



## SUMMARY OF THE FIRST CONFERENCE OF THE PARTIES TO THE STOCKHOLM CONVENTION: 2-6 MAY 2005

The first Conference of the Parties (COP-1) to the Stockholm Convention on Persistent Organic Pollutants (POPs) was held from 2-6 May 2005, in Punta del Este, Uruguay. Over 650 participants, representing more than 132 governments, intergovernmental and non-governmental organizations, and UN agencies, attended the session. Despite a full agenda, POPs COP-1 succeeded in adopting a broad range of decisions required to set the Convention's implementation in motion. These decisions relate to: providing for the evaluation of the continued need for DDT use for disease vector control; establishing a review process for entries in the register of specific exemptions; adopting guidance for the financial mechanism; establishing a schedule for reporting; establishing arrangements for monitoring data on POPs; adopting rules of procedure and financial rules; adopting the budget for the Secretariat; and establishing the POPs Review Committee. Other matters scheduled for discussion included: the format for the DDT Register and the Register of specific exemptions; the process for developing guidelines to assist Parties in preventing the formation and release of unintentionally produced POPs; and guidelines on best available techniques and best environmental practices.

COP-1's work was characterized by efficiency, and by a collegial spirit that some referred to as the "spirit of Punta del Este." Yet, the meeting was not without controversy, as discussions relating to the setting up of expert bodies and to financial and technical assistance lasted late into the night. Nevertheless, the smooth resolution of the large majority of these disagreements served to maintain the good spirit of the meeting as an auspicious beginning upon which the Convention will base its future work.

### A BRIEF HISTORY OF THE STOCKHOLM CONVENTION

During the 1960s and 1970s, the use of chemicals and pesticides in industry and agriculture increased dramatically. In particular, a category of chemicals known as 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 inter-

ference with normal infant and child development. POPs are chemical substances that persist, bioaccumulate in living organisms, 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.

Prior to 1992, international action on chemicals primarily involved developing tools for information exchange and risk assessment, such as the United Nations Food and Agriculture Organization's International Code of Conduct for the Distribution and Use of Pesticides and the United Nations Environment Programme's London Guidelines for the Exchange of Information on Chemicals in International Trade. In 1992, the UN Conference on Environment and Development adopted Agenda 21. Chapter 19 of Agenda 21, on "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 a list of 12 POPs. In response, the IFCS convened an *Ad*

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*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 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 on the 12 POPs. 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, 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 list of 12 POPs. Also in February 1997, the second meeting of the IFCS decided that the *Ad Hoc* Working Group would continue to assist in the preparations for the negotiations. In May 1997, the WHA endorsed the recommendations of the IFCS and requested that the World Health Organization participate actively in the negotiations.

**NEGOTIATION OF THE CONVENTION:** The first session of the Intergovernmental Negotiating Committee (INC-1) was held from 29 June to 3 July 1998, in Montreal, Canada. INC-1 requested the Secretariat to prepare a document containing material for possible inclusion in an international legally binding instrument. The second session of the INC was held from 25-29 January 1999, in Nairobi, Kenya, where participants discussed a Secretariat-prepared outline of a convention text. The third session of the INC met from 6-11 September 1999, in Geneva, Switzerland, with delegates considering the revised draft text. They adopted 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. The fourth session of the INC met from 20-25 March 2000, in Bonn, Germany. Delegates drafted articles on technical assistance and on financial resources and mechanisms, addressed control measures, and made some headway on language on unintentionally produced POPs. The fifth session of the INC met from 4-10 December 2000, in Johannesburg, South Africa, with delegates concluding negotiations on the convention in the early hours of Saturday morning, 10 December.

**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 addressing interim financial arrangements and issues related to the Basel Convention; resolutions forwarded by the Preparatory Meeting; and the Final Act.

The Stockholm Convention 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) unintentionally produced POPs: dioxins and furans. Governments are to promote Best Available

Techniques (BAT) and Best Environmental Practice (BEP) 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 unintentionally produced POPs. Precaution is operationalized throughout the Convention, with specific references in the preamble, the objective and the provision on identifying new POPs.

The Stockholm Convention entered into force on 17 May 2004, and currently has 98 Parties, including 97 States and the European Community.

