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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN  
INTERNATIONAL LEGALLY BINDING INSTRUMENT  
FOR IMPLEMENTING INTERNATIONAL ACTION ON  
CERTAIN PERSISTENT ORGANIC POLLUTANTS

Third session

Geneva, 6-11 September 1999

Item 2 (b) of the provisional agenda \*

ORGANIZATION OF WORK

Scenario note for the third session of the  
Intergovernmental Negotiating Committee

Note by the secretariat

The secretariat has the honour to transmit to the Intergovernmental Negotiating Committee, in the annex to this note, the attached information for the third session of the Committee provide by the Chair of the Committee, Mr. John Buccini (Canada). This information is circulated as submitted by the Chair of the Committee and has not been formally edited.

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\* UNEP/POPS/INC.3/1.

**ANNEX**

**SCENARIO NOTE FOR POPS INC3:**

I have been approached by several INC delegates who have asked me what to expect at the upcoming INC3 meeting. While I have responded to these inquiries as they arose, it occurred to me that it might be worthwhile to communicate my general expectations for INC3 to all delegates. To this end, I have developed this scenario note for INC3 delegates to help them in preparing for the meeting.

INC3 will involve a full 6 days of negotiations from September 6-11, 1999 (i.e. Monday - Saturday), with provision for regional meetings on Sunday, September 5. The Secretariat distributed the meeting documents and two information documents during the first week of July (they are available on the POPS web site) and will distribute a second mailing of information documents at the end of July to allow delegates sufficient time for consultations.

In terms of INC3, two three-hour sessions per day (10:00 - 13:00 and 15:00 - 18:00) are planned for each of the 6 days. It is hoped that this schedule will be adhered to in order to provide time in the evenings and during lunch breaks to enable delegates to attend regional meetings, caucuses, contact groups, etc.. A reception will be held for INC delegates on Monday evening and there will be no meetings of contact or working groups on Monday evening to ensure that all delegates are free to attend the reception.

The opening session on Monday will get down to business rather quickly. After the brief opening formalities, the Secretariat will report on inter-sessional work requested by INC2 and review international developments relating to the work of the Committee that have occurred since INC2. This could also be an appropriate opportunity for speakers from regional groups to make brief statements on their objectives and priorities for the negotiations at INC3.

The report of the Criteria Expert Group (CEG) will be introduced on Monday and proposed for acceptance by INC3 as a basis for negotiations later in the week. Subject to the acceptance of the CEG report by the INC on Monday, I intend to begin negotiations on Article F, "Process for adding chemicals to the convention" on Wednesday.

It is expected that a Legal Drafting Group (LDG) will be created on Monday, and will likely begin its work in earnest on Tuesday. Delegates are reminded that only government representatives will be able to participate in this group. The LDG will be asked to address many of the articles L to Z as its first task and, during the week, as progress is made in the negotiations on the substantive articles (D, E, etc.), the results of the negotiations will be forwarded to the LDG as draft text becomes available. The LDG will develop legal text once the "substance" has been agreed upon by the INC. There will be no negotiation of substantive matters or policy issues in the

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LDG: should any issues of this nature arise during the legal drafting process, the LDG would refer them back to the INC for resolution.

The meeting is expected to remain in plenary on Monday and Tuesday to permit an adequate discussion of Article D. I expect that the contact group on Article D that operated during INC2 will be reconvened on Monday or Tuesday. Several issues raised at INC2 need to be resolved at INC3 including the shape, content and number of annexes, and the specific controls on the 12 POPs. It is highly desirable to have advanced outcomes on controls for all 12 POPs if the INC is to address the implementation aspects in time for INC4. Time permitting, other Articles addressing key provisions (E, G, H, I) may also be addressed in the plenary prior to initiating discussions on the Implementation Aspects Group (IAG).

I expect that the IAG will start its deliberations on Wednesday at the same time that the group we have termed the negotiating group (NG) commences operation. This is the group that remains in the plenary hall to discuss a broad range of issues relating to the draft convention text after the participants in the IAG have left for their meeting.

I do not expect to have more than two major groups operating at any one time (IAG and NG). However, each group may set up small contact groups to assist in getting its work done. We need to 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. Please note that the Legal Drafting Group is not a formal group in the same sense as the IAG and NG: it is a drafting group and should be considered more akin to a small contact group.

Once the IAG and the NG have begun discussions, there will be a brief plenary meeting each morning to ensure all delegates are aware of developments in each of these groups as well as in the LDG and any contact groups that may be established.

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, September 11, as the last item of business prior to the closure of the meeting.

**Possible Outcomes of INC3:**

The following is a list of the expectations that I have for possible meeting outcomes:

-preliminary discussions on articles A (Preamble), B (Objective), and C (Definitions);

-article D is substantively drafted, with firm proposals on the shape, content and number of annexes and on the control decisions for the 12 POPs;

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- articles E, G, H and I are in the form of firm proposals;
- the CEG2 report is accepted by the INC and serves as the basis for the negotiation of text for article F and any annexes or other articles the INC agrees are needed;
- the Legal Drafting Group is formed and provides text of sufficient quality that the INC is able to agree to some of the articles L to Z (remembering that nothing is truly "final" until everything has been agreed to);
- based on in-depth discussions of the proposed obligations, the IAG has developed draft proposals for articles J and K for consideration and decision at INC4: and
- all remaining issues are identified and any requests for secretariat inter-sessional work are defined (as it is undesirable to introduce new issues after INC4).

John Buccini  
Chair, POPs Intergovernmental Negotiating Committee  
July 20, 1999

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