



POPS INC-6 HIGHLIGHTS: TUESDAY, 18 JUNE 2002

On the second day of INC-6, delegates met in morning and afternoon Plenary sessions and in the evening in two contact groups. In the morning, delegates addressed implementation plans and commenced discussions on technical assistance. In the afternoon, delegates completed deliberations on technical assistance. In the evening, contact groups met briefly to discuss the POPs Review Committee, as well as best available techniques (BAT) and best environmental practices (BEP).

PLENARY

PREPARATION FOR THE CONFERENCE OF THE PARTIES: Implementation Plans: The Secretariat presented a note (UNEP/POPS/INC.6/20/Rev.1) that recommends considering a process to develop guidance to the COP on reviewing and updating national implementation plans (NIPs) and interim guidance to assist countries in preparation of NIPs. He suggested using a guidance document prepared by UNEP and the World Bank (UNEP/POPS/INC.6/INF/8) as the basis for such interim guidance. The Global Environment Facility (GEF) presented a report on the status of GEF funding activities for NIPs (UNEP/POPS/INC.6/INF/9), stating that the GEF is planning the revision of its interim guidelines for enabling activities.

SLOVAKIA recommended implementing the existing guidelines and NIPs prior to addressing the need for further guidance. Many delegates supported developing guidance on preparing NIPs, and recommended that guidelines be flexible and dynamic and reflect the needs of the individual countries. Spain, on behalf of the EU, supported by the US and CANADA, proposed that the Secretariat establish a process enabling countries to review the existing guidelines and provide written submissions to prepare input to INC-7. NIGERIA highlighted the insufficiency of GEF funding for NIP projects. JAPAN recommended utilizing the existing guidelines. MALAYSIA and SYRIA suggested that the guidelines encourage accession to the Convention, and SWITZERLAND welcomed using the UNEP/World Bank document as interim guidance. The US, with EGYPT, TOGO and PANAMA, recommended that this process be transparent, and said development of the guidance document was not transparent. CANADA and the BAHAMAS recommended that the process draw upon experiences from other multilateral environmental agreements (MEAs). CANADA stressed the need to involve non-governmental stakeholders and ensure that NIPs use resources efficiently. EGYPT recommended prioritizing financial and technical assistance in enabling activities. TOGO and PANAMA stressed the importance of working at the regional level. INDIA requested GEF funding and inquired whether activities that have to be imple-

mented prior to developing NIPs are eligible for GEF funding. AUSTRALIA recommended that the GEF incorporate the INC's recommendations while revising and updating its guidelines on ongoing activities.

The delegates agreed to mandate the Secretariat to establish a procedure to provide input to INC-7 regarding guidance on preparing, reviewing and updating NIPs, and to invite countries to provide written submissions by 31 October 2002.

Technical Assistance: Technical assistance was discussed as two separate items: technical assistance; and the capacity assistance network (CAN). The Secretariat introduced a note on technical assistance (UNEP/POPS/INC.6/16) that recommends, *inter alia*, that INC-6 consider establishing a process for developing guidance on technical assistance, and request the Secretariat to: undertake, in consultation with the Basel Convention Secretariat, a feasibility study on the establishment of regional and subregional centers for capacity building and technology transfer; and develop and conduct a pilot initiative on regional and subregional centers for the purpose of facilitating technical assistance.

The US, with NEW ZEALAND, recommended that guidance for technical assistance be developed only once developing countries have submitted their NIPs. CANADA, supported by INDONESIA, proposed that countries submit to the Secretariat their priorities for technical assistance, and that the Secretariat prepare a proposal on this subject.

Regarding the feasibility study, Panama, on behalf of GRULAC: with SAMOA, the REPUBLIC OF KOREA and SLOVAKIA, emphasized the importance of regional and subregional centers; with BANGLADESH, IRAN, MALAYSIA, SWITZERLAND, THAILAND and YEMEN, supported the feasibility study; and with the EU, CÔTE D'IVOIRE and NORWAY, favored promoting synergies between the chemical conventions as the best way to consolidate technical assistance. The US, with CHINA, NEW ZEALAND and the REPUBLIC OF KOREA, said the focus of a feasibility study should not be limited to the Basel Convention Regional Centers.