**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 BAT and BEP.

**INC-7:** The seventh session of the Intergovernmental Negotiating Committee (INC-7) was held from 14-18 July 2003, in Geneva, Switzerland. Delegates focused on addressing a number of "housekeeping" issues in preparation for the first COP. Decisions were adopted on, *inter alia*: offers to host the permanent Secretariat; technical assistance; national implementation plans; exempted use; Party reporting; specific exemptions; DDT; interim financial arrangements; a standardized Toolkit for the 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.

## COP-1 REPORT

John Buccini, Acting Executive Secretary of the Stockholm Convention, opened COP-1 on Monday, 2 May 2005, and welcomed delegates to the meeting. Reinaldo Gargano, Uruguay's Minister of Foreign Affairs, highlighted Uruguay's efforts to address persistent organic pollutants under the Stockholm Convention, and stressed the importance of implementation.

Delegates then elected Mariano Arana, Uruguay's Minister of Housing, Territorial Planning, and Environment, as President of COP-1, and nine other bureau members: Therese Yarde (Barbados); Dimitry Zorin (Belarus); Marin Kocov (Macedonia); J.K.B.H. Kwisthout (Netherlands); Nik Kiddle (New Zealand); Stella Mojekwu (Nigeria); Said Ali Alzedjal (Oman); Demetrio L. Ignacio, Jr. (Philippines); and Ibrahima Sow (Senegal). Delegates then adopted the agenda (UNEP/POPS/COP.1/1), as amended by Canada adding an agenda item on cooperation between the World Trade Organization and the Convention under "Other Matters."



Delegates agreed to create a Committee of the Whole (COW), chaired by Mark Hyman (Australia), with a mandate to address substantive agenda items for consideration by the COP, and a legal and administrative working group, co-chaired by Haddad El Gottary (Egypt) and Anne Daniel (Canada).

The COW met from Monday afternoon until Wednesday afternoon, with an evening session held on Thursday. Delegates also convened in plenary sessions and in contact groups on financial mechanisms, on the terms of reference of the POPs Review Committee (POPRC), and on guidelines for Best Available Techniques (BAT) and Best Environmental Practices (BEP). This report is organized according to the agenda.

#### **ADOPTION OF THE RULES OF PROCEDURE FOR THE COP AND ITS SUBSIDIARY BODIES**

In plenary on Monday, Buccini introduced the draft rules of procedure for the COP and its subsidiary bodies (UNEP/POPS/COP.1/25). He highlighted unresolved issues related to notifying Parties of observer participation, decision making and voting, and the size of the Bureau. On the size of the Bureau, the Latin American and Caribbean Group (GRULAC) and the African Group endorsed a 10-member Bureau, with two representatives from each region. The COP agreed and adopted the rule pertaining to Bureau size. Since delegates were unable to reach agreement on the remaining outstanding rules, they agreed to apply the rules during COP-1 on a provisional basis, and referred the completion of the rules to the legal working group. On Tuesday, the legal working group agreed on the application of the rules of procedure to subsidiary bodies and on the staggering of bureau terms. Regarding decision making, delegates agreed to seek to resolve all issues by consensus and to leave brackets on the voting procedures for substantive issues.

On Wednesday, the legal working group finalized the rules of procedure, agreeing to include in the Conference's report concerns on the prompt inclusion on the Secretariat's web site of requests for observer status and on due process when voting on procedural matters.

On Friday in plenary, Co-Chair Daniel reported on the results of the group's deliberations and delegates adopted the rules of procedure.

**Final Decision:** The final decision adopts the rules of procedure, which apply to the COP and, *mutatis mutandis*, to its subsidiary bodies (UNEP/POPS/COP.1/CRP.23). The decision establishes a 10-person bureau composed of one President and nine Vice-Presidents representing the five UN regional groups, and staggering the terms of the President and Vice-Presidents to ensure that countries that host a COP also preside over it. Decision making will be made by consensus on substantive matters. Brackets remain on the rule that lays out the possibility for voting. A vote by simple majority can be taken on procedural matters. Non-governmental organizations (NGOs) and other organizations who request observer status will be allowed to attend meetings unless one-third of the Parties present at a meeting object.

