



SUMMARY OF THE SEVENTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR IMPLEMENTING INTERNATIONAL ACTION ON CERTAIN PERSISTENT ORGANIC POLLUTANTS: 14-18 JULY 2003

The Seventh Session of the Intergovernmental Negotiating Committee (INC-7) for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (POPs) was held from 14-18 July 2003, in Geneva, Switzerland. Approximately 400 delegates from more than 135 countries, as well as representatives of intergovernmental and non-governmental organizations, attended the meeting.

During the week, delegates discussed a number of issues relating to, *inter alia*, preparations for the Conference of the Parties (COP), and adopted decisions on: offers to host the permanent Secretariat; technical assistance; national implementation plans (NIPs); exempted use; Party reporting; specific exemptions; DDT; interim financial arrangements; a standardized Toolkit for identification and quantification of dioxin and furan releases; measures to reduce or eliminate releases from stockpiles and wastes; effectiveness evaluation; the budget; and the financial mechanism.

The Stockholm Convention was adopted and opened for signature on 22 May 2001. The treaty calls for international action on 12 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 by-products: dioxins and furans. Governments are to promote best available techniques and environmental practices for replacing existing POPs while preventing the development of new POPs. Provision has also been made for a procedure identifying additional POPs and the criteria to be considered in doing so.

Key elements of the treaty include: the requirement that developed countries provide new and additional financial resources; control measures to eliminate production and use of intentionally produced POPs, eliminate unintentionally produced POPs, where feasible, and manage and dispose of POPs wastes in an environmentally sound manner; and substitution involving the use of safer chemicals and processes to prevent toxic by-products. Precaution

is operationalized throughout the Stockholm Convention, with specific references in the preamble, the objective and the provision on identifying new POPs.

Since the Stockholm Convention's adoption, 151 countries have signed the treaty, and 33 have ratified it. The Convention will enter into force 90 days after receipt of the 50th instrument of ratification.

A BRIEF HISTORY OF THE POPS NEGOTIATIONS

During the 1960s and 1970s, the use of certain chemicals and pesticides in industry and agriculture increased dramatically. In particular, a certain category of chemicals known as persistent organic pollutants (POPs) attracted international attention due to a growing body of scientific evidence indicating that exposure to very low doses of POPs can lead to cancer, damage to the central and peripheral nervous systems, diseases of the immune system, reproductive disorders and interference 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 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 pose to the environment worldwide, the international community called for urgent global action to reduce and eliminate their release into the environment.

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Prior to 1992, international action on chemicals primarily involved developing tools for information exchange and risk assessment, such as the FAO's International Code of Conduct for the Distribution and Use of Pesticides and UNEP's London Guidelines for the Exchange of Information on Chemicals in International Trade. 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 the 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 (GC) adopted decision 18/32 inviting the IOMC, the IFCS and the International Programme on Chemical Safety to initiate an assessment process regarding an initial list of 12 POPs. In response, the IFCS convened an *Ad Hoc* Working Group on POPs, which developed a workplan for assessing available information on the chemistry, sources, toxicity, environmental dispersion and socioeconomic impacts of the 12 POPs.

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 GC and the World Health Assembly (WHA) that immediate international action be taken. In February 1997, the UNEP GC adopted decision 19/13C endorsing the conclusions and recommendations of the IFCS. The GC 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. 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. In May 1997, the WHA endorsed the recommendations of the IFCS and requested that the World Health Organization (WHO) participate actively in negotiations of the international instrument.

INC-1: The First Session of the Intergovernmental Negotiating Committee (INC-1) was held from 29 June to 3 July 1998, in Montreal, Canada. INC-1 established the Implementation Aspects Group (IAG) to address technical and financial assistance and requested the Secretariat to prepare a document for INC-2 containing material for possible inclusion in an international legally binding instrument. INC-1 also established the Criteria Expert Group (CEG) to elaborate proposals for science-based criteria and to develop a procedure for identifying additional POPs as candidates for future international action.

INC-2: INC-2 was held from 25-29 January 1999, in Nairobi, Kenya. Discussions were largely based on the Secretariat-prepared outline of an international legally binding instrument. The INC completed preliminary discussions on: measures to reduce or eliminate releases of POPs into the environment; national implementation plans (NIPs); 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.

INC-3: INC-3 met from 6-11 September 1999, in Geneva, Switzerland, and adopted CEG proposals for a procedure establishing a review committee to apply screening criteria and to prepare a risk profile and risk management evaluation for proposed substances as a basis for further negotiation. Delegates made advances on language on measures to reduce or eliminate releases, NIPs, the listing of substances in annexes, and information exchange. In the IAG, delegates continued discussions on technical assistance and financial resources and mechanisms.

INC-4: INC-4 met from 20-25 March 2000, in Bonn, Germany. While INC-4 succeeded in drafting articles on technical assistance and financial resources and mechanisms, the text remained heavily bracketed and developed and developing country positions remained divided. Delegates devoted much time to addressing control measures and made some headway on elimination language with respect to byproducts. INC-4 also addressed and made progress on articles regarding: NIPs; listing of substances; information exchange; public information, awareness and education; and research, development and monitoring.

INC-5: INC-5 met from 4-10 December 2000, in Johannesburg, South Africa, and concluded negotiations on the Convention in the early morning hours of Saturday, 10 December. Delegates discussed issues related to: financial resources and mechanisms; measures to reduce or eliminate releases; and precaution. Informal consultations on financial issues and precaution were held throughout the final night of the conference.

CONFERENCE OF PLENIPOTENTIARIES ON THE STOCKHOLM CONVENTION: The Conference of the Plenipotentiaries convened from 22-23 May 2001, in Stockholm, Sweden. During the Diplomatic Conference, delegates adopted: the Stockholm Convention; resolutions adopted by INC-4 and INC-5, which address interim financial arrangements and issues related to the Basel Convention; resolutions forwarded by the Preparatory Meeting; and the Final Act.

INC-6: INC-6 met from 17-21 June 2002, in Geneva, Switzerland. Delegates adopted decisions on DDT and the Register of specific exemptions; the POPs Review Committee; a clearing-house mechanism; technical assistance; financial resources and mechanisms and the interim financial mechanism; regional and subregional centers for capacity building and technology transfer; effectiveness evaluation; and non-compliance. INC-6 also established an Expert Group on Best Available Techniques (BAT) and Best Environmental Practices (BEP).

INC-7 REPORT

INC Chair John Buccini (Canada) opened INC-7 on Monday morning, 14 July 2003. In his opening statement, Philippe Roch, Director of the Swiss Agency for the Environment, Forests and Landscape, highlighted the volume of outstanding work to be completed before the first meeting of the Conference of the Parties (COP-1) and underlined the importance of collaboration between UN and other bodies. Ahmed Djoghlaif, Assistant Executive Director of UNEP, delivered a message from UNEP Executive Director Klaus Töpfer, emphasizing the importance attached to POPs at the World Summit on Sustainable Development (WSSD) and the UNEP Governing Council and the desirability of the Convention's prompt entry into force.

Delegates then adopted the agenda (UNEP/POPS/INC.7/1) with minor amendments. Chair Buccini presented the organization of work (UNEP/POPS/INC.7/INF/1), highlighting the importance of the work of the Legal Drafting Group. Jim Willis, Executive



Secretary of the Stockholm Convention interim Secretariat, reported on the Secretariat's progress in completing the work requested at INC-6, noting that the Secretariat was unable to assess the feasibility of Stockholm Convention regional and subregional centers, nor conduct relevant case studies due to resource constraints.

INC-7 elected Mearle Barrett (Jamaica) as a permanent Bureau member, representing the Latin American and Caribbean Group (GRULAC), and Bayat Mokhtari (Iran) as a temporary member representing the Asia-Pacific Group for INC-7.

During the week, delegates convened in Plenary, a Budget Group, a contact group on financial mechanisms, and the Legal Drafting Group (LDG). This report follows the structure used in the Annotated Provisional Agenda (UNEP/POPS/INC.7/1/Add.1) and describes the discussions in the Plenary, contact group and Budget Group sessions throughout the week. Discussions in the LDG were closed to observers and are not included; however, reports from that group to Plenary are summarized.

