates continued negotiating the text and debated two formulations on commitments to providing financial assistance: the first stating developed countries shall provide developing and EIT countries with financial assistance to implement the convention; and the second stating developed countries, and other parties in accordance with their capabilities, shall seek to mobilize or provide financial and other resources to assist developing and EIT countries in their implementation of the convention. The G-77/CHINA stressed the importance of retaining the first option and objected to any modifications to it. The EU supported the second option. THAILAND requested adding "and exporting countries" to references to "developed countries" throughout the article.

Delegates next considered the two options for a mechanism: the EU, CANADA and the US submissions for existing mechanisms and the G-77/CHINA submission for establishing a new mechanism. Chair Buccini called for clarification on the submissions' intent. CANADA, recognizing additional resources will be required, supported using existing mechanisms to build upon existing POPs activities and to provide faster access to funds. He noted CAN provisions for, *inter alia*: an inventory of technical assistance sources and requests; advice on requirements for accessing sources; private sector involvement; and identifying and reporting requests for assistance not being met to the COP. The EU noted its support for strengthening existing mechanisms, and said selecting the GEF is the best way to secure implementation. The US supported a financial mechanism comprised of the CAN, serving as a broker, and existing entities. He said the COP would provide guidance to the mechanism and would, *inter alia*, identify areas where requests for assistance are not being met and consider policies to strengthen existing funds. NIGERIA, BRAZIL, INDIA and CHINA spoke on behalf of the G-77/CHINA, and underscored the importance of establishing an independent multilateral fund. NIGERIA challenged the contention that establishing a new mechanism would be more costly and time consuming than restructuring the GEF. BRAZIL, stressing that developing countries will not adopt an instrument without provision of assistance, requested the EU to elaborate on how it intends to provide funds. INDIA emphasized that developing countries should be informed on what type of assistance will be available. Noting the GEF Council decides how funds will be spent, CHINA asked who will guarantee that the GEF will direct sufficient funds to the POPs convention. SOUTH AFRICA said the CAN could supplement the G-77/CHINA proposal.

The CZECH REPUBLIC, on behalf of the Central and Eastern European region, supported using the GEF, rejected assertions that the GEF is inefficient and slow, and supported the CAN. Chair Buccini proposed that delegates either defer further work to INC-5 or establish an intersessional group.

On Saturday, NIGERIA, the CZECH REPUBLIC, CANADA, the EU and the US expressed support for an intersessional group. The G-77/CHINA requested that its proposal not be altered. Chair Buccini said the intent of the group would not be to redraft Article K, but rather to prepare a document to help guide delegates to redraft Article K at INC-5. He suggested, and delegates agreed to, the following participation formula: ten G-77/CHINA representatives; two representatives from Eastern and Central Europe; and seven representatives of the Western European and Others Group (WEOG). NEW ZEALAND, supported by the EU, requested lifting brackets from a paragraph stating countries should take full account of the specific needs and special situation of least developed countries in their funding. Delegates agreed and the brackets were lifted.

The draft article states that "[developed countries shall provide developing and EIT countries with financial assistance in order to implement the convention.]" It further states that "each party, in accor-



dance with its capabilities, shall undertake to provide financial support and incentives for national activities to achieve the convention's objectives. [In addition the developed country parties, and other parties in accordance with their capabilities shall also [seek to mobilize] [provide] financial and other resources to assist developing and EIT country parties in their implementation of the convention.]” It contains a bracketed provision for the COP to “promote the availability of financial resources [arrangements for technical assistance] and [to encourage the development and strengthening of such mechanisms to maximize funding to assist developing country parties and EIT parties to implement [their obligations deriving from] the convention].” It contains the EU, US, Canadian and G-77/China proposals for a mechanism, as well as three options for text on reviewing the mechanism.

