



POPS INC-5 HIGHLIGHTS TUESDAY, 5 DECEMBER 2000

On the second day of INC-5, delegates met in morning, afternoon and evening Plenary sessions to consider Articles D (Measures to reduce or eliminate releases), G (Information exchange), and H (Public information, awareness and education). A Contact Group on Prohibition and Restriction convened in the evening.

PLENARY

MEASURES TO REDUCE OR ELIMINATE RELEASES (ARTICLE D): In morning and afternoon Plenary, delegates discussed prohibition of the production, use and trade of certain POPs, restrictions on production and use, exemptions, and byproducts. In the evening, a contact group met to address text related to prohibition, restriction, trade and exemptions.

Prohibition of the Production and Use of Certain POPs:

The US, EU, MALI, PHILIPPINES, CANADA and ICELAND, opposed by COLOMBIA, CHILE, IRAN, NIGERIA, VANUATU and others, proposed deleting reference to the qualifier stating that prohibition is subject to Parties' capabilities and to the availability of technical and financial assistance. IRAN, supported by PAKISTAN and MALAWI, proposed replacing "availability" with "accessibility." CHINA and KENYA supported including both. The qualifier remains bracketed, with the inclusion of reference to "accessibility," pending deliberations on the financial mechanism.

On text requiring Parties to [prohibit] [or] [take the legal, administrative and other measures necessary to eliminate] production and use, JAPAN, the US, AUSTRALIA and others proposed referring only to "legal and administrative measures." IRAN and THAILAND proposed reference only to "prohibit." ICELAND supported prohibit or take necessary measures. COLOMBIA, supported by MALAYSIA, MALAWI, SAUDI ARABIA, and others, proposed replacing "or" with "and." The RUSSIAN FEDERATION, LESOTHO and PAPUA NEW GUINEA could accept "and/or." In Plenary, delegates agreed to remove brackets leaving [and] [and/or] and [or] as options. In the evening contact group, delegates agreed that Parties shall "prohibit and/or take the legal and administrative measures."

On prohibition of imports and exports, the US, EU, PHILIPPINES, CANADA, REPUBLIC OF KOREA and others opposed including reference to this and proposed addressing the issue within a *bis* paragraph. COLOMBIA, IRAN, THAILAND, MALAWI, LEBANON and others advocated retention of import and export. NEPAL and VANUATU added "stockpiling." The references to export, import and stockpiling remain bracketed.

In the contact group, reference to "import, export" was bracketed pending discussion of the *bis* paragraph on this issue. Delegates agreed to address stockpiles under the paragraph on wastes.

Import and Export: Delegates examined two proposed *bis* options related to the requirement to ensure certain POPs are not imported or exported except for environmentally sound [destruc-

tion] [disposal]. Delegates were divided on which options to use, as well as on the terms "destruction" or "disposal." The options and the terms remain bracketed.

PANAMA, SINGAPORE, the PHILIPPINES and COLOMBIA, opposed by SAUDI ARABIA and GHANA, opposed reference to Parties ensuring certain chemicals are not placed in transit. This remains bracketed. COLOMBIA, opposed by the PHILIPPINES, supported reference to the need for prior authorization of the importing country. This remains bracketed. LEBANON proposed also requiring transit country authorization. PANAMA, THAILAND and SAUDI ARABIA proposed text referring to the disposal of POPs in accordance with the Basel Convention.

CANADA noted that a CRP on trade with non-parties would be submitted by a number of countries. COLOMBIA, supported by THE GAMBIA, expressed concern that special requirements for non-parties may serve as a disincentive to ratification.

Restriction of the Production and Use of Certain POPs: As with the paragraph regarding prohibition, many countries supported reference to technical and financial assistance. This qualifier, which includes a reference to accessibility, remains bracketed. The US proposed bracketing text limiting restrictions "to the purposes specified" in Annex B (Restriction). In the contact group, delegates agreed to amend this text, restricting production and use "in accordance with" the Annex B provisions.

Exemptions: The US proposed general exemptions relating to unintentional trace contaminants in products and articles in use. He said the US was reconsidering its earlier proposal for exemptions for closed-system intermediates and possession of end-users and would circulate a CRP on exemptions. NIGERIA, INDONESIA and SYRIA supported general exemptions for laboratory-scale research only. MALAWI requested specific exemptions for chlordane, DDT and PCBs.

