



**United Nations
Environment
Programme**



Distr.
GENERAL

UNEP/POPS/INC.4/INF/1
8 December 1999

ORIGINAL: ENGLISH

INTERNATIONAL LEGALLY BINDING INSTRUMENT
FOR IMPLEMENTING INTERNATIONAL ACTION ON
CERTAIN PERSISTENT ORGANIC POLLUTANTS
Fourth session
Bonn, 20-25 March 2000
Item 2(b) of the provisional agenda*

ORGANIZATIONAL MATTERS: ORGANIZATION OF WORK

Scenario note for the fourth session of the
Intergovernmental Negotiating Committee

Note by the secretariat

Annexed to this note for the information of the Intergovernmental Negotiating Committee is a scenario note for the fourth session of the Committee provided by the Chair of the Committee, Mr. John Buccini (Canada). This information is circulated as received and has not been formally edited.

* UNEP/POPS/INC.4/1.

Annex

SCENARIO NOTE FOR POPS INC4:

Based on the positive response that I received to the scenario note that I distributed prior to INC3, I have prepared this scenario note for INC4 to communicate my plans and general expectations to all delegates and, hopefully, to assist delegates in preparing for the meeting. The Secretariat will distribute this note with the first group of meeting and information documents in mid-December (they are available on the POPS web site: <http://www.chem.unep.ch/pops/>) and the final distribution of meeting papers will occur at the end of January 2000. This schedule should allow delegates sufficient time to review the documents and to conduct consultations and make other preparations for the negotiations.

Incorporated into this scenario note, at the request of the Chair of the Implementation Aspects Group (IAG), is the scenario for the IAG developed by the Bureau of the IAG at their meeting in Geneva, 8-9 November 1999. This IAG scenario was requested by INC3 in paragraph 91 of UNEP/POPS/INC.3/4.

General Objectives for INC4:

It is important to recall what we must accomplish at INC4 if the convention is to be completed by the end of 2000 as specified in our mandate (UNEP Governing Council Decision 19/13C).

The text of the draft convention developed at INC4 should cover all the issues and be as clearly worded as possible, with the absolute minimum number of square brackets. This is necessary to enable governments to carry out preparatory consultations and then attend INC5 (tentatively November 2000) with a mandate to conclude the negotiations by resolving all issues and completing the convention text. If there are any issues that cannot be resolved at INC4, the policy choices must be reflected in the draft text as clearly as possible to permit governments to make the necessary preparations for INC5.

Organization of work:

INC4 will involve a full 6 days of negotiations from March 20-25, 2000 (*i.e.* Monday - Saturday), with provision for regional meetings on the afternoon of March 19 (Sunday).

Given the nature of the work that must be accomplished at INC4, and my view that regional groups need to be prepared to begin negotiations on the first day of the meeting, I have written to the Bureau members requesting them to call regional meetings on Sunday, March 19. The UNEP Secretariat will allow for this

/...

in making travel arrangements for those delegates for whom they provide assistance.

From Monday to Saturday, the daily schedule for the main INC4 meetings is for two three-hour sessions per day (10:00 - 13:00 and 15:00 - 18:00), with one possible exception (see below). It is hoped that this schedule can be adhered to in order to provide time in the evenings and during meal breaks to enable delegates to relax and/or to attend Bureau and regional meetings, caucuses, contact groups, etc. As our German hosts will be holding a reception for INC delegates on Monday evening, there will be no meetings on Monday evening to ensure that all delegates are free to attend the reception.

Generally, I expect the week to unfold as follows. The INC will begin in plenary on Monday morning and get down to business quickly. In the afternoon, the INC will split into separate meetings of the IAG and the group that remains in the plenary hall after the IAG has left for their meeting, which is referred to as the "Negotiating Group". These groups will continue to meet through the Wednesday morning sessions except when the plenary meets briefly at the beginning of the Tuesday and Wednesday morning sessions to hear progress reports from the IAG, Negotiating Group, Legal Drafting Group (LDG) and any contact groups that may have been established. Plenary will convene again on Wednesday afternoon and continue until the close of the session on Saturday afternoon. If necessary, an evening session of the IAG will be held on Wednesday to clear its report to plenary.

