



POPS INC-6 HIGHLIGHTS: WEDNESDAY, 19 JUNE 2002

On the third day of INC-6, delegates met in morning and afternoon Plenary sessions and in two contact groups. In the morning Plenary, delegates discussed: preparations for the Conference of the Parties (COP), including settlement of disputes, non-compliance and rules of procedure. In the afternoon Plenary, delegates completed discussions on non-compliance and commenced deliberations on financial resources and mechanisms. The two contact groups met in morning and afternoon sessions and addressed best available techniques (BAT) and best environmental practices (BEP) and the terms of reference for the POPs Review Committee (POPRC).

PLENARY

PREPARATION FOR THE CONFERENCE OF THE PARTIES: Settlement of Disputes: Introducing the issue, the Secretariat noted that INC-6 may wish to consider its proposed rules of arbitration and conciliation as contained in UNEP/POPS/INC.6/18. JAPAN said the Legal Drafting Group (LDG) should take note of existing precedents established by the International Court of Justice. The PHILIPPINES noted that Article 13 of the draft rules on arbitration does not contain references to warnings and/or time extensions. Chair Buccini said that the draft rules will be further addressed in the LDG.

Rules of Procedure for the Conference of the Parties: The Secretariat introduced draft rules of procedure of the COP and subsidiary bodies (UNEP/POPS/INC.6/14). Egypt, on behalf of the G-77/CHINA, proposed deletion of text stating, "the COP may, after each vote on a proposal, decide whether to vote on the next proposal" in a rule on voting. On observers to the COP, he proposed that notification of observers be made available at least 60 days prior to the COP. The EU said it wished to follow the Rotterdam Convention draft rules of procedure. Regarding the rule on voting, the US indicated it was considering three potential decision-making models and had produced a paper, to be made available to INC-6, on all references to decision making found in the Stockholm Convention. The BAHAMAS responded that several other decision-making models could be relevant, and the PHILIPPINES said that the rule on voting should include a reference to time. ALGERIA recommended that rules of procedure facilitate implementation. BRAZIL asked that the rule on voting be bracketed. Chair Buccini said that specific rules of procedure in question will not be bracketed and all rule-specific comments made in Plenary will be addressed by the LDG, and reassured INC-6 that any policy issues arising in the LDG will be brought back to Plenary for further discussion.

Introducing the draft financial rules for the COP (UNEP/POPS/INC.6/15), the Secretariat explained that: they were based on financial rules of existing environmental agreements; they would be applied in conjunction with UN financial rules; and funding would be based on the UN scale of assessments. BRAZIL and the PHILIPPINES opposed using the UN scale of assessments for international conventions. NEW ZEALAND inquired about re-investing contributions not immediately required, and about the UNEP Executive Director's authority over the funds. CHINA asked for more information about how contributions are made to other conventions. The US questioned importing rules directly from the Rotterdam Convention, and the BAHAMAS advised looking at more conventions to "get the best of the UN system." The Secretariat responded that many treaties grant the UNEP Executive Director authority over funds, although some funds are controlled by the UN Secretary-General, and that it would investigate country contributions to and the financial rules of other conventions.

Non-compliance: The Secretariat introduced the document on non-compliance (UNEP/POPS/INC.6/17), which focuses on elements to be included in the non-compliance mechanism and the process of developing such a mechanism in the interim period.

Many countries favored an early start to work on the mechanism, with CANADA suggesting that work be initiated at INC-6, NORWAY proposing that a draft mechanism be submitted to INC-7, and JAPAN supporting intersessional work. Highlighting its paper on compliance (UNEP/POPS/INC.6/CRP.2), the EU, with ALGERIA and SWITZERLAND, supported adopting a mechanism at COP-1. Some delegations, including AUSTRALIA and the US, stated that other tasks should be prioritized.

CANADA suggested that: the Secretariat draft a model non-compliance mechanism for March 2003, based on written comments by states; a compliance committee be established; and there should be no link between the non-compliance mechanism and liability. Many delegations, including ALGERIA, AUSTRALIA, CANADA, the EU and NEW ZEALAND, preferred a mechanism that is non-confrontational and facilitative. Most delegations agreed that the issue should not go to the LDG, since non-compliance is, at the current stage, a policy issue.

The G-77/CHINA proposed that countries provide submissions on the Secretariat's paper by March 2003, and that the Secretariat prepare a document for INC-7. Colombia, on behalf of GRULAC, supported the G-77/China's proposal. CHILE recommended that: such a document incorporate both original country submissions and their summary; adequate time for preparatory work be allowed; and, with the PHILIPPINES, that other multilateral environmental agreement non-compliance mechanisms be

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analyzed. CUBA stressed the principle of sovereignty. The PHILIPPINES underscored the difficulties in collecting information on and defining non-compliance, and encouraged addressing developing country concerns. POLAND recommended that a non-compliance committee be dynamic and effective, and that the non-compliance mechanism be strict.

The US, with AUSTRALIA, recommended that the Secretariat compile and categorize submissions and information on regimes, but not provide much analysis or commentary. COLOMBIA, with EGYPT, NORWAY and PANAMA said analysis and commentary are useful. AUSTRALIA noted a summary of existing compliance regimes prepared for the Rotterdam Convention, and stressed the need to consider work on non-compliance in relation to resources and other tasks of the Secretariat. CHILE suggested that the Secretariat consider a document on non-compliance mechanisms prepared for the World Trade Organization.