**CONFERENCE OF THE PARTIES (ARTICLE O):** On Saturday, Chair Buccini asked delegates whether in principle they would be able to approve the text for the article, as prepared by the Legal Drafting Group. Some delegates opposed this and the report reflects that the text is post-legal, but not discussed in Plenary. Willis drew attention to a submission by Canada, the US, Australia and Norway to add text regarding the establishment of a POPs Review Committee, as referenced in Article F, to this article. Delegates agreed to incorporate the text within the draft convention for consideration at INC-5. ARGENTINA requested that the text be bracketed. The text calls upon the COP to establish, at its first meeting, a POPs review committee comprised of a limited number of government-appointed experts in chemical assessment or management with equitable geographical distribution.

**SECRETARIAT (ARTICLE P):** SWITZERLAND introduced a German and Swiss submission for a proposed resolution concerning the Secretariat. She requested the text be annexed to the report of the meeting. Regarding a provision stating that UNEP will perform the secretariat role, and that a three-fourths majority would be required to entrust the Secretariat function to another international organization, the PHILIPPINES requested that three-fourths majority be bracketed, preferring a simple majority. ARGENTINA requested that the provision be bracketed. Delegates did not reach agreement on the article and it will be discussed at INC-5. The report reflects the text is post-legal but has not been discussed in Plenary.

**OTHER ARTICLES:** On Saturday, Chair Buccini drew attention to “routine” articles that the Legal Drafting Group had produced text on, and invited the Plenary to take “ownership of them.” Delegates agreed to take ownership of the following articles: Settlement of Disputes (Article N); Amendments to the Convention (Article Q); Right to Vote (Article S); Signature (Article T); Ratification, Acceptance, Approval or Accession (Article U); Entry into Force (Article V); Withdrawal (Article X); the Depositary (Article Y); and Authentic Texts (Article Z). Delegates did not approve the text for the Adoption and Amendment of Annexes (Article R). Articles on Reporting (Article L) and Non-compliance (Article M) were not discussed. All of these articles will be open for consideration at INC-5.

### CLOSING PLENARY

In Plenary on Saturday, COLOMBIA, supported by VENEZUELA, submitted a proposal for an additional article on liability and compensation for damage resulting from the use and intentional or unintentional introduction into the environment of POPs. The proposal will be annexed to the report of the meeting. CANADA, speaking for NORWAY and the EU, introduced a paragraph for inclusion under control measures (Article D) on chemicals currently in use. The US introduced proposals on: adjustment of schedules in Annexes A, B and C when new information becomes available; and on adoption and amendments of Annexes (Article R).

IRAN introduced a proposal on stockpiles for inclusion under Article D. The proposal will be annexed to the report of the meeting. SOUTH AFRICA confirmed that INC-5 will be held in Johannesburg from 4-9 December 2000, and acknowledged the financial assistance provided by Denmark. Willis confirmed that the Conference of the Plenipotentiaries will be held in Stockholm from 21-23 May 2001. Thanking those who had provided financial contributions for the POPs negotiations, he noted that the Secretariat is still US\$600,000 short of requirements for the final negotiations and encouraged governments to join the POPs Club.

Noting the limited time remaining for concluding the convention, COLOMBIA, with SWITZERLAND, the DOMINICAN REPUBLIC, CHILE and JAMAICA, called on Chair Buccini to clean up the text prior to INC-5, focusing on organizational and editorial issues. Buccini agreed, noting that he would not deal with Article J(*bis*) or Article K and that the draft convention text in the report of INC-4, would provide the basis for discussion at INC-5.

The US announced that it will provide US\$350,000 for a workshop and related projects on dioxins. The EU noted the need for further time to evaluate Canada's proposed global monitoring programme and requested the Secretariat to analyze the concept for INC-5.

Buccini presented the report of the meeting, as contained in UNEP/POPs/INC.4/L.1, Add.1, and Add.2. Buccini noted that a number of paragraphs in the reports needed updating to reflect the most recent discussions. He also said that all contact group reports would be attached to the report of the meeting. The US noted inclusion of general exemptions within the terms of reference of the contact group on prohibition of the production and use of certain POPs, and on restrictions of the production and use of certain POPs. Austria queried this and the Chair responded that the issue had been implicitly included in the terms of reference. The report was amended to reflect this.