The LDG will start meeting on Monday and continue throughout the week as necessary. It will begin its work by addressing the articles that were forwarded too late to be addressed by the LDG at INC3 (D.2 big, D.3 and Annex D.1 (e)). Once discussion on other articles is concluded by the Negotiating Group or the plenary, these will be forwarded to the LDG for review. Delegates are reminded that only representatives of governments and, by agreement of the INC, of the Commission of the European Community are able to participate in the LDG. The LDG develops legal text once the "substance" has been agreed upon by the INC. There is no negotiation of substantive matters or policy issues in the LDG: any issues of this nature that arise during the legal drafting process are referred back to the INC for resolution. The LDG is not a formal group in the same sense as the IAG: it is a drafting group and should be considered more akin to a small contact group.

I do not expect to have more than two major groups operating at any one time. However, a group may set up small contact groups to assist in getting its work done. The INC Bureau will keep a close watch on the establishment of contact groups to make sure that the meeting does not get too complex and to ensure that all delegates can follow what is happening. Also, we will continue to start each day in plenary with reports from contact groups, as has been our past practice.

/...

The report of the meeting is one of the most important products of the week's work. I wish to remind all participants that the report can only reflect the interventions and work that have been discussed prior to the initiation of the plenary discussion to adopt the meeting report. The meeting report will be discussed in the plenary on Saturday, March 25, as the last item of business prior to the closure of the meeting.

Negotiations on the POPs Convention:

There were three major issues that were addressed at INC3: the development of article D (Measures to reduce or eliminate releases), the acceptance of the Criteria Expert Group report and the subsequent development of article F (Listing of substances in Annexes A, B and/or C), and the concerns relating to articles J (Technical assistance) and K (Financial resources and mechanisms). Significant progress was made on articles D and F and I expect that INC4 will build on this to advance the text on these two articles. Numerous concerns were expressed by delegates on the need for drafting articles J and K and I regard this as one of the most important tasks for INC4. The status of each draft convention article is summarized in Annex I of the INC3 meeting report (UNEP/POPS/INC.3/4).

From Monday to Wednesday in the Negotiating Group, I intend to address those articles that require discussion prior to plenary review in the latter half of the week. I will begin on Monday by addressing articles H and I, that were not considered by the Negotiating Group at INC3, followed by articles D, E, F and G, that were considered by the Negotiating Group at INC3 but not resolved.

The IAG will work on drafting articles J and K, using the paper developed by the group's Bureau (UNEP/POPS/INC.4/3), with a view to completing its work by Wednesday, so that the group's report may be addressed in the plenary as early as Thursday. As noted in its mandate, the IAG will conclude its work at INC4.

If all goes as planned, the INC will meet in plenary as early as Wednesday afternoon and until the close of the meeting on Saturday. I will attempt to have the plenary: review all the articles developed by the Negotiating Group, the IAG and the LDG; identify the terms that need to be defined for article C (Definitions); and solicit views on articles A (Preamble) and B (Objective). My objective is to have a draft convention (albeit with some square brackets) by the end of the meeting. In order to achieve this objective, I believe that the negotiators at INC4 must attach high priority to addressing the concerns raised at INC3, especially those on articles J and K raised by both developed countries and the developing countries and countries with economies in transition.

Possible Outcomes of INC4:

/...

The following is a list of the expectations that I have for possible meeting outcomes, remembering that nothing is truly "final" until everything has been agreed to at INC5:

-article D is drafted, addressing all aspects of the control decisions for the 12 POPs;

-articles C, E, F, G, H, I, J and K are in the form of firm proposals;

-articles L to Z are in the form of firm proposals; and

-any remaining issues are identified (as no new issues can be introduced after INC4) and any requests for secretariat inter-sessional work are defined.

In closing, I urge all delegates to come prepared to make substantial progress on all articles, especially J and K, and to demonstrate good will, flexibility and a constructive approach to the negotiations.

John Buccini
Chair, POPs Intergovernmental Negotiating Committee
December 6, 1999