#### **REPORT ON THE CREDENTIALS OF REPRESENTATIVES TO COP-1**

On Friday in plenary, Stella Mojekwu (Nigeria) spoke on behalf of the Bureau and indicated that credentials had been received from 72 Parties.

#### **REPORT ON THE ACHIEVEMENTS OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR IMPLEMENTING INTERNATIONAL ACTION ON CERTAIN PERSISTENT ORGANIC POLLUTANTS**

On Monday, Buccini reported on the initiatives undertaken and results achieved by the Intergovernmental Negotiating Committee (INC). Delegates commended the INC for its work.

#### **MEASURES TO REDUCE OR ELIMINATE RELEASE FROM INTENTIONAL PRODUCTION AND USE**

**DDT:** On Monday in the COW, Jacob Williams, World Health Organization (WHO), introduced documents on the DDT register (UNEP/POPS/COP.1/3), evaluation of the continued need for DDT (UNEP/POPS/COP.1/4), and responses from governments on the DDT reporting format and questionnaire (UNEP/POPS/COP.1/INF.5). He noted that decisions were required on three main points: the DDT Register and notification form; reporting by Parties using DDT, including a questionnaire; and evaluation of the continued need for DDT.

Many countries supported adoption of the DDT Register, the notification form, and the reporting questionnaire. Australia, China, the Philippines and Tanzania called for simplifying the questionnaire.

South Africa, Papua New Guinea and Kenya supported the recommendations of the evaluation of the continued need for DDT for disease vector control. While some countries provided examples of success with alternatives, others highlighted difficulties in putting an immediate end to DDT use due to the urgent need to control malarial vectors. The UK, on behalf of the European Union (EU), and Lebanon supported the long-term goal of eliminating production and use of DDT.

Williams presented a draft decision to the COW on Tuesday. Delegates proposed a number of additions to the decision, including reference to: "non-Parties" to encourage all countries to submit data; cost estimates; integrated vector control, non-chemical alternatives and adequate public health measures as Global Environment Facility (GEF) supported activities; and deployment of cost-effective alternatives.

A revised draft decision was presented to the COW on Wednesday. Following agreement on the proposal, the decision was submitted to the legal drafting group for editorial improvements. A revised decision was adopted by the plenary on Friday.

**Final Decision:** The decision on DDT (UNEP/POPS/COP.1/CRP.9/Rev.4) adopts the format of the DDT Register, approves the notification form for production and use of DDT, and reminds Parties of their obligation to notify the Secretariat of their intention to produce or use DDT for disease vector control. It adopts the format and questionnaire for reporting production and use, and requests the Secretariat, in cooperation with the WHO, to review the adequacy of submitted information. The decision reminds Parties to provide information to the Secretariat on the amount used, conditions of use, and relevance to disease management strategy, as well as on production, use, export, import and stocks of DDT.

The decision concludes that countries currently using DDT for disease vector control may need to continue such use until locally appropriate and cost-effective alternatives are available, and recommends that the financial mechanism support activities to



strengthen capacities to implement, monitor and evaluate the use of DDT and its alternatives. The decision requests the Secretariat, in cooperation with WHO to further elaborate the reporting and evaluation process and prepare cost estimates for consideration by COP-2, and to provide an overview of alternatives and their effectiveness. The decision allocates adequate resources for 2006 to support the preparation of Parties for reporting on DDT and for the future evaluation of continued need, and invites countries to provide resources. It requests the financial mechanism and other institutions to support the development of global partnerships to develop and deploy alternatives, with leadership from the Secretariat and WHO. Finally, the decision invites non-Parties to participate.

**SPECIFIC EXEMPTIONS AND RELATED ISSUES:** On Tuesday in the COW, Elena Sobakina, Secretariat, introduced documents on the register of specific exemptions (UNEP/POPS/COP.1/5), case studies (UNEP/POPS/COP.1/7), and the review process for entries (UNEP/POPS/COP.1/6).

The COW requested the Secretariat to draft a decision adopting the register format with an amendment proposed by Australia on column content, and a decision deferring case studies.