Chair Buccini recommended that submissions be provided by 31 December 2002 in electronic form. The delegates mandated the Secretariat to: collect submissions for the Secretariat's document relating to non-compliance, as well as information on other regimes; and provide to INC-7 a document containing both original information and a non-judgemental summary and analysis.

The Secretariat then introduced documents relating to financial resources and mechanisms and interim financial arrangements (UNEP/POPS/INC.6/12 and INC.6/13). Avani Vaish, GEF, gave a presentation on global conventions and the GEF, noting two newly proposed focal areas: land degradation and POPs. He stressed that the GEF is country driven and assists developing countries and countries with economies in transition in implementing the Convention. He called attention to a Memorandum of Understanding (MOU) between the COP and the GEF. Laurent Granier, GEF, reviewed its report to the INC (UNEP/POPS/INC.6/INF/9) and stressed that draft elements for an operational programme should be revised before being tabled. NEW ZEALAND, the EU and the US said the INC should consider asking the Secretariat to prepare a draft MOU for INC-7.

The US, supported by AUSTRALIA, suggested that countries send suggestions on elements they would like to see in the draft MOU. NORWAY said guidance should center on enabling developing countries to ratify and implement the Convention, and address programme and policy issues. AUSTRALIA said input from the Secretariat and previous GEF experiences should be included. JAPAN supported preparation of draft guidelines for INC-7. CANADA stressed that this would provide initial guidance, and that further guidance could be developed in the future. VENEZUELA asked about other sources of financing for the long term.

Vaish explained that as with two other conventions - the Convention on Biological Diversity and the Framework Convention on Climate Change - the GEF and the secretariats drafted an MOU together. He described the content of the MOU and stressed that it is not guidance for the financial mechanism. The Secretariat reiterated that COP-1 has to give guidance to the GEF and take a decision on the final form of the financial mechanism, and that at COP-2 the mechanism's performance will be evaluated.

CANADA supported the suggestion that the Stockholm Convention Secretariat and the GEF jointly draft an MOU, and highlighted the review mechanism, stressing that the COP shall review the financial mechanism. ARGENTINA commended the role of the GEF in the POPs process. AUSTRALIA suggested appraising operational guidelines in the interim period. NORWAY recommended that guidance be developed under the same process as the MOU, and incorporate country inputs. The Secretariat urged providing inputs on guidance by the end of November 2002.

BELGIUM called for directions on providing the input on guidance. The delegates agreed to establish a process for developing guidance as called for in the article on financial resources and mechanisms.

CONTACT GROUPS

The contact group on POPRC, co-chaired by The Gambia and Germany, met in the morning and afternoon to discuss: tasks of the committee; selection of experts, including issues of expertise, length of term, and conflict of interest; operational guidelines, including issues of *ad hoc* and breakout groups, transparency of procedures, workplan and timelines, preparation of meetings, recommendations to the COP on its own functioning, recommendations and reports to the COP, and role of invited experts, observers and the Secretariat; rules, including the status of the Chair and Bureau, and the rules of procedure concerning subsidiary bodies; composition and size of the committee, including regional balance; frequency of meetings and working language(s); and budget, including support for developing countries and countries with economies in transition. The group will meet on Thursday morning, 19 June to finalize a report to be presented to the INC in the afternoon.

In the contact group on BAT/BEP, delegates briefly discussed expert group composition on developing guidance for BAT/BEP. The Co-Chairs, Chile and the US, presented a draft terms of reference, to which delegates proposed amendments, including a mandate to develop guidelines on BAT and provisional guidance on BEP. The scope of the terms of reference encompasses practical and general guidelines with reference to more detailed and specialized technical information to help assist country-level decision making. One delegate added language on developing an operational commentary on the feasibility and appropriateness of matters useful to Parties in implementing guidance. Delegates also discussed participation, including balanced geographic representation, funding of participants, and necessary skills.

IN THE CORRIDORS

Rumours have been circulating that an active developed country delegation is stalling the development of the POPRC terms of reference by requesting of the Secretariat further analysis on the applicability of similar chemical review processes under other Conventions, such as the Montreal Protocol's Technology and Economic Assessment Panel. Some speculate that, in doing so, this developed country is seeking to secure a procedure for nominating new chemicals more amenable to its domestic concerns. This draws attention to what some feel will surely be the true test of the Stockholm Convention: its preparedness to address nominations of new chemicals. Meanwhile, some environmental NGOs concede that INC-6 is not a crucial meeting for them. They are, however, using the opportunity to plant seeds in the minds of delegates. Of particular concern to environmental NGOs is the inclusion of alternatives assessments within BAT/BEP, while other NGOs are lobbying industry to contribute financially to the Stockholm Convention.

THINGS TO LOOK FOR TODAY

PLENARY: Plenary will convene at 10:00 am to hear reports from the contact groups and continue discussion on financial resources and mechanisms, and interim financial arrangements.

CONTACT GROUPS: The contact group on POPRC will meet in Room 15 following its report to Plenary at 10:00 am. The contact group on BAT/BEP will meet at 9:30 am in Room C of the Varembe Building.

LEGAL DRAFTING GROUP: The Legal Drafting Group will meet at 10:00 am in Room D of the Varembe Building.