REVIEW OF ONGOING INTERNATIONAL ACTIVITIES RELATING TO THE WORK OF THE CONVENTION

In Plenary on Monday morning, the Secretariat introduced the fifth edition of the master list of actions on the reduction and/or elimination of POPs releases (UNEP/POPS/INC.7/INF/15). Jim Willis, UNEP Chemicals, highlighted the GEF- and donor-supported activities of UNEP in facilitating the Convention's entry into force and implementation. The Gambia and Ghana highlighted their ratification of the Convention, while Algeria, Benin, Cameroon, Egypt, Haiti, Kenya, Malawi, Malaysia, Mali, Mongolia, Niger, Nigeria, the Philippines, Syria, the US and Venezuela noted their work toward ratification. Several delegates noted ongoing work in their countries, including the US, which highlighted its project to assist countries in gaining access to POPs information through the Internet. Nigeria noted its efforts to increase stakeholder awareness, and Cameroon outlined its work identifying alternatives to POPs.

Several countries noted the need for additional funding, including Kenya regarding its research on alternatives to control disease vectors, the Dominican Republic on its national consultations, and Côte d'Ivoire regarding NIP development. South Africa, Jamaica and China noted their national capacity-building efforts. Italy, on behalf of the EU, noted the European Commission's draft proposal on implementation of the Convention. Samoa and Mali highlighted subregional workshops on POPs.

Canada emphasized the importance of the financial mechanism, NIP guidance, effectiveness evaluation, guidelines on Best Available Techniques (BAT) and guidance on Best Environmental Practices (BEP), the POPs Review Committee (POPRC), and the compliance mechanism. Egypt requested clarification on measures to prohibit illicit trafficking and on the financial cost of replacing POPs. Togo underscored the importance of the Bamako Convention. Ghana and Algeria emphasized the need to promote synergies among the chemicals-related conventions. Mauritania stressed the need to assess the social and environmental effects of POPs. Morocco stressed the need to focus on financing and technology transfer. Senegal stressed the importance of establishing regional centers using existing frameworks. Haiti expressed interest in increasing cooperation with African francophone countries. Syria called for assistance in eliminating POPs stockpiles. The Democratic Republic of Congo noted the difficulties encountered by African countries in ratifying the Convention. Belarus noted the

problem of obsolete pesticides. Antigua and Barbuda called upon the international community to assist Small Island Developing States in strengthening their capacities to address POPs-related issues.

Several organizations, including UNIDO, UNITAR, the World Bank, FAO, UNDP and the South Pacific Regional Environmental Programme highlighted their work on capacity building and/or implementation of the Convention. The WHO underlined its work on, *inter alia*: disease vector control measures; alternatives to DDT; and monitoring pesticide use. The Global Environment Facility (GEF) outlined its Secretariat's note on GEF activities in support of the early implementation of the Convention (UNEP/POPS/INC.7/INF/11). The Basel Convention Secretariat outlined areas of cooperation between the Basel and Stockholm Convention Secretariats and UNEP Chemicals, and called for financial support for POPs-related activities. The Worldwide Fund for Nature highlighted its ratification scorecard and noted its work in the Africa Stockpile Programme. Croplife International and the Chlorine Chemistry Council noted the implementation activities of industry. The International POPs Elimination Network commended GEF and UNEP support for non-governmental organizations (NGO) involvement in the Stockholm Convention's activities.

ACTIVITIES OF THE SECRETARIAT AND REVIEW OF THE SITUATION AS REGARDS EXTRABUDGETARY FUNDS

In Plenary on Monday, Executive Secretary Willis introduced: the Secretariat's draft programme of work (PoW) and budget (UNEP/POPS/INC.7/2); the contributions to the POPs Club (UNEP/POPS/INC.7/INF/13); and UNEP's POPs Capacity Building Project (UNEP/POPS/INC.7/INF/29). Switzerland announced its contribution for the case studies on regional centers. Morocco and Uruguay appealed for financial assistance for developing country participation.

To discuss the 2003-2005 budget and the budget format report, delegates established a Budget Group, which met three times during INC-7 and was chaired by Fernando Luginis (Uruguay).

On the reporting format, the Budget Group noted the importance of budgeting as a planning tool and stressed the need for: transparency and clarity in reporting; flexibility in light of the budgetary uncertainties of the interim period; prioritization of activities; and information on total costs and revenues and the distribution of funds between non-core and core activities to enable better planning of donor contributions. Some delegates also noted the need for highlighting the priority of feasibility and case studies on regional centers.

Following the Budget Group's recommendations, the Secretariat drafted both an expenditure line-based budget report for 2003-2005 based on the Montreal Protocol and Basel Convention formats, and an activity-based budget breakdown based primarily on the format agreed at INC-6. The Budget Group considered these documents on Thursday, commending their usefulness and transparency, and agreed to prepare a draft INC-7 decision approving a line-based budget for 2003-2005.

On Friday, the Budget Group discussed the draft INC-7 decision (UNEP/POPS/INC.7/CRP.28) and proposed to add the estimation of projected contributions and a staff costs table. They also suggested, *inter alia*, stressing the need to consider the budget implications of the proposals for new activities under the Convention in order to encourage "financial discipline" and the flexibility and transparency of the Secretariat's activities.



Delegates also considered the EU's proposal to specify in the financial rules a three-fund budget structure incorporating general, special and supplementary trust funds, but recommended addressing this proposal in Plenary.

In Plenary on Friday, delegates adopted the draft decision, noting that the budget and staffing tables will need to be adjusted in light of new contributions, the INC-7 decision on the clearing-house mechanism (CHM), and Canada's proposal to delete the text on the developing and operating modalities of Capacity Assistance Network (CAN) from the list of priorities.

Final Decision: In its decision (UNEP/POPS/INC.7/CRP.28), the INC, *inter alia*:

- approves the staffing table and budget for 2003 and 2004-2005;
- urges the provision of funding necessary to fully implement the budget;
- notes that, if insufficient resources are received, the Secretariat will follow the priorities listed in the PoW and priorities contained in Annex II to the decision (budget breakdown by general costs and outputs);
- agrees that the Secretariat should have the flexibility to shift the date of COP-1 if necessary;
- requests the Secretariat to develop and present to COP-1 the cost analyses of each of the INC-7 proposals to COP-1; and
- requests the Secretariat to develop and provide a budget presentation and format model for comments by governments and consideration by COP-1. The model should, *inter alia*, provide a clear picture of total costs and revenues and appropriately report distribution of funds between general and special accounts.

The decision contains in its annexes: the programme staff and standard staff costs tables; the budget for 2004-2005; the PoW and priorities; the budget breakdown by general costs and outputs; and a table of donor contributions for POP negotiations.

PREPARATIONS FOR THE CONFERENCE OF THE PARTIES

MEASURES TO REDUCE OR ELIMINATE RELEASES FROM INTENTIONAL PRODUCTION AND USE AND REGISTER OF SPECIFIC EXEMPTIONS: DDT:

On Wednesday in Plenary, delegates discussed a possible format for reporting on DDT (UNEP/POPS/INC.7/3 and /4). South Africa, on behalf of the African Group, noted the need for clarity on, *inter alia*, training, management, compliance and monitoring. Delegates urged rapid completion of the field test of the reporting format, and agreed that Parties should provide information using the revised draft format six months prior to COP-1.

On Friday, the Secretariat presented a draft decision on the reporting format. South Africa proposed that the decision specifically invite not only the WHO, but all relevant countries to participate in information collection to assist COP-1 in its evaluation of the continued need for DDT for disease vector control. With this amendment, the INC adopted the draft decision on Friday.

Final Decision: In its final decision on DDT (UNEP/POPS/INC.7/CRP.21), the INC requests the Secretariat to conduct field tests of the draft reporting format by each party that uses DDT for disease vector control (UNEP/POPS/INC.7/3, Annex I), and of the draft questionnaire for users, producers, importers and exporters of DDT (UNEP/POPS/INC.7/4, Annex II). It instructs the Secretariat to develop a modified format based on these field tests and through consultation with experts for consideration and possible adoption

by COP-1. The decision invites Parties to provide information on DDT using the draft format and questionnaire no later than six months before COP-1, requests the Secretariat to report on this information, and invites the WHO and all relevant countries to participate actively in this work. It also decides to submit to COP-1 the possible initial list of information items needed for the evaluation of the continued need for DDT (Annex I to UNEP/POPS/INC.7/4).