On the review process for specific exemptions, Norway, Australia and Canada, opposed by the EU, supported review by the POPRC. The EU, Brazil and Switzerland opposed establishing an expert group to perform the review. The COW requested the Secretariat to draft a decision adopting the exemption request form, and deferring a decision on whether an expert group should conduct the review.

Sobakina introduced a Secretariat note on Party notification on articles in use and site-limited intermediates (UNEP/POPS/COP.1/INF/6), and delegates agreed to elevate the status of the information document to an agenda paper for consideration by COP-2.

On Friday in plenary, COW Chair Hyman introduced draft decisions on the review process for entries in the Register of Specific Exemptions, and on the format for the Register. The decisions were adopted by plenary without amendment.

**Final Decisions:** The decision on the review process (UNEP/POPS/COP.1/CRP.11/Rev.1) adopts the review process for entries in the Register of Specific Exemptions and endorses the request form, both of which are included as annexes. The review process requires submission of an extension request by Parties 12 months before the COP prior to the expiry of that exemption. Text remains bracketed on whether a group of experts should review exemption requests and develop recommendations to the COP.

The decision on format for the Register (UNEP/POPS/COP.1/CRP.12/Rev.1) adopts the format for the Register and endorses the form for submission of registrations of specific exemptions, with both contained in annexes.

### **MEASURES TO REDUCE OR ELIMINATE RELEASES FROM UNINTENTIONAL PRODUCTION**

**GUIDELINES ON BAT/BEP:** On Tuesday in the COW, David Ogden, Secretariat, drew attention to the Co-Chairs' report of the expert group (UNEP/POPS/COP.1/8) and the draft guidelines on BAT and provisional guidance on BEP (UNEP/POPS/COP.1/INF/7). Several countries supported immediate adoption of the draft guidelines, and called for the establishment of a time-limited, open-ended working group to continue work on the guidelines. Developing countries noted that they did not have the

resources for immediate implementation, emphasizing the need for the guidelines to take into account economic feasibility and to address the specific circumstances of developing countries, including social and economic considerations.

A contact group was formed, co-chaired by Sergio Vives Pusch (Chile) and Patrick Finlay (Canada), to develop a draft decision acknowledging the guidelines, establishing an expert group to continue work, and defining terms of reference (ToR) for the group. The contact group convened on Tuesday evening, and met throughout Wednesday. On Tuesday, participants considered elements of the ToR, including: timeframes, substantive tasks, participation, membership and funding. Discussions in Wednesday's contact group focused on whether the type and number of observers with access to meetings of the expert group should be limited, and whether support should be made available to members, and invited experts from developing countries and countries with economies in transition. Discussions also focused on participation, with delegates disagreeing over whether to base membership on equitable representation from the five UN regions to facilitate adoption of the guidelines at COP-3; or the structure of the previous BAT/BEP expert group, in order to ensure continuity and retain expertise. A compromise option was proposed that builds on the expertise and experience of the previous group, but adds experts from Africa, the Asia/Pacific region and Central and Eastern Europe to achieve the same representation for these regions as in the POPRC, but retaining 14 experts from the Western European and other States.

A draft decision reflecting this compromise was presented to the COW on Thursday. Brazil, Uruguay and Russia objected to the imbalance in representation from different regions. Following informal consultations, delegates agreed to amend the draft decision to increase the representation from Africa, Asia/Pacific, Central and Eastern Europe, and Latin America and the Caribbean. The COW approved the amendment, and agreed to reflect countries' concerns over representation in COP-1's report.

On Friday, the plenary adopted a revised draft decision, and elected Bo Wallström (Sweden) and Gang Yu (China) as Co-Chairs of the expert group. The five regional groups nominated the following countries to represent them as members of the expert group:

- Latin America and the Caribbean: Argentina, Brazil, Chile, Mexico, Uruguay and Venezuela;
- Western European and other States: Australia, Austria, Canada, Finland, France, Germany, Iceland, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland and the UK;
- Central and Eastern Europe: Armenia, Czech Republic, Latvia and Moldova;
- Africa: Benin, Botswana, Djibouti, Ghana, Kenya, Mali, Nigeria, Rwanda and Tunisia; and
- Asia and Pacific States: China, Fiji, Japan, Mongolia, Oman, Papua New Guinea, the Philippines, Thailand, and Yemen.