COLOMBIA, with CÔTE D'IVOIRE and BANGLADESH, emphasized that if existing centers were to be used, they should be strengthened. COLOMBIA and CHILE stressed that, although regional centers are important, other creative approaches are necessary. BAHRAIN and CHINA cautioned against using the Basel Convention Regional Centers, citing significant differences between the two Conventions. SAUDI ARABIA and EGYPT noted that cooperation with the Basel Convention Regional Centers may be appropriate for some regions, but not for all. SYRIA proposed establishing new regional centers.

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Andrew Baldwin <andrew@iisd.org>, Tamilla Held <tamilla@iisd.org>, Wendy Jackson <wendy@iisd.org>, Pia Kohler <pkohler@mit.edu>, Fiona Koza <fiona@iisd.org> and Leila Mead <leila@iisd.org>. The Digital Editor is Andrei Henry <andrei@iisd.org>. The Editor is Pamela S. Chasek, Ph.D. <pam@iisd.org> and the Director of IISD Reporting Services is Langston James "Kimo" Goree VI <kimo@iisd.org>. The Operations Manager is Marcela Rojo <marcela@iisd.org> and the On-Line Assistant is Diego Noguera <diego@iisd.org>. The Sustaining Donors of the *Bulletin* are The Netherlands Ministry of Foreign Affairs, the Government of Canada (through CIDA), the United States (through USAID), the Swiss Agency for Environment, Forests and Landscape (SAEFL), the United Kingdom (through the Department for International Development - DFID), the European Commission (DG-ENV), the Danish Ministry of Foreign Affairs, and the Government of Germany (through German Federal Ministry of Environment - BMU, and the German Federal Ministry of Development Cooperation - BMZ). General Support for the *Bulletin* during 2002 is provided by the Ministries of Foreign Affairs and Environment of Finland, the Government of Australia, the Ministry of Environment and the Ministry of Foreign Affairs of Sweden, the Ministry of Foreign Affairs and Trade of New Zealand, the Ministries of Foreign Affairs and Environment of Norway, Swan International, and the Japanese Ministry of Environment (through the Institute for Global Environmental Strategies - IGES). 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 Director of IISD Reporting Services. 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>. Satellite image provided by The Living Earth, Inc. ©2002 <http://livingearth.com>. For information on the *Earth Negotiations Bulletin* or to arrange coverage of a meeting, conference or workshop, send e-mail to the Director, IISD Reporting Services at <kimo@iisd.org> or call to +1-212-644-0217.



CHILE said the feasibility study needs terms of reference. Chair Buccini noted that UNEP's International Environmental Governance process encourages clustering and synergies between the chemicals conventions and stressed that the creation of new centers would entail extra costs.

Regarding the development of a pilot initiative, the US, with the BAHAMAS and NEW ZEALAND, recommended it not be conducted until after the completion of the feasibility study. URUGUAY stated that a pilot initiative could contribute to the feasibility study, and ARGENTINA expressed interest in carrying out a pilot initiative at its Regional Center in Buenos Aires. CANADA called for elaborating the relationship between the feasibility study and the pilot initiative, while NORWAY suggested that both could be funded under the GEF. The Secretariat explained that a pilot initiative would: be limited in scope; require consent of the Basel Convention COP; and be subject to extrabudgetary constraints.

The G-77/CHINA reiterated the Rio principle on common but differentiated responsibilities, suggested the Secretariat prepare a document on an institutional mechanism directed at technology transfer, and supported simultaneous promotion of the feasibility study and the pilot initiative. Chair Buccini invited the Secretariat to draft a document synthesizing the various interventions as a possible decision to be taken by INC-6.

Introducing their concept proposal on a CAN (UNEP/POPS/INC.6/19), the Secretariat explained that the proposal is based on institutional elements in the Stockholm Convention, and that national focal points, regional/subregional centers, and the Secretariat would be networked. ZAMBIA, with EGYPT and INDIA, expressed concern that the concept proposal departs from the original idea of a CAN, which was to help developing countries access assistance. URUGUAY supported the Secretariat as the hub of the network. CANADA, with the EU, JAMAICA, NIUE, SAINT LUCIA, SENEGAL and the US, suggested expanding the feasibility study in order to inform thinking on any CAN mechanism. She also suggested involving intergovernmental organizations, international financial institutions, the private sector and NGOs in contributing to countries' implementation capacity. ALGERIA emphasized that regional centers have to take into account differences among regions.