Register of Specific Exemptions: On Wednesday, the Secretariat introduced its note on the register of specific exemptions (UNEP/POPS/INC.7/5), with annexes containing: a possible format for country reporting of requests for specific exemptions; a possible review process for entries in the register of specific exemptions; and a revised draft format of the register.

Switzerland and others supported the draft format for country reporting and agreed that it should be used on an interim basis. Drawing attention to the Convention's objectives, the EU underscored that extensions of exemptions should only be granted in exceptional cases. Stating that the proposed format includes unnecessary elements, the US supported a minimal subset instead, underscoring that the format should facilitate reporting. A number of delegates made proposals on additional elements to be included in the reporting format.

Regarding the possible review process for entries in the register, the EU suggested, and delegates agreed, that Parties should submit extension request reports at least 12 months before the COP to allow a more thorough review, and because bilateral cooperation may eliminate the need for an extension. China, supported by Mexico and Ecuador, opposed establishing a new expert group to review information. The EU proposed that the decision on whether to establish an expert group be deferred to COP-1. Iran said the Secretariat should circulate the extension request reports to all Parties, but not observers. Kenya, supported by Morocco, Mexico, Egypt and China, asked for a restriction on possible observers in the review process. Egypt and others opposed text that states that, as far as possible, information should be submitted in English. Delegates agreed that the Secretariat should provide information on the expected time and cost of translating submissions received in other languages. Delegates also agreed on the format of the register.

On Friday in Plenary, Chair Buccini introduced the draft decision on specific exemptions. The INC adopted the decision and its annexes with minor amendments, including an EU proposal that countries requesting the extension of a specific exemption be asked to provide information on measures that could facilitate the withdrawal of the exemption.

Final Decision: The decision (UNEP/POPS/INC.7/CRP.20/Rev.1) submits to COP-1 for consideration and possible decision: a possible format for country reporting for requesting an extension of a specific exemption; possible options for the review process for entries in the register of specific exemptions; and the draft format for the register. The INC also requests the Secretariat to establish a provisional register, following the proposed draft format, until there is a COP decision on the register's format.

On the format for country reporting, countries are asked to report on, *inter alia*:

- justification for the exemption;
- existing national regulatory controls;
- monitoring and inspection activities;
- measures that could facilitate the withdrawal of the exemption;
- measures to prevent illegal production;



- the names of companies and/or institutions authorized to use the substance; and
- information on alternatives and substitutes, including reasons for not using alternatives.

The possible review process stipulates that Parties wishing to submit a request for an extension may submit a report to the Secretariat, at least 12 months before the COP that takes place before the expiry date, justifying its continuing need for the exemption. The Secretariat shall then circulate the extension request report to all Parties at least 11 months before the COP, and request other information relevant to the report to be submitted at least six months before the COP. It was not agreed whether the extension request reports would be circulated to observers, nor whether information should be submitted, as far as possible in English, and this text remains bracketed. The decision states that the Secretariat shall then collect, and translate as necessary, all available information and the extension request report; however, it was not agreed whether the information and reports would be submitted to a group of experts to be established by the COP and/or to all Parties, at least five months before the COP.

In the next step of the review process, the text states that the group of experts should meet at least four months before the COP to review the extension request report and other information and develop recommendations to the COP. The Secretariat shall then circulate the recommendation to all Parties no later than three months before the COP. It was not agreed whether the recommendations would be circulated to observers. Finally, the COP shall decide on the request for an extension of an entry in the register, prior to the expiry date of the entry.

MEASURES TO REDUCE OR ELIMINATE RELEASES FROM UNINTENTIONAL PRODUCTION: Guidelines on BAT and guidance on BEP: On Thursday, the Secretariat outlined the report of the first session of the Expert Group on BAT-BEP held in March 2003, in North Carolina, USA (UNEP/POPS/INC.7/6). Expert Group Co-Chair Sergio Vives (Chile) noted progress made towards developing recommendations on possible structure and draft elements for BAT guidelines and BEP guidance. Canada noted the importance of meeting challenges regarding the scope of chemicals to be addressed and the timing to have documents ready for COP-1. Germany and Switzerland highlighted that each would assist in sponsoring the Group's second session. The G-77/China requested that that all regions be represented in the Expert Group.

INC Chair Buccini asked the Secretariat to work with regional groups to nominate replacement members for those who cannot attend particular meetings. Egypt and others noted the need for technical and financial assistance for implementing BAT-BEP in developing countries. Togo urged a regional approach to the issue of leaded gasoline use in Africa, and China underlined the need to take into account differences among countries in their abilities to apply BAT-BEP. No decision was adopted on this agenda item.

Evaluation of current and projected releases of chemicals: On Thursday in Plenary, the Secretariat introduced a revised standardized Toolkit for the identification and quantification of dioxin and furan releases (UNEP/POPS/INC.7/7 and INF/14). Argentina, Ecuador and the EU stated that the Toolkit should be expanded to cover all Annex C chemicals. The US called for clarification on the process for updating the Toolkit. Chile said the Toolkit does not adequately reflect conditions in developing countries. Many delegates noted the need to systematically update the Toolkit to reflect new scientific developments and the specific experiences of developing countries. Egypt, Togo and Uruguay requested field tests and

pilot projects for the further development of the Toolkit. The Secretariat urged Parties to provide financial resources to carry out more national and regional projects. Tanzania said the Toolkit does not differentiate between controlled and non-controlled emissions, and that the information required for estimating emissions from some sources is not available in developing countries. A decision was adopted in Plenary on Friday.

Final Decision: The decision (UNEP/POPS/INC.7/CRP.24) takes note of the standardized Toolkit as the guidance for undertaking release reporting pursuant to Article 5 (measures to reduce or eliminate unintentional production of POPs) of the Convention and invites governments and others to submit additional comments and information and methodologies on other chemicals under Article 5 to the Secretariat by 31 March 2004. The decision requests the Secretariat to prepare a revised version of the Toolkit based on the submissions that it receives for consideration by COP-1, and develop a proposal for COP-1 for the ongoing review and updating of the Toolkit.

MEASURES TO REDUCE OR ELIMINATE RELEASES FROM STOCKPILES AND WASTES: On Friday in Plenary, delegates discussed the development of technical guidelines on the environmentally sound management of POP wastes in cooperation with the Basel Convention (UNEP/POPS/INC.7/8 and INF/19). Several delegates supported continued cooperation with the Basel Convention in its effort to develop technical guidelines for the environmentally sound management of POP wastes. The EU suggested that if the Basel Convention process does not complete its guidelines on schedule, COP-1 should decide on interim concentration limits for wastes regarding Annex A (elimination) chemicals. The Basel Convention Secretariat provided an update on efforts in its Open-Ended Working Group, and noted that no further work would be conducted on dioxins and furans in wastes unless specifically requested by the Stockholm Convention. A decision was adopted in Plenary on Friday.

Final Decision: The final decision (UNEP/POPS/INC.7/CRP.25) takes note of the progress under the Basel Convention and requests the Stockholm Convention Secretariat to contribute to this work. It encourages governments and stakeholders to participate actively in the Basel Open-Ended Working Group, and urges this group and the Basel Convention COP to complete its guidelines before COP-1.

IMPLEMENTATION PLANS: Interim NIP guidance and the review and updating of NIPs: On Tuesday, the Secretariat outlined the development of interim guidance on preparing NIPs (UNEP/POPS/INC.7/9 and INF/20). The US noted that certain aspects of the present guidance mischaracterize Convention obligations and supported revising the guidance. The EU, China, the African Group and others stressed the need for flexibility in implementing NIPs. Switzerland, the African Group and others underlined that the guidance should be a "living document" subject to revision. Greenpeace International stressed the need to include in NIPs the prevention of unintentional POPs, and the Pesticide Action Network of Latin America urged transparency and civil society participation at all stages of NIP development.