**Final Decision:** The decision (UNEP/POPS/COP.1/CRP.28/Rev.1) recognizes the usefulness of the draft guidelines on BAT and provisional guidelines on BEP, as well as the importance of awareness-raising activities and case studies in connection with ongoing work on the issue. It encourages Parties to take the draft guidelines and provisional guidance into account, where practicable and feasible, in the development of action plans, noting the



need for further work to enhance or strengthen the guidelines to allow for adoption at COP-3. It establishes an expert group, and invites comments on the guidelines by 31 August 2005. The ToR of the expert group are set out in an annex and include its mandate, tasks, participation, funding, decision making, outputs and house-keeping matters. On participation, the ToR specify the following membership: nine from Africa; nine from the Asia/Pacific region; four from Central and Eastern Europe; six from Latin America and the Caribbean; and 14 from Western European and other States, and notes Parties are to nominate their designated experts by 1 July 2005. The ToR provide for support to members and invite experts from developing countries and countries with economies in transition, and open meetings of the expert group to observers.

**AWARENESS RAISING ON BAT/BEP GUIDELINES:** On Thursday in the COW, Kenya introduced a draft decision with Ecuador, Egypt, Ghana, Senegal and Tanzania, supported by China and Papua New Guinea, requesting the allocation of sufficient resources and urging donors to support activities to promote guidelines on BAT/BEP through awareness raising, training and publicity (UNEP/POPS/COP.1/CRP.21). The EU highlighted the need to consider budget implications. After informal consultations, delegates deleted the reference to resource allocation and training. A revised decision was adopted by plenary on Friday.

**Final Decision:** The decision (UNEP/POPS/COP.1/CRP.21/Rev.1) requests the Secretariat to initiate activities to promote the BAT/BEP guidelines through awareness raising, information dissemination and publicity at regional, subregional and national levels, subject to funding, and urges Parties and non-Parties to support these activities.

**IDENTIFICATION AND QUANTIFICATION OF RELEASES:** On Tuesday in the COW, Heidelore Fiedler, Secretariat, introduced the standardized toolkit for identifying and quantifying dioxin and furan releases (UNEP/POPS/COP.1/9), a second edition of the toolkit (UNEP/POPS/COP.1/INF/8), a compilation of comments from governments and NGOs (UNEP/POPS/COP.1/INF/9), and information from UNEP Chemicals on the incorporation of comments and other information received on the toolkit's second edition (UNEP/POPS/COP.1/INF/10). Several countries supported adoption of the toolkit, while Nigeria and the Gambia stressed the need to consider the specific circumstances of developing countries. The plenary decided to defer a decision on the toolkit to COP-3 due to a lack of time to consider the issue.

**MEASURES TO REDUCE OR ELIMINATE RELEASES FROM WASTES: TECHNICAL GUIDELINES FOR THE ENVIRONMENTALLY SOUND MANAGEMENT OF PERSISTENT ORGANIC POLLUTANTS**

On Wednesday in the COW, Matthew Gubb, Secretariat, introduced the Secretariat's report on the application of the Basel Convention's technical guidelines for the environmentally sound management of POPs wastes (UNEP/POPS/COP.1/11), and referred delegates to the Basel Convention's technical guidelines for their environmentally sound management (UNEP/POPS/COP.1/INF/12 and INF/12/Corr.1). Many countries expressed their support for the guidelines.

The EU introduced a draft decision reminding Parties of their obligation under the Stockholm Convention to take the guidelines into account and requesting the Secretariat to keep Parties informed of the status and content of Basel Convention developments on

technical guidelines on levels of destruction and irreversible transformation. Delegates proposed amending language to recognize the provisional nature of the guidelines.

On Thursday in the COW, the EU introduced a revised decision and delegates agreed on its content. The decision was adopted in plenary on Friday without amendment.