On financial mechanisms, the US added reference to the need to mobilize new resources, and removed reference from the report to possibly using a new mechanism other than CAN to broker financial assistance. CHINA emphasized that the new mechanism must be independent. Regarding reference to a representative speaking on behalf of “a large number” of EIT countries on financial assistance, POLAND amended this to “some.” On views expressed by NGOs, the INUIT CIRCUMPOLAR CONFERENCE called for reference to the participation of representatives of indigenous peoples' organizations. WWF emphasized its request to include the precautionary approach within the criteria regarding new POPs. The Plenary adopted the report with all of these amendments.

In closing remarks, Chair Buccini noted that he had underestimated the amount of time required for completion of negotiations and stated that he will be consulting with the Bureau and Secretariat on this issue. He thanked the delegates, the contact group Chairs, the Legal Drafting Group, and the Bureau of the IAG, and gavelled the meeting to a close at 6:50 pm.

### A BRIEF ANALYSIS OF INC-4

#### A SENSE OF HISTORY

Delegates assembled for the penultimate INC in the Deutscher Bundestag on Monday morning amidst an air of history, as the INC was the first meeting in the Bundestag since the German Government's relocation to Berlin. Under the Chair's watchwords of openness, transparency, inclusiveness and accountability, delegates drew support and inspiration from the innovative architecture of the Deutscher Bundestag, which is built mainly of glass, letting the sun's light pour into the conference room and allowing delegates to look at the Rhine while negotiating. Overlooking the Rhine, vehicle of the Sandoz



chemical disaster, the venue served also as a poignant reminder of the need for bold environmental policy-making. Contributing to the buoyancy provided by the light and water, there was an overwhelming feeling of opportunity for delegates to write or wrong history.

### **JUSCANZ SAYS WE "JUST CAN'T"**

For many observers, a key measure of the success of the week's negotiations is the extent to which progress has been made in finalizing text on committing parties to the ultimate elimination of POPs. Delegates arrived in Bonn firmly entrenched in their positions, but by mid-week, it seemed as if some had begun to climb towards middle ground on elimination.

Discussion on elimination prompted some of the week's most lively interactions, and provided fodder to speculate on the development of unconventional alliances, and new divisions, within and between negotiating blocs. The most ardent calls to remove reference to elimination came from JUSCANZ members, prompting Greenpeace International to make a spirited interjection in which, breaking the convention against naming parties, he accused JUSCANZ of basing its arguments "on political rather than technical considerations." A discordant, but potentially influential voice from among the G-77/CHINA, was provided by South Africa, who played an important role in drafting compromise text that provides for the ultimate elimination of by-product POPs where feasible. With certain JUSCANZ delegates subsequently opening the door to the possibility of a qualified commitment to the elimination of POPs, it is anticipated that there will be lively exchanges at INC-5 on the exact scope of this qualifier. With some delegations calling for technical and economical feasibility, others maintain that practical feasibility is a core aspect. One participant noted that any qualification must be vague enough so all parties can interpret the term to their liking. Not surprisingly, some say qualification could provide a loophole to fulfilling obligations.

The degree of progress toward resolution of this issue will reveal the willingness of delegations to respond to Jamaica's challenge to write history by setting their sights on what some saw as the impossible: achieving the ultimate elimination of POPs. Recalling a lesson that his daughter had been recently taught at school, the Jamaican delegate stated that "the little girl who says I can't, gets the bottom spot." It remains to be seen whether JUSCANZ will choose to say "I can."

### **IS "CAN" ENOUGH?**

Throughout INC-4 it became clear that requests for commitments on control measures were met by developing country reminders that they cannot take on such obligations without solid commitment from developed countries to provide adequate and timely funds to implement the convention. Not surprisingly, developing and developed countries' positions in the debate on a financial mechanism were polarized, with developing countries clamoring for an independent financial mechanism, ideally similar to that of the Montreal Protocol Multilateral Fund, while developed countries emphasized the use of existing mechanisms. The EU suggested funds through the GEF, and Canada proposed the Capacity Assistance Network (CAN), a brokering mechanism, while the US preferred a hybrid. The G-77/China expressed frustration at the lack of "meat" in the proposals, and voiced distrust that the GEF could adequately meet the needs of developing countries. As one participant noted, these proposals were only "assurances" that funds "can" be met, but not concrete commitments, leaving developing countries saying "can" is not enough.

