thanks to the Ministers who were involved in the negotiations and especially to the wisdom of Emil Salim. A series of additional statements of thanks followed by a number of individual States, including Palestine, which spoke on behalf of the Arab Group.

In his closing statement, Nitin Desai offered a compliment to the organizers of the Summit by remarking that despite having been the largest UN conference ever, he had never seen such a well-organized Summit. Highlighting the important role played by Major Groups for ‘harassing’ government delegates and developing an agenda for themselves, he encouraged them to do the same in future. He also commended delegates for having displayed a 15/50 vision, namely having connected the 2015 Millennium development goals, while laying the groundwork for achieving sustainable development by 2050.

Thabo Mbeki closed on a lighter note by explaining that Nitin Desai had urged him earlier to prepare the final speech of the Summit, but now found himself lost for words since ‘[Desai] just made [his] speech.’ He thanked all those who were involved in the process, and added that they must be ‘sick of debating’ by now. Emphasizing that all participating States own all the resulting decisions, he stated that it is now time to move beyond political rhetoric, brackets and commas. It is time to take action, to pursue multilateralism and global governance in order to effectively implement the outcomes of Doha, Monterrey and Johannesburg and link these together.

In immediate reactions from the media and intellectual community, the Plan and Declaration received high marks for stressing the rule of law and human rights and, more importantly, for the mutual reinforcement of the three components of sustainable development, which are compounded by the emphasis on the social and economic dimension, in contrast to Rio, where the environmental theme was predominant. In the run-up to the Summit a few doomsayers were heard to comment that a lack of political support for the WSSD process would mean the breakdown of multilateralism. Suffice it to say, Johannesburg has passed the test, but it remains to be seen in future years whether there will be enough political will from the States involved to implement these commitments, and whether the actions undertaken will be sufficient to set the global community on the path toward sustainable development.

Notes
1 See Environmental Policy and Law, 32(3–4), p. 142.
2 Meaning rich in cultural and biological diversity. See also Group of Like-Minded Mega-Diverse countries.
3 For a report and summary of treaty actions, please see http://untreaty.un.org.
4 All subsequent references to the text of the Plan of Implementation are based upon the advance, unedited version that was made available at the official WSSD website (www.johannesburgsummit.org) on 10 September 2002.
5 For relevant extracts of Millennium Declaration, see Environmental Policy and Law, 30(5), p. 264.
6 For all official documents, including the Plan of Implementation, please see www.johannesburgsummit.org.

**INC-6**

Persistent Organic Pollutants: Progress Continues

The Sixth Session of the Intergovernmental Negotiating Committee (INC-6) for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (POPs) met from 17–21 June 2002, in Geneva.⁴

The Meeting was opened by the INC Chair John Buccini (Canada), who introduced Philippe Roch, Director of the Swiss Agency for the Environment, Forests and Landscape. In noting that INC-6 marked a shift from negotiation to implementation of the Convention, Philippe Roch stressed in that connection the importance of technical and financial assistance to developing countries and countries with economies in transition.

This multilateral environmental agreement is considered to be one of the real international success stories, and delegates saw their main task as ensuring that the Convention is both ratified and fully implemented in a timely manner. In this regard, delegates considered, inter alia, preparations for the Conference of the Parties (COP) and adopted the following decisions:
- the size of the Bureau;
- budget;
- DDT and Register of specific exemptions;
- the Expert Group on best available techniques and best environmental practices;
- wastes and stockpiles;
- implementation plans;
- the POPs Review Committee;
- a clearing-house mechanism;
- technical assistance;
- financial resources and mechanisms and the interim financial mechanism;
- effectiveness evaluation;
- non-compliance; and
- INC-7.

(These decisions can be downloaded from the Convention website, so will not be discussed here.)
There is abundant evidence of international support for full ratification of the Convention, and many believe that it will enter into force within two years – at least one year ahead of schedule. That was the positive message of this latest session – that the Stockholm Convention is well on its way to becoming legally binding.

Concerning the first Conference of the Parties, during INC-3 Switzerland had proposed to finance holding the UNFCCC

**In Preparation for COP-8**

The 5–14 June meeting of the Subsidiary Bodies (SB-16) to the 1992 United Nations Framework Convention on Climate Change (UNFCCC) held in Bonn, Germany, was mainly to prepare for the Eighth Conference of the Parties (COP-8), to be held in November in New Delhi, India.

Following three years of negotiations on the operational details of the Kyoto Protocol on the reduction of greenhouse gases, delegates were aware that the Bonn meeting was the start of a new phase of negotiations, focusing on the implementation of the Marrakesh Agreement to the Marrakesh Agreements. However, it became clear at the beginning of the Meeting just how divergent the views of the Parties were on the direction the climate process should take.

Although a consensus was finally achieved on a number of draft decisions, a big question mark still remains as to whether there should or will be a renegotiation of the Bonn and Marrakesh Agreements relating to the implementation of the Kyoto Protocol.

The question was posed at the beginning of the session when Canada asked for emission credits in exchange for sales of ‘clean’ energy to the United States. It also called for a new definition of forests and reforestation to be taken into account when calculating carbon sinks.

Delegates regarded the requests to be totally unacceptable, as they were tantamount to a renegotiation of the entire acquis of the Bonn and Marrakesh (COP-7) conferences. For the vast majority of countries – in particular the EU and the G-77 – it would be unacceptable to reopen the debate on the Kyoto targets.

Canada’s proposals on clean energy exports and sinks under the Clean Development Mechanism (CDM), which would reduce the costs of meeting the country’s emissions reduction target, were viewed by many delegates as an attempt to reopen the deal struck in Marrakesh for better terms. In its own defence, Canada listed a whole range of reasons for its position, including the political and economic sensitivities of several Canadian provinces, and the unforeseen US decision to repudiate the Protocol. Canada claims that if its companies have to reduce emissions under the Protocol, they will face a competitive disadvantage relative to their US counterparts. They claim that better terms would make ratification more politically palatable.

There is now a general fear that Canada’s demands will inspire other countries to lodge similar requests. Russia has declared the Canadian notion to be ‘interesting, generous and worthy of further study’. Russia could take similar action, basing its own case on its gas exports. The Russian Government also realises that, following the submission of instruments of ratification of the Kyoto Protocol by the EU, Japan, Norway, Slovakia, the Czech Republic, Iceland and Romania, it remains, together with Poland, one of the two key players in ensuring the entry into force of the Protocol. There is little doubt that Russia will continue to apply pressure on the EU to secure real guarantees, for example with regard to technology transfer. While the Russian Government has signalled its political willingness to ratify the Protocol, considerable uncertainty continues to cloud the process.

What seems to be quite certain is that Canada, in spite of the clear opposition of almost all countries, intends to stand firm on its position and table a proposal. Therefore, according to the procedures applied in this body, the question will have to be included on the agenda for COP-8 and discussed by ministers in New Delhi. (MJ)

**Notes:**


2. See Environmental Policy and Law, Vol. 32, No. 1 (2002) at page 14 for a full report of the Seventh Session of the Conference of the Parties (COP-7) to the UN Framework Convention on Climate Change held in Marrakesh.


4. The Protocol allows for the inclusion of a number of measures, which were designed to assist countries through collaboration to meet their targets. These measures became known as ‘flexible mechanisms’ and included the CDM. See Environmental Policy and Law, Vol. 31, No. 1 (2001) at page 27 for a discussion of these mechanisms.