In response, the Secretariat outlined its considerations when drafting the concept proposal, such as avoiding duplications and including developed and developing countries. Chair Buccini added that regional centers and national focal points are mandated under the Convention, and asked if the possible interaction between them is a workable model for the CAN. The REPUBLIC OF KOREA said the concept proposal is only one modality for implementing technical assistance. The EU suggested delineating terms of reference for the feasibility study, and Buccini responded that this would be included in the draft document on a possible decision to be taken by the INC.

CONTACT GROUPS

In the afternoon Plenary, Chair Buccini proposed, and INC-6 supported, establishing contact groups on the POPs Review Committee (POPRC) and on BAT/BEP. Regarding the mandate of the POPRC contact group, the Secretariat proposed that it consider existing rules of procedure for committees with similar mandates (UNEP/POPS/INC.6/INF/4): the Rotterdam Convention Interim Chemical Review Committee (ICRC); the POPs Criteria Expert Group; and the Basel Convention Technical Working Group. The US said that the Montreal Protocol's Technology and Economic Assessment Panel could also be considered. GERMANY suggested that the procedure for nominating experts to the POPRC

resemble that of the ICRC. INC-6 agreed that the POPRC contact group will discuss the POPRC's terms of reference, operational guidelines and rules of procedure.

Regarding the proposed BAT/BEP contact group, CHILE, supported by the PHILIPPINES and NIGERIA, encouraged all developing countries and countries with economies in transition to participate. The US urged timely establishment of the BAT/BEP group's terms of reference, and ARGENTINA emphasized the need for a strong terms of reference, indicating that a subsidiary group might not be necessary. Noting that NIPs should include measures to reduce or eliminate the unintentional release of POPs using BAT/BEP, the EU offered its experience in BAT/BEP information exchange.

In the evening, a contact group, co-chaired by The Gambia and Germany, met to discuss the POPRC. The group decided upon a list of issues that need to be addressed, including: the Committee's composition, tasks and workplan; the role of observers and invited experts; rules and procedures concerning subsidiary bodies; frequency of meetings; transparency of procedures; recommendations and reports to the COP; budgeting; and support for participants from developing countries.

The contact group on BAT/BEP was co-chaired by Chile and the US. Submissions by the EU, the US, and Thailand and Germany (UNEP/POPS/INC.6/CRP.6, CRP.7 and CRP.1, respectively) were introduced. The Co-Chairs reiterated that the contact group's mandate is to discuss the terms of reference and modalities of a subsidiary body, such as an expert group, and to develop provisional guidance on BAT/BEP for consideration by the COP. A delegate and an NGO representative stressed the need for easily implementable guidelines. Delegates discussed whether guidelines should be developed by the Secretariat or the expert group. Many recommended that an expert group be manageable and effective, ensure representation of experts from all regions, and provide information to all interested parties. Some also recommended involving non-governmental stakeholders and industry experts in the process of developing guidelines, noting that the process itself can be a capacity-building exercise. The Chair stressed the need to take into account budget constraints while considering the size and terms of reference of the group.

IN THE CORRIDORS

Several delegates expressed concern with interventions on technical assistance, particularly those relating to common but differentiated responsibilities, which have elicited flashbacks to the WSSD PrepCom IV in Bali, where this issue was among the deal-breakers for the conference's negotiated outcome.

However, a financial contribution made by the Inuit Circumpolar Conference – an active and influential NGO during the Convention's negotiation – to the POPs process symbolized continuing faith in the Convention and its implementation. In addition, concerns about finding a suitable replacement for Patrick Szell, former Chair of the Legal Drafting Group, were allayed with the announcement that Anne Daniel (Canada) would be his successor.

THINGS TO LOOK FOR TODAY

PLENARY: Plenary will meet from 10:00 am – 1:00 pm and from 3:00 – 6:00 pm in the Plenary Hall to address: Articles 3 and 4 (Measures to reduce or eliminate releases from intentional production and use and register of specific exemptions); Articles 13 and 14 (Financial resources and mechanisms, and the interim financial mechanism); and Articles 17-19 (Non-compliance, settlement of disputes, and the Conference of the Parties).

CONTACT GROUPS: The contact group on POPRC will meet at 9:30 am in Room 15. The contact group on BAT/BEP will meet at 9:30 am in Room C of the Varembe Building.