**Final Decision:** The decision (UNEP/POPS/COP.1/CRP.5/Rev.2) reminds Parties to take into account the Basel Convention's technical guidelines for the environmentally sound management of POPs wastes, in particular the provisionally-defined "low POP content" levels of destruction and irreversible transformation, and methods considered to constitute environmentally sound disposal of wastes consisting of, or contaminated with POPs. It welcomes the continued work of the Basel Convention in developing the above methodologies, and encourages Parties to participate in this work. The decision requests the Secretariat to further strengthen synergies with the Secretariat of the Basel Convention, and to keep Parties informed of the status of the technical guidelines, with a view to future consideration of a decision on the issue by the COP.

**IMPLEMENTATION PLANS**

On Wednesday in the COW, Fatoumata Ouane, Secretariat, introduced documents on: development of guidance to assist countries in preparing national implementation plans (NIPs) (UNEP/POPS/COP.1/12); interim guidance for developing NIPs (UNEP/POPS/COP.1/INF/13); possible text for inclusion in the interim guidance relevant to the Rotterdam Convention (UNEP/POPS/COP.1/INF/13/Add.1); a compilation of comments received on the guidance (UNEP/POPS/COP.1/INF/14); and the review and updating of NIPs (UNEP/POPS/COP.1/13). Several countries expressed support for adopting the guidance.

On Thursday in the COW, Ouane introduced a draft decision on NIPs guidance, and delegates agreed on the proposal. Delegates adopted the draft decision in plenary on Friday, with minor editorial amendments.

**Final Decision:** The decision on NIPs (UNEP/POPS/COP.1/CRP.27/Rev.1) adopts the guidance on the preparation of NIPs, with the addition of specific considerations relevant to the Rotterdam Convention. It encourages governments to use the guidance, and requests them to provide comments to the Secretariat on their experience to allow for updating. The decision further requests the Secretariat to develop a roster of experts, and to develop additional guidance on socioeconomic assessment and calculation of action plan costs, including incremental and total costs. The decision adopts the guidance for the review and updating of NIPs, and requests the Secretariat to further elaborate this process. The decision concludes by requesting the financial mechanism to support regular review and updating of NIPs. Guidelines for the review and updating of national are included in an annex to the decision.

**TERMS OF REFERENCE OF THE PERSISTENT ORGANIC POLLUTANTS REVIEW COMMITTEE**

On Monday, Fatoumata Ouane, Secretariat, presented revised and annotated draft ToR for the POPRC (UNEP/POPS/COP.1/14), referred delegates to the comments received on the ToR (UNEP/POPS/COP.1/INF/15), and highlighted an overview of the regional distribution of countries under the UN and the Food and Agriculture Organization (FAO) (UNEP/POPS/COP.1/INF/16). She also



introduced a review of existing approaches on conflict of interest procedures (UNEP/POPS/COP.1/23), noting the Rotterdam Convention has the most comprehensive and compatible approach.

In discussing the draft ToR, several countries called for looking to the model of the Rotterdam Convention's Chemical Review Committee (CRC). Delegates agreed to create a contact group on the POPRC, to be chaired by Ibrahima Sow (Senegal).

After some discussion on the POPRC's size and membership and acknowledging the lengthy negotiations that led to resolution on the CRC, delegates in the contact group on Monday agreed to use the CRC's size and geographic distribution. Participants also opted to follow the CRC model on the rotation of experts. Noting that the POPRC would be a subsidiary body, several countries stressed the need to respect the Stockholm Convention's rules of procedure and conduct all POPRC proceedings in the six UN languages. Others disagreed, noting budgetary and efficiency implications. On Tuesday in the contact group, delegates continued to rely on the CRC model, and agreement was reached on outstanding issues, including attendance by invited experts and observers. Participants also agreed on the procedure for COP-1's election of the POPRC Chair. Disagreement remained only on the working languages of the Committee.

On Wednesday in the COW, Chair Sow introduced a draft decision establishing the POPRC and detailing, in its annex, the Committee's ToR. Many developing countries asked that the POPRC conduct its work in the six UN languages. Canada supported the use of the six languages and suggested that the number of meetings be limited to control interpretation costs. The EU, with Japan, underscored the efficacy of discussing technical issues in a single working language. Delegates agreed to create a small group to continue deliberations, which reported back to the COW Wednesday afternoon with compromise text allowing for simultaneous interpretation at POPRC meetings. The EU asked that this compromise not set a precedent.