On Tuesday, the Plenary addressed the review and updating of NIPs. The Secretariat requested guidance on the trigger for the review and updating of NIPs (UNEP/POPS/INC.7/10), noting periodic and "as needed" review and update options. Australia, China, Brazil and others stressed that updating and review should be done on an "as needed" basis. Argentina stated that periodicity must be defined by each country with the guidance of the Secretariat in



consultation with governments. Chile and New Zealand emphasized that NIP timetables should dictate when reviews are necessary. The EU said changes in obligations under the Convention should be a trigger. Switzerland encouraged the Secretariat to revisit the issue once practical experience is gained. The Plenary adopted a decision on Friday.

Final Decision: The decision (UNEP/POPS/INC.7/CRP.13) reaffirms the need for guidance that is flexible and non-prescriptive, and that takes into account the different situations, needs and experiences of countries. The INC endorses the interim guidance (UNEP/POPS/INC.7/INF/20) and invites governments and other organizations to provide comments on it by 30 September 2003. The Secretariat is requested to prepare revised interim guidance by 31 December 2003, to be then considered by COP-1 and to develop draft guidance for a review and updating process that could be triggered by major changes in national circumstances, changes in obligations under the Convention, or the insufficiency of the existing plan proven through practice.

LISTING OF CHEMICALS IN ANNEXES A, B AND C:

The draft terms of reference (TOR) for the POPs Review Committee (POPRC) was the subject of lengthy Plenary discussions on Tuesday, Wednesday and Friday. This matter was also considered by a small working group and by the LDG. The most contentious issues raised by delegates related to means of ensuring geographic representation and participation by non-Committee members.

On Tuesday, the Secretariat reported on the POPRC draft ToR (UNEP/POPS/INC.7/11) and the work of the INC-6 POPRC contact group (UNEP/POPS/INC.6/22), noting outstanding issues relating to the Committee's composition, officers and finances. Regarding the composition of the POPRC, the US, opposed by Argentina, Iran and others, recommended using the FAO's model of regional representation. In addition to equitable geographic representation, Argentina, Australia, China, Kenya, Moldova and others specifically stressed the need for equitable representation from developing countries and countries with economies in transition (CEITs).

After a small working group discussion on Tuesday, Canada introduced a revised draft (UNEP/POPS/INC.7/CRP.11), which, *inter alia*, clarified the distinction between "designated experts" and "invited experts." Chile, with South Africa, expressed concern at the number of observers that could take part in POPRC meetings and suggested that their participation be limited so as not to affect the functioning of the group. Delegates agreed to forward their questions and the revised draft ToR to the LDG.

On Wednesday in Plenary, GRULAC, supported by the African Group and others, stated that, to be legitimate, the discussion on geographic representation and managing observer participation had to be carried out in Plenary, and not within the LDG.

On Friday, LDG Chair Anne Daniel (Canada) introduced the revised draft ToR (UNEP/POPS/INC.7/CRP.22), explaining that, under the draft Rules of Procedure of the COP: the POPRC shall be open to observers, unless otherwise specified; Parties to the Convention not members of the POPRC are not considered observers and there are no rules governing how they might take part in meetings; geographic representation in the election of officers was already taken into account; and the COP elects the POPRC Chair.

On Friday in Plenary, GRULAC, supported by Morocco, emphasized the importance of simultaneous interpretation in all UN languages at POPRC meetings. INC Chair Buccini reminded

delegates of their INC-6 agreement to hold POPRC meetings in English, and the Dominican Republic highlighted that the authority to decide on this matter rests with the COP. Chile suggested that observer participation be upon invitation by the POPRC Chair. India, with China, emphasized that the POPRC would benefit from inviting experts from major producer countries of the chemical under review, noting the importance of this inclusion for the ratification process. The EU, with Jamaica, asked that gender be considered in appointing POPRC members, in accordance with the WSSD Plan of Implementation.

INC Chair Buccini noted the changes proposed to the draft ToR, and delegates agreed to request the Secretariat to develop a new draft ToR with the LDG Chair, on the understanding that it would be made available intersessionally to facilitate national, regional and inter-regional preparations prior to COP-1. No decision was adopted on this agenda item.

EXCHANGE OF INFORMATION: On Thursday in Plenary, the Secretariat introduced its note on a work plan and budget for the initiation and maintenance of a clearing-house mechanism (CHM) for information exchange on POPs (UNEP/POPS/INC.7/12). The US and others expressed concern with the doubling of the CHM budget from 2003 to 2004. The EU supported only the proposed analysis of existing elements and requirements, suggested the budget be adjusted accordingly, and warned against duplication of efforts with those of other mechanisms. Canada, with Norway, called for discussing at COP-1 the overlap between the CHM and activities for technical assistance. Egypt asked to ensure that the CHM function in all UN languages. China emphasized the need to support developing countries in establishing their national CHMs. Chile stated it attached great importance to the inclusion of technical and financial assistance sources.

Delegates resumed their discussion in Plenary on Friday, when the Secretariat clarified the scope of information envisaged for the CHM, highlighting areas not covered under the current structure and the benefits of expanding the CHM, noted the budget implications of expanding operations to all UN languages, and explained that much of the projected budget increase arose from adding a post for a full-time manager. After some discussion, delegates authorized a one-time budget increase for one dedicated CHM staff member for 2005. No decision was adopted on this agenda item.

TECHNICAL ASSISTANCE: On Tuesday, the Secretariat introduced its notes on guidance on technical assistance (UNEP/POPS/INC.7/13), the feasibility and case studies on regional and subregional centers (UNEP/POPS/INC.7/14 and 15), and submissions in response to INC-6 decisions relating to technical assistance (UNEP/POPS/INC.7/16), noting that recently pledged funds will activate postponed work on feasibility and case studies of regional and subregional centers.

Several delegates stressed the need for synergies with the Basel Convention Regional Centers. Colombia and others recommended strengthening existing regional centers, while Brazil suggested expanding the feasibility study to include new centers. Saint Lucia called for synergies with UNIDO Cleaner Production Centers. Canada recommended, *inter alia*, that the feasibility of a capacity assistance network (CAN) needs to be established before any decision on whether and how to support it can be made, and that links between CAN and other networks should be explored through the feasibility study. Italy, Chile and Egypt stressed the role of NIPs in identifying priorities for technical assistance.



Underscoring that regional centers are only one of many possible mechanisms for technical assistance, Chile, supported by Morocco and others, highlighted the need to identify mechanisms for providing technical assistance. The African Group said that the means of implementation are not properly addressed in the Secretariat's note on guidance on technical assistance and suggested creating a working group to commence immediately and continue intersessionally. Several countries opposed the idea of the working group, with some delegates noting difficulties for small delegations to attend parallel meetings during the INC and others remarking on the costs of holding intersessional meetings. Consensus on the creation of the group was not reached.

In Plenary on Friday, delegates adopted the draft decision on technical assistance with an amendment that case studies should include a regional center from each region subject to the availability of financial resources, and other editorial changes.

Final Decision: The decision on technical assistance (UNEP/POPS/INC.7/CRP.12) notes the list of some common elements of technical assistance needs and priorities (UNEP/POPS/INC.7/13) and invites governments to identify additional areas and issues. The decision requests the Secretariat to prepare draft guidance on technical assistance for consideration and possible decision by COP-1 based on, *inter alia*, the comments by INC-7 and governments' submissions.

The decision further notes the ToR for the feasibility study on regional and subregional centers (UNEP/POPS/INC.7/14), and requests the Secretariat to report on the results of the feasibility and case studies to COP-1. The decision specifies that the studies be undertaken subject to receipt of funds.

FINANCIAL RESOURCES AND MECHANISMS: In Plenary on Thursday, the Secretariat introduced its collection of information from relevant funding institutions on ways in which they can support the Stockholm Convention (UNEP/POPS/INC.7/18) and the note on guidance to the financial mechanism (UNEP/POPS/INC.7/17).

Welcoming the designation of POPs as a new GEF focal area, the EU called for a strong partnership between the Stockholm Convention and the GEF. The G-77/China called for a credible and flexible financial mechanism.

Discussing the issues of eligibility for GEF funding and priorities, the EU called for consideration of the priorities identified in NIPs and stressed that CEITs should be eligible for GEF funding. On eligibility, the G-77/China noted the relevance of the Intergovernmental Forum on Chemical Safety's Bahia Declaration on Chemical Safety. The EU and others said it would be legally inappropriate for the INC to formally provide interim guidance to the GEF, and recommended that the INC only convey its views on actions taken and proposed. The US recommended deferring detailed discussion on eligibility until COP-1.