INDONESIA said specific exemptions in Annex A were necessary for substances in use on the date of entry into force. KENYA, INDIA and SAUDI ARABIA requested country-specific exemptions for DDT in Annexes A and B. INDIA requested a country-specific exemption for dieldrin in Annex A. JAPAN proposed that a contact group further discuss how to deal with DDT and PCBs in the Annexes.

Following contact group discussions, it was agreed that additional time was needed to consider the US proposals. The EU proposed a separate paragraph for exemptions under Article D, rather than a separate article, but the group did not resolve this.

New Chemicals: The RUSSIAN FEDERATION said some countries do not have a linguistic equivalent to "prohibit" and that "prevention" of production of new chemicals was preferable. The EU preferred prohibiting their production, as well as import and export.

Byproducts: Regarding the chapeau, GERMANY, on behalf of the EU, NORWAY and others, said the aim should be ultimate elimination. CANADA supported qualifying ultimate elimination. COLOMBIA, the RUSSIAN FEDERATION, SOUTH AFRICA,

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BRAZIL, SAUDI ARABIA, MALAYSIA and others supported ultimate elimination where technically and economically feasible. The PHILIPPINES, THE GAMBIA, the SEYCHELLES, BANGLADESH and others opposed reference to technical and economic feasibility. The REPUBLIC OF KOREA supported elimination "where technically and financially feasible". The US said total elimination is not feasible in all situations and called for a realistic and practical formulation. THE GAMBIA, SOUTH AFRICA, CANADA and others opposed reference to "aim to" with respect to Parties taking measures.

NORWAY and the PHILIPPINES, opposed by COLOMBIA, SOUTH AFRICA, TANZANIA and others, supported reference to reducing "total" releases from sources of "each of" the chemicals.

Many countries supported reference to the availability of technical and financial assistance. BRAZIL suggested a reference to developing countries.

On applying measures for source elimination and release reduction, TRINIDAD AND TOBAGO said reference to a "realistic and meaningful level" was vague. On materials to prevent formation and release of byproducts, NIGERIA, SAUDI ARABIA, ZAMBIA, TANZANIA and others supported reference to "substitute" materials. The US opposed limiting materials to substitutes.

On best available techniques (BATs) for new sources, COLOMBIA and the EU proposed reference to best environmental practices and requiring their use. VENEZUELA, the RUSSIAN FEDERATION, the CONGO and others said BATs should be promoted. NORWAY, the PHILIPPINES, NIGERIA, CANADA, BANGLADESH, the US and others supported that BATs be required. NORWAY suggested that BATs be defined and the REPUBLIC OF KOREA offered a definition to be included in Article C (Definitions). NORWAY called for defining major sources and BAT guidelines in the convention. The PHILIPPINES supported reference to BATs "and/or other prevention strategies." On BATs for existing sources, CHILE supported reference to other prevention strategies and deleting reference to feasibility, cost and timing.

VENEZUELA, JAPAN, BRAZIL, CANADA, SAUDI ARABIA, the CONGO, BANGLADESH, the EU and others supported the subparagraph on action plans. COLOMBIA said it duplicated Article E (National action plans). The REPUBLIC OF KOREA proposed two years after entry into force for development and implementation. VENEZUELA proposed three years.

Regarding Annex C, the REPUBLIC OF KOREA said the list of major source categories was too specific. The EU submitted a proposal for Annex C. PAKISTAN highlighted the importance of controlling point sources such as incinerators.

A representative of the INDIGENOUS ENVIRONMENTAL NETWORK stated that dioxin discharges from pulp and paper mills have led to health problems in her community, and called for elimination of these substances. A representative of PORT GRAHAM TRADITIONAL VILLAGE COUNCIL noted efforts to ensure the future of their children, culture and traditional resources. On behalf of Greenpeace International, a representative from MOSSVILLE ENVIRONMENT ACTION NOW urged the US government to play a positive role in signing a treaty that will eliminate dioxins.

A contact group, Co-Chaired by Reiner Arndt (Germany) and William Waissmann (Brazil), was established to consider byproducts and Annex C.