Delegates are cognizant of the fact that past baggage surrounding the topic of finance necessitates a measured and cautious approach. For example, one delegate's request to add text referring to parties other than developed country parties providing assistance in accordance with their capacity, is reminiscent of the negotiation of the

Convention to Combat Desertification where this language delayed and almost prevented the treaty's adoption. While delegates are far from agreement, many characterized the debate on the financial mechanism as a step forward, with delegations airing the intentions behind their proposals and identifying the gaps that need to be bridged. There is general confidence that the issue will be resolved at INC-5, and the provision for intersessional work on the topic should provide a way forward. Many observers feel that the Canadian-proposed CAN could provide a useful step forward. The concept generated strong support, with several developing countries expressing interest in the possibility of the CAN augmenting an independent fund.

### **IN A DARK ROOM WITHOUT A LIGHT?**

One of the stated objectives of INC-4 was to end the week with a complete, and relatively clean, negotiating text. If this was the sole criterion for evaluating the success of the negotiations, then delegates may have cause to feel disappointed. While useful progress was made on the text of a number of articles – such as those on national implementation plans, information exchange, public information and awareness, and research and development – there was insufficient opportunity to discuss other key articles, including the preamble, objectives and definitions. Trade is another issue that will certainly be brought to the foreground given the precursor of the EU's introduction of the concept of trade with non-parties.

Of greater concern though, was the failure to fully realize the opportunity to achieve closure on certain issues, including the prohibition of new POPs. In the words of one observer: "if the bath is overflowing, the first step is to turn off the tap." This concern was not shared by others, one of whom suggested that there is "little out there beyond the dirty dozen."

Despite securing broad agreement on the criteria set out by the CEG for identifying new POPs, discord persists on the criteria for persistence in water and for bioaccumulation of aquatic species. The divide is quite clear, with the EU and developing countries generally supporting lower thresholds for action, and JUSCANZ higher.

This division between the negotiating blocs was similarly reflected in discussions on the Precautionary Principle. Seemingly determined to ignore the euphoria with the recent completed Biosafety Protocol in Montreal, where the Precautionary Principle is in the text, JUSCANZ and the Russian Federation were again in the minority in advocating removal of reference to the Precautionary Principle, deferring instead to the precedent set by the Rotterdam Convention, where it is included in the preamble. This issue will come to the fore in the debate on applying scientific criteria for new substances at INC-5. The antipathy of some delegations to applying this "vague and ambiguous" principle is reflected in the words of the Russian delegate: "if we are to include the Precautionary Principle in the text, then we will find ourselves in a dark room without a light."

### **"THE FUTURE IS IN YOUR HANDS"**

During the course of the week's deliberations, delegates were reminded by NGO representatives, on more than one occasion, that "the future is in your hands." Assessing the extent to which INC-4 took advantage of its opportunity to write history, delegates may well award themselves a mixed scorecard.

While some observers may feel that INC-4 was defined by insufficient clearance of the drafting text, and as a missed opportunity to resolve controversial issues, there was broad agreement that a number of useful conceptual advances had been attained. Many delegates felt that the depth of discussion has improved, that negotiation stances are more clearly defined, and that the door for compromise is now ajar.



Expectations are high that progress can be made during the intersessional discussions, particularly with regard to resolving issues on financial resources.

There is no doubt that the challenges ahead are daunting, and, as is the case in negotiations, the most challenging issues to resolve are the ones left to the final hour as countries put their cards on the table. It remains to be seen whether the potential obstacles will be effectively overcome at the INC-5 negotiations in Johannesburg or if the thorniest political issues will be left for the Diplomatic Conference. Some even suggest there may be an INC-6 back to back with the Diplomatic Conference in May 2001. If the venue of this week's meeting symbolized transparency, a sense of history, and the provision of light for the task ahead, then the location of INC-5 bodes well. Where else can one find the spirit of compromise and persistence that is necessary for the successful resolution of separate positions than in South Africa?