The Secretariat introduced a draft ToR for the review of the financial mechanism (UNEP/POPS/INC.24). The EU and others recommended addressing the issue at COP-1, and the US encouraged collaboration with the GEF on this issue. Delegates agreed to submit comments on the draft ToR to the Secretariat by the end of 2003 and review the issue at COP-1.

On guidance to the financial mechanism, the EU, supported by the US and others, proposed that the Secretariat, with the GEF Secretariat's assistance, produce a paper on guidance to be worked on by a contact group at COP-1. The G-77/China proposed establishing an intersessional working group on this issue.

Delegates agreed to establish a contact group, co-chaired by Linda Brown (UK) and Ibrahima Sow (Senegal), to explore the modalities of the consultation process for developing guidance. The contact group met twice, on Thursday evening and Friday morning, and agreed on the need for an intersessional working group. They decided that the Secretariat, with GEF assistance, will prepare a substantive document as a basis for discussions and that the initial comments on this document will be provided electronically, but a face-to-face meeting may also be needed.

On representation in the working group, developing countries suggested regionally based nomination of participants, while developed countries advocated open participation. Developing countries reiterated the need for the working group to meet intersessionally. Developed countries advocated conducting the meeting two days prior to COP-1 to minimize the associated costs. Switzerland expressed its willingness to support a face-to-face meeting. These issues were addressed in a small group established by the contact group to draft a compromise proposal on the working group.

In Plenary on Friday, Co-Chair Brown presented the contact group's submission on the modalities of the working group (UNEP/POPS/INC.7/CRP.27), noting that the issues of appointing the working group's co-chairs and scheduling its meeting remained outstanding due to lack of time. Stressing the importance of the guidance to the financial mechanism, Co-Chair Brown suggested that COP-1 address this item at an early stage. Reiterating the need for a face-to-face meeting, the G-77/China called for donors' assistance to this end. Mexico supported the proposal to minimize costs by holding the meeting prior to COP-1.

Regarding the nomination of the working group co-chairs, INC Chair Buccini suggested, and delegates agreed, that Bureau members and the INC Chair consider nominations provided by the regions and propose the working group's co-chairs in late 2003.

The decision on the financial mechanism, incorporating the submission by the contact group, was adopted by Plenary on Friday.

Final Decision: In its decision on the financial mechanism (UNEP/POPS/INC.7/CRP.27 and 29), the INC requests the GEF to, *inter alia*: note the INC's view that eligibility for financial support for activities under the Convention should follow the following principles:

- support should be available to developing country and CEIT Parties;
- for enabling activities, developing country and CEIT signatories should also be eligible; and
- developing countries and CEITs are defined as those countries that are eligible under GEF criteria.

In the decision, the INC also:

- welcomes the strategic priorities for POPs identified in the GEF strategic business plan for 2004-2006;
- requests the GEF to maintain its focus on the Convention's obligations and the priorities identified in NIPs;
- requests governments and observers to provide comments on the elements of the ToR for the review of the financial mechanism (UNEP/POPS/INC.7/24) by 31 December 2003; and
- requests the Secretariat, with the GEF assistance, to develop a draft ToR for consideration by COP-1.

The decision further initiates an open-ended working group to prepare the guidance to the financial mechanism and states that it will: be open to participation by intergovernmental organizations,



industry and NGOs in accordance with the ECOSOC rules; start its work on the basis of the paper that will be prepared by the Stockholm Convention Secretariat in cooperation with the GEF; and provide comments to the Secretariat's paper by 31 May 2004.

After the electronic consultation phase, subject to available funding, there may be a face-to-face meeting of the working group, the time and venue of which to be decided by the working group.

The decision also urges funding for working group activities, including assistance to enable developing country and CEIT delegates to participate.

INTERIM FINANCIAL ARRANGEMENTS: In Plenary on Thursday, Executive Secretary Willis introduced a draft Memorandum of Understanding (MoU) between the Stockholm Convention and the GEF Council (UNEP/POPS/INC.7/16).

The G-77/China requested that the interim nature of the GEF as a financial mechanism be emphasized. The Asia and Pacific Group suggested that the GEF consider greater flexibility in project financing and simplified project approval procedures and suggested that the COP periodically evaluate developing countries' needs and submit them to the GEF Assembly for consideration. On Friday, the INC adopted its final decision on the MoU.

Final Decision: The decision (UNEP/POPS/INC.7/CRP.23) takes note of the draft MoU between the Stockholm Convention COP and the GEF Council (UNEP/POPS/INC.7/16) and invites Governments and the GEF Council to provide comments on the MoU by 31 December 2003. It requests the Stockholm Convention Secretariat, in collaboration with the GEF Secretariat, to prepare a revised MoU taking into account these comments and submit the revised draft for consideration and possible decision by COP-1 and the GEF Council.

REPORTING: In Plenary on Wednesday, the Secretariat presented submissions received in response to requests for information contained in a number of INC-6 decisions (UNEP/POPS/INC.7/INF/16) and its note on the format and timing of Party reporting (UNEP/POPS/INC.7/19). The note contains, *inter alia*, a draft reporting format and a suggestion for the format's field testing, and proposes that Parties submit the first report to COP-3 and every four years thereafter.

Several delegates supported the suggested reporting format and timing, with some emphasizing the need to ensure compatibility, efficiency and conciseness in reporting. The EU recommended that conducting the field tests should not have significant financial implications. The Gambia stressed the need for field testing. Egypt highlighted the need for technical assistance in measuring dioxin and furan releases. Morocco suggested addressing the obligations related to BAT-BEP. Japan expressed concern with the reporting items pertaining to Article 5 (Measures to reduce or eliminate releases from unintentional production), and the Secretariat clarified that these items do not create new reporting obligations, but help measure progress toward the minimization of unintentionally produced POPs, provided that the relevant information is available.

Chair Buccini noted general support for the proposed timing and reporting format. He invited further submissions on the Secretariat's note, and clarified that the field test report and the revisions to the draft format based on the field test results will be submitted for consideration by COP-1. The final decision was adopted in Plenary on Friday, with an amendment by the EU inviting Governments to volunteer for field tests in light of the need to minimize budget implications.

Final Decision: The final decision (UNEP/POPS/INC.7/CRP.19) on Party reporting notes the draft model format (UNEP/POPS/INC.7/19), as amended by INC-7, and requests the Secretariat to field test the model and submit a report to COP-1 on the experience, as well as the revised model format based on the field test results.

EFFECTIVENESS EVALUATION: On Friday, the Secretariat presented its work on, *inter alia*: the development of guidance on the nature of effectiveness evaluation; the identification of the basic data needed to support effectiveness evaluation; the assessment of the capacity of existing monitoring programmes; and the identification of where suitable monitoring data are not available (UNEP/POPS/INC.7/20). He noted the outcome of the UNEP Workshop to Develop a Global POPs Monitoring Programme, held in March 2003 (UNEP/POPS/INC.7/INF/10), which recommended that a subsidiary body be established to oversee effectiveness evaluations, striving for simplicity and based on existing programmes.

Japan requested the Secretariat to prepare a report on the relationship between environmental monitoring at national, regional and global levels. Egypt stressed the need to adopt a specific and field-tested scientific methodology. The US expressed concern about cost implications of the effectiveness evaluation activities, especially if a subsidiary body is created. The EU and the Gambia noted that the effectiveness evaluation is important, but that there are greater priorities that must be addressed under the Convention. On Friday in Plenary, delegates adopted a decision on effectiveness evaluation.

Final Decision: The decision (UNEP/POPS/INC.7/CRP.26) confirms the need to provide comparable data on chemicals listed in Annexes A, B, and C of the Convention and requests the Secretariat to prepare a report for COP-1 on effectiveness evaluation with comparable monitoring data on the presence of these chemicals as well as their regional and global transport.

NON-COMPLIANCE: On Monday, the Secretariat introduced a synthesis of views on non-compliance (UNEP/POPS/INC.7/21) and an overview of non-compliance regimes in multilateral environmental agreements (UNEP/POPS/INC.7/22). Canada, Switzerland and the EU emphasized their support for the early development of a compliance mechanism. New Zealand, supported by Australia, Argentina, Chile, Colombia and Egypt, suggested that the issue be addressed after the Convention enters into force. The US and Australia recommended, and delegates agreed, that the LDG discuss compliance if time allows, but focus first on priority issues, including financial rules and rules of procedure.