INFORMATION EXCHANGE (ARTICLE G): In the chapeau, delegates debated whether each Party should facilitate or undertake exchange of information and whether this should be in a transparent and non-discriminatory manner or in a manner consistent with the Party's laws, regulations and practices. JAPAN, the PHILIPPINES and others supported facilitate. The REPUBLIC OF KOREA, IRAN and others supported undertake. The CZECH REPUBLIC, BANGLADESH, NORWAY, IRAN, PAKISTAN and others supported transparent and non-discriminatory manner. SAUDI ARABIA, ARGENTINA and others preferred in a manner consistent with laws. A number of delegations supported retaining both sets of alternatives. SWITZERLAND, supported by many delegations, proposed deleting the alternatives on manner of information exchange and requiring each party to "facilitate and under-

take." The US said "undertake" was only acceptable if "manner consistent with laws" was retained. He suggested each Party shall facilitate. BRAZIL preferred that each Party shall in accordance with its laws undertake information exchange in a transparent and non-discriminatory manner. Opposing, IRAN preferred "undertake to facilitate." Chair Buccini suggested and delegates agreed that each Party shall facilitate or undertake information exchange.

COLOMBIA, supported by BRAZIL and URUGUAY, called for deletion of text on protecting confidential information. A number of delegations opposed and the text remains bracketed. Regarding information designated non-confidential, the RUSSIAN FEDERATION questioned the meaning of human and environmental health and "safety" information, and suggested removal of the word. The Secretariat suggested, and THE GAMBIA and INDONESIA supported, text referring to information relevant to the health and safety of humans and the environment. The US opposed. The Secretariat proposed "information on," and the text was agreed. A representative of NATIONAL TOXICS NETWORK said the success of a POPs convention is based on the free exchange of information.

PUBLIC INFORMATION, AWARENESS AND EDUCATION (ARTICLE H): On ensuring public access to information, the US, with COLOMBIA, JAPAN and the RUSSIAN FEDERATION, supported text on accordance with national laws and regulations. The EU and THE GAMBIA proposed deleting this text. The US, with COLOMBIA, JAPAN and the RUSSIAN FEDERATION, supported text stating each party shall "encourage" industry and professional users to promote the provision of information. The EU and THE GAMBIA supported "ensure." On public participation, COLOMBIA suggested text referring to input at the national and international levels. The US introduced, and THE GAMBIA and JAPAN supported, new text on pollutant release and transfer registers.

STATEMENT BY THE G-77/CHINA ON FINANCIAL RESOURCES AND MECHANISMS

NIGERIA, on behalf of the G-77/CHINA, said their preliminary reaction to Monday's submission on Article K (UNEP/POPS/INC.5/CRP.2) was that it was unacceptable because it does not take account of the concerns raised by the Group at previous INCs, nor does it place obligations on developed countries similar to those found in other agreements such as the Convention on Biological Diversity (CBD). She highlighted provisions in the CBD: developed countries shall provide new and additional financial resources for full incremental costs; developing countries' effective implementation of their commitments depends on effective developed country implementation of financial commitments; and there is a mechanism for providing financial resources on a grant or concessional basis. Chair Buccini noted that the relevant articles of the CBD could be made available by the Secretariat.

IN THE CORRIDORS

The corridor mood picked up Tuesday as delegates welcomed signs of a possible break in the financial mechanism impasse and movement toward agreement on a GEF-based mechanism, notwithstanding the strong G-77/China Plenary statement suggesting the contrary. In spite of the buoyancy, a number of voices emphasized that further GEF assurances and stronger language were a precondition to resolution. It was also hinted that a small, informal negotiating group might be required to help reach final agreement.

THINGS TO LOOK FOR TODAY

PLENARY: Delegates will reconvene in Plenary at 10:00 am in Ballroom 1 to hear an update on the work of the Contact Group on Prohibition and Restriction and to discuss Articles H (Public information, awareness and education) and I (Research, development and monitoring).

CONTACT GROUPS: The Contact Group on Prohibition and Restriction will meet at 10:30 am in Committee Room 4 to continue deliberations. The Contact Group on Byproducts is expected to meet in the afternoon.