On Thursday in the COW, Ouane introduced a draft decision establishing the POPRC and outlined a number of minor amendments to the text. Delegates adopted the draft decision. Delegates also adopted a draft decision on the rules of procedure for preventing and dealing with conflicts of interest for POPRC activities, with amendments relating to the transmission of experts' declarations of interests to the Secretariat and to relevant fields of expertise. Delegates approved the decision.

On Friday in plenary, COW Chair Hyman announced the countries that will be submitting expert nominations to the POPRC, and delegates adopted the decisions. COP-1 elected, by consensus, Reiner Arndt (Germany) as POPRC Chair.

**Final Decisions:** The final decision on the POPRC (UNEP/POPS/COP.1/CRP.13/Rev.1) decides to establish a 31-member POPRC, with eight members from the African States, eight members from the Asian and Pacific States, three members from the Central and Eastern European States, five members from the Latin American and Caribbean States and seven members from the Western European and other States. The annex to the decision details the POPRC ToR. Appendix I to the decision specifies the distribution of countries across the five regional groups, and Appendix II lists the Parties identified to nominate members to the POPRC:

- African States: Chad, Côte d'Ivoire, Ethiopia and Mauritania (for two years); Burkina Faso, Morocco, Sierra Leone and South Africa (for four years);
- Asian and Pacific States: Fiji, the Philippines, Qatar and Yemen (for two years); China, Japan, Jordan and Thailand (for four years);
- Central and Eastern European States: Slovenia (for two years); Armenia and Czech Republic (for four years);
- Latin America and Caribbean States: Trinidad and Tobago and Uruguay (for two years); Brazil, Ecuador and Mexico (for four years);
- Western European and other States: Norway, Spain, and the UK (for two years); Australia, Canada, Germany and Sweden (for four years).

According to the decision, participating governments must provide their nominations to the Secretariat by 1 August 2005. The decision also makes provisions to ensure that the membership rotates every two years by specifying that half the initial nominations are for two years only. The POPRC shall meet at least once a year, subject to availability of funds and work requirements. The POPRC is open to observers and up to 30 experts, invited by the Committee with due consideration to the balance between developed and developing countries and according to criteria established by the POPRC. The decision also provides for the creation of a roster of experts to which Parties can designate experts. On the POPRC's working languages, the decision: provides for simultaneous interpretation at POPRC meetings; states that only the major resource documents shall be translated into the six UN languages; and requires that meetings of the POPRC take place at the seat of the Secretariat, unless otherwise agreed by the COP.

The final decision on rules of procedure for preventing and dealing with conflicts of interests relating to POPRC activities (UNEP/POPS/COP.1/CRP.26/Rev.1) decides that POPRC members shall disclose activities, including business or financial interests, which might call into question their ability to discharge their duties and responsibilities. The annex to the decision contains a form for experts to declare conflicts of interests.

#### **INFORMATION EXCHANGE**

Delegates agreed to forward the issue of information exchange and the clearing-house mechanism (UNEP/POPS/COP.1/15) for consideration at COP-2.

#### **TECHNICAL ASSISTANCE**

**GUIDANCE ON TECHNICAL ASSISTANCE:** On Wednesday in the COW, Maria Cristina Cardenas, Secretariat, introduced a note on technical assistance, which included draft guidance on the issue (UNEP/POPS/COP.1/16), as well as a compilation of comments from governments on technical assistance related issues identified when developing their NIPs (UNEP/POPS/COP.1/INF/17). Togo and Morocco stressed the need for training in effectiveness evaluation. China proposed the inclusion of a list of technologies to be transferred from developed countries and other Parties. Switzerland called for the promotion of synergies with other international organizations, institutions and processes.

On Thursday in the COW, Ogden introduced a revised draft decision on guidance on technical assistance and the transfer of environmentally sound technologies. After some discussion, delegates agreed to remove a reference to countries of origin in text on



developing and updating a list of technologies available to be transferred. Delegates agreed to the decision as amended. On Friday in plenary, delegates adopted the decision.