On Wednesday morning in Plenary, the LDG announced it had sufficient time for a contact group on non-compliance. GRULAC, with China, requested that INC-7 concentrate instead on issues such as the financial mechanism, technical assistance and technology transfer. China, with Cuba, Egypt and others, stressed that discussing non-compliance prior to the Convention's entry into force would be premature. Switzerland and the EU emphasized the benefit of exchanging views on non-compliance in an open discussion. Upon resuming discussion on this issue in Plenary on Wednesday afternoon, Morocco, on behalf of G-77/China, stated that discussion on non-compliance should be postponed until COP-1. Georgia, on behalf of Eastern European countries, stressed the importance of creating compliance incentives. Canada acknowledged that non-compliance is often due to a lack of capacity and underscored that non-compliance should be a priority issue for INC-7 and beyond.



On Friday, Georgia, on behalf of Canada, the EU and others, spoke of the critical importance of compliance and the need to provide a mechanism that would formulate appropriate responses to non-compliance, including advice and technical assistance. They urged a full and constructive discussion of the issue at COP-1. No decision was adopted on this agenda item.

SETTLEMENT OF DISPUTES: In Plenary on Monday, the Secretariat introduced its note on draft rules of arbitration and conciliation (UNEP/POPS/INC.7/27). Delegates agreed to refer this issue directly to the LDG. On Thursday, LDG Chair Daniel reported to Plenary that it had completed its assigned work, and on Friday, she introduced to Plenary draft dispute settlement rules on arbitration and conciliation. Regarding the draft Rules of Arbitration, Daniel noted drafting issues regarding the powers of the tribunal on interim measures of protection and detailed the legal implications for Parties to consider at COP-1. On the draft Rules of Conciliation, Daniel noted that the size of the conciliation commission remained unresolved. Delegates agreed that, for cost considerations, each Party shall appoint one member to the conciliation commission. Delegates agreed to forward the draft Rules on Arbitration and draft Rules on Conciliation, as amended, to COP-1 for consideration and possible decision. No decision was adopted on this agenda item.

DRAFT RULES OF PROCEDURE FOR THE CONFERENCE OF THE PARTIES: On Monday, the Secretariat introduced its note on the COP's draft rules of procedure (UNEP/POPS/INC.7/25), highlighting the need for policy decisions on unresolved issues, including: participation of specialized agencies and non-Parties; the election of officers; voting in subsidiary bodies; and the order of voting on proposals. LDG Chair Daniel proposed, and delegates agreed, that the LDG work to reduce the number of outstanding issues.

On Friday, LDG Chair Daniel presented to Plenary the draft rules on, *inter alia*, COP and subsidiary body meetings; participation of observers; election of officers; and voting (UNEP/POPS/INC.7/CRP.14 and Add.1). She said the text relating to participation of observers and the procedure for objecting to their presence remained bracketed, noting that this policy decision should be addressed by the COP. The bracketed text states that at least 30 days before the meeting, the Secretariat shall notify Parties of any body or agency seeking to be represented at the meeting. These bodies or agencies may be admitted to attend unless at least one-third of the Parties present at the meeting object. Delegates agreed to submit the draft rules for consideration to COP-1. No decision was adopted on this agenda item.

Draft Financial Rules for the COP, its subsidiary bodies and the Convention Secretariat: On Monday, the Secretariat introduced a note on draft financial rules for the COP, its subsidiary bodies and the Secretariat (UNEP/POPS/INC.7/26). LDG Chair Daniel recommended, and delegates agreed, to refer this issue directly to the LDG. In Plenary on Friday, Daniel presented draft financial rules (UNEP/POPS/INC.7/CRP.16), noting an outstanding policy issue concerning contributions by Parties. The EU proposed that the budget group review the rules. The US and Canada urged deleting text on how the resources of the COP shall be comprised, noting that contributions are voluntary. Delegates agreed to submit the rules to COP-1 with the amendment proposed by the EU. A decision was adopted in Plenary on Friday.

Final Decision: The decision (UNEP/POPS/INC.7/CRP.16) sets out rules that provide for the establishment of a General Trust Fund for the Convention and a Special Trust Fund to support participation of developing countries and CEITs at COP and subsidiary body meetings.

ISSUES RELATING TO THE STOCKHOLM CONVENTION NOT COVERED ABOVE: Exempted use: On Friday, Australia, Canada and New Zealand introduced a proposal (UNEP/POPS/INC.7/CRP.15) on the exemption review process, which encourages Parties to collaborate and exchange information to reduce and eliminate the exempted use of POPs chemicals, asks the Secretariat to facilitate this, and requests the Convention's financial mechanisms to take into account the need to fund projects on this topic. The African Group added language on the need to assist Parties with limited capabilities, where appropriate. China objected to the request for the financial mechanism to fund such projects, noting that this would be difficult without a multilateral fund such as the Montreal Protocol funding mechanism. Delegates agreed to the proposal, as amended by the African Group and China, and with minor amendments by Australia and New Zealand.

Final Decision: The decision (UNEP/POPS/INC.7/CRP.15):

- encourages Parties to pursue voluntary initiatives to support, collaborate and undertake work to help reduce or eliminate the exempted use of POPs chemicals;
- encourages Parties with specific exemptions to take early steps to exchange information, seek technical assistance where appropriate and share information;
- urges assistance to those with limited capabilities, where appropriate; and
- requests the Secretariat to identify needs and possible case studies on exempted uses, utilizing appropriate mechanisms.

Cooperation with the WTO: On Friday in Plenary, Canada introduced a proposed INC decision (UNEP/POPS/INC.6/CRP.6/Rev.1) requesting the Secretariat to cooperate with the World Trade Organization (WTO). The proposal requests that the Secretariat seek observer status in the WTO Committee on Trade and Environment and asks the Secretariat to report on meetings and consultations with the WTO. Argentina, Ecuador, Venezuela and Egypt objected to the proposed decision, arguing that it was premature. The INC took no action on the proposal.

MoU with the WHO: On Friday in Plenary, the Secretariat announced a memorandum of understanding (MoU) with the WHO to support efforts to control malaria.

OTHER ISSUES FOR CONSIDERATION BY COP-1:

Location of the Secretariat: On Tuesday, delegates heard presentations in Plenary from those countries offering to host the permanent Secretariat, namely: Germany (UNEP/POPS/INC.7/INF/3 and CRP.7); Italy (UNEP/POPS/INC.7/INF/5 and CRP.8); and Switzerland (UNEP/POPS/INC.7/4 and CRP.4). Delegates agreed to forward this issue to COP-1 and requested the Secretariat to prepare a table comparing the offers. A decision was adopted in the Plenary on Friday.

Final Decision: The decision (UNEP/POPS/INC.7/CRP.10) welcomes the offers to host the permanent Secretariat and directs the submission of the offers for possible consideration by COP-1. It also requests the Secretariat to prepare a comparative analysis of the offers from Switzerland, Italy and Germany.



Liability and Redress: The Secretariat introduced the report of the Workshop on Liability and Redress (UNEP/POPS/INC.7/INF/6), held in Vienna, Austria, from 19-21 September 2002. He noted that the report would be considered by COP-1 with a view to deciding further action.

CLOSING PLENARY

On Friday afternoon, delegates considered and adopted, with the minor amendments, the report of the meeting (UNEP/POPS/INC.7/L.1 and Add.1), including all draft decisions.

In his closing remarks, Chair Buccini noted that it had not been an easy week, but a successful one. Noting that this should be the last of a good string of meetings throughout the INC process, Buccini said the Stockholm Convention is as well positioned as one could expect given the nature and complexity of the issues. Many delegates thanked Switzerland, the Secretariat and Chair Buccini, noting the Chair's excellent work. Greenpeace International commended the constructive spirit throughout the meeting, noting the substantive nature of the outcomes and the importance of substitution and of elimination of unintentional POPs. GRULAC thanked Switzerland for agreeing at INC-6 to finance COP-1 in Uruguay.

