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

Fifth session

Johannesburg, 4-9 December 2000

Item 2(b) of the provisional agenda*

ORGANIZATIONAL MATTERS: ORGANIZATION OF WORK

Scenario note for the fifth session of the
Intergovernmental Negotiating Committee

Note by the secretariat

Annexed to the present note for the information of the Intergovernmental Negotiating Committee is a scenario note for the fifth 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.5/1.

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Annex

SCENARIO NOTE FOR POPs INC5:

As I did for INC3 and INC4, I have prepared this scenario note for INC5 to communicate my plans and general expectations to all delegates and, hopefully, to assist delegates in preparing for the meeting.

The first distribution of INC5 meeting papers occurred on August 31, 2000, and the second distribution took place in October, including this note. The meeting documents are now available on the POPs web site: (<http://www.chem.unep.ch/pops/>). With the timely availability of these documents, delegates should have sufficient time to review them and to conduct consultations and make other preparations favourable to concluding the negotiations at INC5.

Objectives for INC5:

The essential objective for INC5 is to conclude negotiations and produce a complete text for the POPs convention, thus fulfilling the mandate specified in UNEP Governing Council Decision 19/13C. It is also desirable to make preparations for the Diplomatic Conference for the signing of the convention that is scheduled for Stockholm, May 22-23, 2001.

Organization of work:

INC5 will involve a full 6 days of negotiations from December 4-9, 2000 (*i.e.* Monday - Saturday), with provision for a full day of regional meetings on December 3 (Sunday).

Given the work that must be accomplished at INC5, 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, December 3. The 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 INC5 meetings is for two three-hour sessions per day (10:00 - 13:00 and 15:00 - 18:00). As our South African 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. However, from Tuesday to Saturday, the secretariat has made arrangements for meeting rooms and interpretation to be available in the evenings to allow sessions to be held from 20:00 - 23:00 each day if necessary. I recognize that it is desirable to provide time in the evenings to enable delegates to relax and/or to attend Bureau and regional meetings, caucuses, contact groups, etc., but if it becomes apparent that the evening sessions are needed to conclude our work, then I will not hesitate to call for them.

Given the amount of work before us, the need for regional group coordination and the time that will be needed for the negotiating sessions, I would discourage requests for lunch time briefings of the type that have been facilitated by the secretariat at past INC sessions.

Generally, I expect the week to unfold as follows. The INC will begin in plenary on Monday morning and get down to business quickly. The INC will meet in plenary for the entire week as there are no subsidiary bodies operating during INC5. Contact groups will be set up as needed to address particular issues in the same manner as at previous INC meetings. 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 our past practice of starting each day with reports to the plenary from contact groups.

The Legal Drafting Group (LDG) will start meeting on Monday and continue throughout the week as necessary. Once discussion on articles is concluded by the INC, these will be forwarded to the LDG for review. The LDG will also begin the process of performing an overall review and consistency check of the draft convention text. 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 report of the meeting, including the convention text, is the most important product 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, December 9, as the last item of business prior to the closure of the meeting.

Negotiations on the POPs Convention:

On Monday morning, after the opening formalities, I will seek the INC's views on which draft convention text should serve as the basis for negotiations. At INC4, the meeting invited me to clean up the draft text included in Annex II of the meeting report, UNEP/POPS/INC.4/5, (the "INC4 draft text") and make the necessary editorial and placement changes and address some of the non-contentious brackets. In response, I have developed the Chair's draft text that is included in Annex II of the meeting paper UNEP/POPS/INC.5/5 (the "Chair's draft text") and referred to in the addendum, UNEP/POPS/INC.5/5/Add.1, which attempts to more succinctly reflect the intentions of the INC. The decision as to whether the INC4 draft text or the Chair's draft text is to serve as the basis for negotiations at INC5 must be taken at this time in order for the negotiations to proceed.

I would like to remind Governments to bring forward to INC5 any remaining country-specific exemptions to Annexes A or B. Any Government wishing to include such exemptions should submit to the Secretariat early in the week of INC5 a conference room paper indicating proposed specific uses of particular chemicals to be exempt.

On Monday afternoon, I will open discussion on Article K (Financial resources and mechanisms) as recommended in the report (UNEP/POPS/INC.5/4) of the inter-sessional meeting on financial resources and mechanisms held in Vevey, Switzerland (June 19-21, 2000). I expect that we will need to come back to this issue, as well as to Articles J (Technical assistance) and *J bis*, over several days in order to permit adequate discussion and make progress in drafting these articles. I will also follow the recommendation in the Vevey meeting report that agreement in principle be sought in plenary before considering sending out small drafting groups to address specific issues and prepare draft convention text proposals for plenary.

I will lead the meeting in a discussion of all those articles that have remaining issues and will attempt to keep the negotiations focused and productive, always keeping my eye on the final objective of having a complete convention by the end of the meeting. In order to achieve this objective, I believe that the negotiators at INC5 must attach high priority to addressing the outstanding issues identified in the report of INC4.

As time allows, the INC should complete the drafting of any resolutions to be adopted by the Diplomatic Conference.

Outcomes of INC5:

The essential outcome of INC5 is a complete POPs convention that can be submitted to capitals for review and signing at the Stockholm diplomatic conference. It would also be desirable to make significant progress in developing any needed papers, including completing draft resolutions, for the diplomatic conference.

In closing, I urge all delegates to come prepared to demonstrate good will, flexibility and a constructive approach to the negotiations in order to conclude the convention.

John Buccini
Chair, POPs Intergovernmental Negotiating Committee
September 14, 2000