## THINGS TO LOOK FOR BEFORE INC-5

**UNEP WORKSHOP ON INVENTORY OF STOCKPILES OF OBSOLETE PESTICIDES:** This workshop will be held from 29-31 March 2000, in Voronezh, Russia. For more information, contact: UNEP Chemicals (IRPTC); tel: +41 (22) 979-9111; fax: +41 (22) 797-3460; e-mail: Murray Newton at [mnewton@unep.ch](mailto:mnewton@unep.ch) or Heidi Fiedler at [hfiedler@unep.ch](mailto:hfiedler@unep.ch); Internet: <http://irptc.unep.ch/pops>

**UNEP WORKSHOPS ON MANAGEMENT OF DIOXINS/FURANS, PCBs:** Workshops will be held in: Yaounde, Cameroon, from 17-21 April 2000; Dubrovnik, Croatia, from 22-26 May 2000 (tentative); 12-15 June 2000 in Seoul, Republic of Korea; 24-28 June 2000 in Iran; Montevideo or Punta del Este, Uruguay, from 18-22 September 2000; and Arusha, Tanzania, from 9-13 October. For more information, contact: UNEP Chemicals (IRPTC); tel: +41 (22) 979-9111; fax: +41 (22) 797-3460; e-mail: Murray Newton at [mnewton@unep.ch](mailto:mnewton@unep.ch) or Heidi Fiedler at [hfiedler@unep.ch](mailto:hfiedler@unep.ch); Internet: <http://irptc.unep.ch/pops>

**EIGHTH SESSION OF THE COMMISSION ON SUSTAINABLE DEVELOPMENT:** CSD-8 will meet in New York from 24 April - 5 May 2000, to consider integrated planning and management of land resources, agriculture, and financial resources/trade and investment/economic growth. For more information, contact: Andrey Vasilyev, Division for Sustainable Development; tel: +1-212-963-5949; fax: +1-212-963-4260; e-mail: [vasilyev@un.org](mailto:vasilyev@un.org); Internet: [http://www.un.org/esa/sustdev/csd8/csd8\\_2000.htm](http://www.un.org/esa/sustdev/csd8/csd8_2000.htm)

**UNEP WORKSHOP ON NATIONAL CHEMICAL LEGISLATION FOR CIS COUNTRIES:** This workshop is tentatively scheduled for 22-25 May 2000, in Novgorod, Russia. For more information, contact: UNEP Chemicals (IRPTC); tel: +41 (22) 979-9111; fax: +41 (22) 797-3460; e-mail: Murray Newton at [mnewton@unep.ch](mailto:mnewton@unep.ch) or Heidi Fiedler at [hfiedler@unep.ch](mailto:hfiedler@unep.ch); Internet: <http://irptc.unep.ch/pops>

**THE FIFTH CONSULTATION ON THE PREVENTION AND DISPOSAL OF OBSOLETE AND UNWANTED STOCKS OF PESTICIDES:** This meeting is scheduled for May 2000, in Rome, to consider new provisions for the prevention and disposal of obsolete stocks and to update/prepare various technical guidelines in support of the FAO Code of Conduct. For information, contact: Ale Wodageneh, FAO; tel: +39 (6) 5705 5192; fax: +39 (6) 5705 6347; e-mail: [A.Wodageneh@fao.org](mailto:A.Wodageneh@fao.org); Internet: <http://www.fao.org/ag/agp/agpp/pesticide/Disposal/default.htm>