Chair Buccini thanked delegates for eight years of enjoyable work, noting the good will among colleagues. He thanked NGOs for encouraging delegates to keep going in the direction that they are headed, remarking that Greenpeace International's comments earlier provide a measuring stick for delegates to live up to. He noted the need for engagement of all sectors of society for the Convention to work. Buccini emphasized his pride in being associated with what has been accomplished and thanked the Secretariat, the Bureau, the Executive Secretary, and his family for their support. Chair Buccini gavelled the meeting to a close at 7:56 pm.

A BRIEF ANALYSIS OF INC-7

The importance of POPs as a global priority was reaffirmed last year, through a number of POPs-related decisions taken at the World Summit on Sustainable Development (WSSD), and through the Global Environment Facility's (GEF) decision to include POPs as a new focal area. Now, thanks to widespread commitment from developed and developing countries alike to protect human health and the environment from POPs, there has been a marked increase in the number of ratifications since INC-6, and many other countries are undergoing the process of ratification. As a result, the Convention is expected to enter into force by 2004, with the first meeting of the Conference of the Parties (COP) likely to be held in 2005.

Thus, as delegates gathered for what is likely to be their last meeting as an Intergovernmental Negotiating Committee, they focused on wrapping up a number of "housekeeping" issues in preparation for the first COP, including developing rules of procedure and financial rules for the COP, clarifying dispute settlement rules, elaborating reporting formats and considering offers to host the permanent secretariat. However, INC-7 also provided the opportunity for delegates to dig their teeth into some of the more complex and contentious issues that will need to be considered as the Stockholm Convention enters into force, such as the financial mechanism, terms of reference for the POPs Review Committee (POPRC) and non-compliance.

Throughout most of INC-7, veterans of the POPs process were quick to remark on the relative tranquility of the proceedings, citing as evidence the lack of contact groups, late night sessions, or buzz

of conversation in the corridors. Events of the first few days of INC-7 even seemed to indicate a reluctance to tackle the "big" issues, as proposals to establish a working group on technical assistance and a contact group on non-compliance were vigorously shot down by opposing forces. However, just when it appeared that delegates had resigned themselves to merely forward most of the contentious issues to COP-1, a vivid debate on guidance for the financial mechanism signaled a shift of gears on Thursday, as delegates met in an evening contact group to elaborate on two competing proposals for the consultation process on this issue. By the end of the meeting on Friday, delegates had dealt with all the issues in the Chair's programme of work and had, in fact, taken a necessary step toward implementation by laying the groundwork for the successful administration of the Convention.

HOUSEKEEPING

Following a week of work by the Legal Drafting Group (LDG), delegates were able to forward to COP-1, with few remaining outstanding issues, draft rules of procedure, draft financial rules and draft rules of arbitration and conciliation. Review by the LDG also allowed for clarification of the draft terms of reference of the POPs Review Committee, thus allowing a clear focus on key political decisions at COP-1.

The discussion on the Toolkit for identifying and quantifying dioxin and furan releases showcased its success for some developing countries and countries with economies in transition in creating preliminary inventories of dioxin and furan. Environmental NGOs were particularly satisfied that the dioxin toolkit will be revised and include a source identification strategy.

HOME ECONOMICS

As has been the case not only in previous INCs, but also in most other multilateral environmental agreements, matters of technical assistance and financing were the focus of a great deal of attention – with a divide arising in many cases between developing and donor countries.

Delegates, from developing countries in particular, were optimistic upon hearing that funding had finally been secured to conduct the feasibility and case studies on regional and subregional centers, as this work promises to generate a useful basis for action at COP-1. Beyond the potential benefits of providing technical assistance through these centers, delegates are eager to confirm whether existing centers will benefit from this flow of resources, or whether this influx will flow towards the creation of new centers. As opinions are split on this issue, countries hoping to host one of these centers will have to wait for the issue to be addressed by COP-1.

Delegates experienced difficulties in reaching consensus on the need for intersessional work in preparation for COP-1. On technical assistance, some developing countries were stymied in their efforts to even create a working group to meet at INC-7, let alone intersessionally. They were unable to gather the necessary support for their working group proposal, with other developing countries noting the constraints on small delegations at INC-7, and developed countries highlighting the cost implications of intersessional work. Similarly, draft guidance on the financial mechanism was a bone of contention and the focus of a lively contact group where donor and developing countries struggled to see eye-to-eye on modalities for an intersessional consultation process on this issue. In the end, delegates reached a compromise, agreeing to intersessional electronic consultations, and a possible face-to-face meeting immediately prior to COP-1, subject to available funding.



Conflicts over the establishment of intersessional work are perhaps indicative of an overarching challenge for the INC. The interim process is relying on voluntary contributions until the Convention's entry into force, and the budget implications of intersessional work, and of topics presented to Plenary over the week, brought out the need for delegates in the Budget Group to differentiate priorities in allocating funds. This budget crunch is perhaps best illustrated by the fact that the Secretariat lacked the resources to carry out all the requests set out by INC-6. There is even a sentiment among some delegates that since the financial responsibilities of the Convention have been granted to an outside entity such as the GEF, the POPs process is losing access to many of the monetary resources that might have facilitated greater progress in the earlier stages of the negotiation process. This concern over limited resources was also reflected in the importance granted to prioritization in approving the Secretariat's Budget and Programme of Work for 2003-5. Delegates agreed that in the future, proposed actions would be presented with a cost analysis.

BUILDING AN ADDITION

INC-7 was also the stage of extensive discussions on the draft Terms of Reference of the POPs Review Committee, which, once established, will play a crucial role in the listing of new POPs regulated by the Convention. With the help of the LDG, and through extensive negotiations in Plenary, delegates were able to make some headway in resolving some of the issues outstanding from INC-6, notably on conflict-of-interest and election of officers. However, the disagreements on geographic representation highlighted previously in the INC-6 POPRC contact group came to the fore and will likely generate further discussion at COP-1 as delegates will need to reach agreement on the method through which to achieve this geographic representation. At the close of INC-6, delegates had yet to agree on whether the POPRC members would be divided among the five UN regional groups. At INC-7 there was an additional proposal to distribute members according to the FAO's seven regions, while others called for further examining of yet other regional groupings. Surprisingly, some issues presumably resolved at INC-6 were re-opened as developing country participants raised concerns on observer participation and the need for simultaneous interpretation in all UN languages at all POPRC meetings.

HOUSE RULES

A big surprise and disappointment for a number of developed countries was the unwillingness of others to engage in a preliminary exchange of views on the non-compliance mechanism. By mid-week, after the failure to create a technical assistance working group, developing countries made it known that they were firmly entrenched in their position that technical and financial matters should be addressed prior to non-compliance. While some have noted that the Basel Convention did not develop a compliance regime until a decade after its entry into force, others see this rationale as a cause for alarm, highlighting the complexity of this issue and the need to get an early head start so that all perspectives are aired. Nevertheless, discussion on non-compliance was postponed.

CLOSING THE SHUTTERS

Environmental NGOs in particular expressed concern at discussions to include constraints on observer participation, both in the draft Rules of Procedure for the COP and the draft Terms of Reference for the POPRC, underscoring that this sets a bad precedent in the post-Johannesburg climate, which was supposed to exemplify

openness and transparency. In a process where even the INC Chair acknowledged the key role environmental NGOs have played throughout its history, it will be necessary to closely monitor further developments on this issue.

OPEN HOUSE

Based on this meeting, the POPs house appears to be in order. The presence of a strong Chair, committed delegates and active NGO participation at the meeting may have played an important role in these developments. As the Convention enters into force, success will be greatly dependent on the interplay between efforts at implementation and issues such as sustainable production and consumption. As the Chair noted in his closing remarks, it will take engagement of all sectors of society to make the Convention work.

TO DO LIST

If ratification progresses according to expectations, this meeting marked the last INC and the end of the interim phase of the POPs regime. INC-7 achieved significant progress in ironing out the necessary details for COP-1, and was able to begin a dialogue on many key issues that will need to be dealt with rapidly upon entry into force, including the POPRC and the financial mechanism. On the other hand, INC-7 has dispatched a number of the most controversial issues to the COP, and COP-1 will not have an easy task resolving these matters. With the Convention in force, the relative negotiating power of Parties versus non-Parties may alter the dynamics of the process, potentially making consensus easier to achieve. Nevertheless, it may be necessary for some sort of preparatory meeting to convene in order to provide the COP with a cleaner package for adoption. INC Chair Buccini's poignant closing address highlighted the progress achieved since INC-1 and delegates left Geneva with a feeling of optimism as the Stockholm Convention enters into its next phase.

While it is possible that the Convention might enter into force by the end of the year, it is more likely that the 50th ratification will be received in 2004 and COP-1 will take place in 2005. Although some may be concerned about a potential loss of momentum in the two years before the COP, there are strong signs that this energy will be sustained in other ways, as money comes in from the GEF and other sources to fund NIPs and other action on the ground. In the intervening period between INC-7 and COP-1, the progress of other chemicals processes, and the upcoming PrepCom for the Strategic Approach to International Chemicals Management (SAICM) may all contribute to significantly altering dynamics of the POPs regime prior to meeting again at COP-1 in Uruguay!

THINGS TO LOOK FOR

DIOXIN 2003: The 23rd International Symposium on Halogenated Organic and Persistent Organic Pollutants is scheduled for 24-29 August 2003, in Boston, Massachusetts, USA. For more information, contact: Laura Biringner, Conference Secretariat; tel: +1-617-262-3424; fax: +1-617-262-3387; e-mail: lbiringner@mpwi.org; Internet: <http://www.dioxin2003.org>

SOCIETY FOR ENVIRONMENTAL TOXICOLOGY AND CHEMISTRY (SETAC) ASIA/PACIFIC MEETING:

The SETAC Asia/Pacific meeting is scheduled for 28 August - 1 September 2003, in Christchurch, New Zealand. With a theme of "Solutions to Pollution," this conference aims to find practical solutions to environmental issues facing the Asia/Pacific region.



For more information, contact: Sue Scobie; e-mail: sue.scobie@ermanz.govt.nz; Internet: <http://www.ecotox.org.au/nz2003>

JOINT FAO-WHO MEETING ON PESTICIDE RESIDUES: The 28th session of the FAO Panel of Experts on Pesticide Residues in Food and Environment and the WHO Expert Group on Pesticides Residues (JMPR) will meet from 15-24 September 2003, in Geneva, Switzerland. For more information, contact: Amelia Tejada, FAO; tel: +39-6-5705-4010; fax: +39-6-5705-6347; e-mail: amelia.tejada@fao.org; Internet: <http://www.fao.org/waicent/faoinfo/agricult/agp/agpp/pesticid/events/c.htm>

GEF DEVELOPMENT OF NIPs: The GEF Development of National Implementation Plans for the Management of POPs in 12 Pilot Countries is tentatively scheduled for 22-26 September 2003, in Bulgaria. A second meeting is tentatively scheduled for December 2003 in Chile. For more information, contact: Jim Willis, UNEP Chemicals; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: chemicals@unep.ch; Internet: http://www.chem.unep.ch/pops/newlayout/calendar_of_events.htm

WEST ASIAN AND EASTERN MEDITERRANEAN SUB-REGIONAL WORKSHOP ON POP PESTICIDES AND ALTERNATIVES: The UNEP Subregional Workshop on the Stockholm Convention on POPs and Alternative Approaches to POPs Pesticides for the West Asian and Eastern Mediterranean Region is tentatively scheduled for 29 September - 3 October 2003, in Casablanca, Morocco. For more information, contact: Jim Willis, UNEP Chemicals; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: chemicals@unep.ch; Internet: http://www.chem.unep.ch/pops/newlayout/calendar_of_events.htm

UNEP REGIONAL WORKSHOP ON THE STOCKHOLM CONVENTION AND ALTERNATIVES TO PESTICIDES FOR THE SOUTH EAST ASIA REGION: The UNEP Regional Workshop on the Stockholm Convention on POPs and Alternative Approaches to POPs Pesticides for the South East Asia Region is tentatively scheduled for September-October 2003, in Bangkok, Thailand. For more information, contact: Jim Willis, UNEP Chemicals; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: chemicals@unep.ch; Internet: http://www.chem.unep.ch/pops/newlayout/calendar_of_events.htm

19TH SESSION OF THE FAO PANEL OF EXPERTS ON PESTICIDE SPECIFICATIONS, REGISTRATION REQUIREMENTS, APPLICATION STANDARDS AND PRIOR INFORMED CONSENT: This FAO Panel of Experts will meet from 27-31 October 2003, in Rome, Italy. For more information, contact: Gero Vaagt, FAO; tel: +39-6-5705-5757; fax: +39-6-5705-6347; e-mail: gero.vaagt@fao.org; Internet: <http://www.fao.org/events>

SECOND SESSION OF THE OPEN-ENDED WORKING GROUP OF THE BASEL CONVENTION: The second session of the Basel Open-Ended Working Group is scheduled for 20-24 October 2003, in Geneva, Switzerland. The third session is scheduled for 26-30 April 2004, in Geneva. For more information, contact: Basel Convention Secretariat; tel: +41-22-917-8218; fax: +41-22-797-3454; e-mail: sbc@unep.ch; Internet: <http://www.basel.int>

FOURTH SESSION OF THE INTERGOVERNMENTAL FORUM ON CHEMICAL SAFETY (IFCS): IFCS FORUM IV will convene from 1-7 November 2003, in Bangkok, Thailand. FORUM V will take place in Hungary in late 2005 or 2006. For

more information, contact: Judy Stober, IFCS Executive Secretary; tel: +41-22-791-3650; fax: +41-22-791-4875; e-mail: ifcs@who.ch; Internet: <http://www.ifcs.ch>

MONTREAL PROTOCOL MOP-15: The fifteenth Meeting of the Parties to the Montreal Protocol (MOP-15) will be held from 10-14 November 2003, in Nairobi, Kenya. For more information, contact: Secretariat for the Vienna Convention and the Montreal Protocol; tel: +254-20-62-3850; fax: +254-20-62-3601; e-mail: marco.gonzalez@unep.org; Internet: <http://www.unep.org/ozone/meet2003.shtml>

PREPCOM 1 OF THE INTERNATIONAL CONFERENCE ON CHEMICALS MANAGEMENT FOR FURTHER DEVELOPMENT OF A STRATEGIC APPROACH TO INTERNATIONAL CHEMICALS MANAGEMENT (SAICM): The first SAICM preparatory meeting is scheduled for 9-13 November 2003, in Bangkok, Thailand. This preparatory meeting is held in response to a UNEP Governing Council decision on a "Strategic Approach to International Chemicals Management," which highlights a need to further develop a strategic approach to promote the incorporation of chemical safety issues into the development agenda. For more information, contact: UNEP Chemicals; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: chemicals@unep.ch; Internet: <http://www.chem.unep.ch/saicm>

PIC INC-10: The tenth session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade will take place from 17-21 November 2003, in Geneva, Switzerland. For more information, contact the Rotterdam Convention interim Secretariat: Niek van der Graaff, FAO; tel: +39-6-5705-3441; fax: +39-6-5705-6347; e-mail: niek.vandergraaff@fao.org; or Jim Willis, UNEP Chemicals; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: chemicals@unep.ch; Internet: <http://www.pic.int>

GEF COUNCIL MEETING: The GEF Council meeting will be convened from 19-21 November 2003, in Washington, DC, US. NGO consultations will precede the Council meeting. For more information, contact: GEF Secretariat; tel +1-202-473-0508; fax: +1-202-522-3240; e-mail: secretariatgef@worldbank.org; Internet: <http://www.gefweb.org>

EXPERT GROUP ON BAT-BEP: The second meeting of the Expert Group on Best Available Techniques and Best Environmental Practices is scheduled to meet in December 2003 in Chile. For more information, contact the Stockholm Convention interim Secretariat; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: ssc@chemicals.unep.ch; Internet: <http://www.pops.int>

BASEL CONVENTION COP-7: The seventh meeting of the Conference of the Parties to the Basel Convention is tentatively scheduled for 25-29 October 2004. For more information, contact: Basel Secretariat; tel: +41-22-917-8218; fax: +41-22-797-3454; e-mail: sbc@unep.ch; Internet: <http://www.basel.int>