**FAO GROUP ON REGISTRATION REQUIREMENTS:** The 16th session of the FAO Group on Registration Requirements will be held from 22-29 May 2000, in Grenada, Spain, and will prepare FAO Specifications under the new procedure for a range of individual pesticides. The 17th session will be held from 26-30 June 2000, in Rome, and will consult on the progress of the revision of the International Code of Conduct on the Distribution and Use of Pesticides and prepare recommendations on procedures for the preparation and revision of guidelines and for the revision of the Code. For information, contact: Gero Vaagt, FAO; tel: +39 (6) 5705 5757; fax: +39 (6) 5705 6347; e-mail: [Gero.Vaagt@fao.org](mailto:Gero.Vaagt@fao.org); Internet: <http://www.fao.org/ag/agp/agpp/pesticide/default.htm>

**UNEP REGIONAL WORKSHOP ON ALTERNATIVES TO POPS PESTICIDES:** This workshop is tentatively scheduled for 4-7 July 2000, in St. Petersburg, Russia. For more information, contact: UNEP Chemicals (IRPTC); tel: +41 (22) 979-9111; fax: +41 (22) 797-3460; e-mail: Murray Newton at [mnewton@unep.ch](mailto:mnewton@unep.ch) or Heidi Fiedler at [hfiedler@unep.ch](mailto:hfiedler@unep.ch); Internet: <http://irptc.unep.ch/pops>

**25TH SESSION OF THE JOINT MEETING ON PESTICIDES RESIDUES:** The 25th Joint Meeting of the FAO Panel of Experts on Pesticides Residues in Food and the Environment and the WHO Expert Group on Pesticides Residues will be held from 11-29 September 2000, in Geneva. For information, contact: Amelia Tejada, FAO; tel: +39 (6) 5705 4010; fax: +39 (6) 5705 6347; e-mail: [Amelia.Tejada@fao.org](mailto:Amelia.Tejada@fao.org); Internet: <http://www.fao.org/ag/agp/agpp/pesticide/default.htm>

**GOVERNMENT CONSULTATION ON THE REVISION OF THE FAO CODE OF CONDUCT:** This consultation is tentatively scheduled for 2-6 October 2000, in Rome and will consider the draft revised FAO Code of Conduct on Distribution and Use of Pesticides. For more information, contact: Niek Van der Graaf, FAO; tel: +39 (6) 5705 3441; fax: +39 (6) 5705 6347; e-mail: [Niek.VanderGraaf@fao.org](mailto:Niek.VanderGraaf@fao.org); Internet: [http://www.fao.org/ag/agp/agpp/pesticide/Code/PM\\_Code.htm](http://www.fao.org/ag/agp/agpp/pesticide/Code/PM_Code.htm)

**THIRD MEETING OF THE INTERNATIONAL FORUM ON CHEMICAL SAFETY:** The Third Meeting of the International Forum on Chemical Safety will be held from 14-20 October 2000, in Salvador (Balina), Brazil. For more information, contact: Executive Secretary, Intergovernmental Forum on Chemical Safety; tel: +41 (22) 791 3650/4333; fax: +41 (22) 791 4875; e-mail: [ifcs@who.ch](mailto:ifcs@who.ch); Internet: <http://www.ifcs.ch>

**SEVENTH PIC INC MEETING:** The seventh session of the PIC INC will be held from 30 October - 3 November 2000, in Geneva to prepare the Conference of the Parties to the Rotterdam Convention. For more information, contact: Niek Van der Graaf, FAO; tel: +39 (6) 5705 3441; fax: +39 (6) 5705 6347; e-mail: [Niek.VanderGraaf@fao.org](mailto:Niek.VanderGraaf@fao.org); Internet: <http://www.pic.int/>

**PERSISTANT ORGANIC POLLUTANTS INC-5:** The fifth session of the Intergovernmental Negotiation Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (INC-4) will take place from 4-9 December 2000, in Johannesburg, South Africa. The Conference of the Plenipotentiaries will be held in Stockholm from 21-23 May 2001. For more information, contact: UNEP Chemicals (IRPTC); tel: +41 (22) 979-9111; fax: +41 (22) 797-3460; e-mail: [dodgen@unep.ch](mailto:dodgen@unep.ch); Internet: <http://irptc.unep.ch/pops/>