**Final Decision:** The decision on technical assistance (UNEP/POPS/COP.1/CRP.29/Rev.1) adopts guidance on technical assistance and transfer of environmentally sound technologies. It further requests the Secretariat to submit the guidance to Parties and others, and to report on progress in the application of the guidance to each COP. The guidance, contained in the annex, identifies as possible sources of assistance: IGOs; developed countries through their bilateral cooperation agencies; NGOs and civil society; and research institutions and universities. It also:

- establishes eligibility criteria for the provision of technical assistance;
- sets out policy and guidance for the rendering of such assistance;
- identifies areas of technical assistance and technology transfer needs and priorities; and
- requests the COP to review the effectiveness of the guidance on a regular basis, and update and prioritize it, as appropriate.

#### **REGIONAL AND SUBREGIONAL CENTERS:** On

Wednesday in the COW, Paul Whyllie, Secretariat, presented notes on: a feasibility study on regional and subregional centers for capacity building and technology transfer (UNEP/POPS/COP.1/27); a summary of the results of four case studies on such centers (UNEP/POPS/COP.1/30); the full report of those results (UNEP/POPS/COP.1/INF/26); and results of a survey of institutions identified as potential centers (UNEP/POPS/COP.1/INF/27). Uruguay introduced a proposal from the Latin American and Caribbean Group on regional centers. Norway proposed a draft decision with Australia, Iceland, South Africa and Switzerland, supported by New Zealand and Canada, requesting the Secretariat to develop ToR for regional and subregional centers, based on existing regional centers or institutions. The EU and Canada preferred allowing all Parties to propose candidate institutions, under the assumption that regional and subregional centers will have similar technical assistance functions. Kenya and others recommended strengthening existing centers.

On Thursday, the COW considered a revised draft decision asking the Secretariat to develop ToR for regional and subregional centers. After informal consultations, the COW adopted a revised decision incorporating comments by Parties. On Friday in plenary, the Secretariat introduced the draft decision agreed upon by the COW. Senegal and Nigeria stressed the need to emphasize synergies between the chemicals-related conventions, and proposed text making explicit reference to the Basel Convention's regional centers. Morocco said this might close the door to the creation of other centers and, with Brazil, Tunisia, the EU and Yemen, supported the adoption of the decision without amendment. A small group of interested Parties met and drafted new text requesting the Secretariat to "pursue cooperation" with Basel Convention regional centers and other relevant institutions for the implementation of the Stockholm Convention. Stating that this reduced the possibility of opening new centers, Morocco said it could accept the text if a reference to the continuing process of targeting the creation of specific centers was added. The proposal by the small group was adopted, as amended by Morocco.

**Final Decision:** The decision on regional and subregional centers (UNEP/POPS/COP.1/CRP.25/Rev.1) requests the Secretariat to develop ToR for regional and subregional centers and criteria for evaluating their performance. Guidelines to be followed by the Secretariat include:

- consultation with the Convention's focal points and existing regional and subregional centers providing technical assistance in the area of chemicals and wastes;
- consideration of regional and subregional centers in the framework of existing regional centers, while providing scope for creation of new centers;
- access by the centers to resources of the Convention's financial mechanism; and
- effective cooperation, collaboration and synergies in advancing activities which assist Parties in fulfilling their obligations under the Convention and other MEAs.

The decision requests the Secretariat to submit the draft ToR and the criteria for evaluating their performance for consideration by COP-2.

#### **FINANCIAL RESOURCES, MECHANISMS AND RELATED FINANCIAL ARRANGEMENTS**

##### **GUIDANCE TO THE FINANCIAL MECHANISM:** On

Tuesday in the COW, Cardenas introduced a draft guidance to the financial mechanism (UNEP/POPS/COP.1/17) and comments received on the initial draft guidance (UNEP/POPS/COP.1/INF/18). Several developed country delegates supported the draft guidance, with the EU proposing amendments to enhance consistency with the Convention text and the GEF's operational modalities. GEF-eligible countries in the Asia-Pacific Group supported a fast-track mechanism, and noted the need for a shorter budget cycle. Canada, Norway and Uruguay said the GEF should become the permanent financial mechanism. Delegates agreed to establish a contact group on the financial mechanism, co-chaired by Jozef Buys (European Community) and Luis Almagro (Uruguay).

On Wednesday, Thursday and Friday the contact group discussed the issue. A major point of contention was whether there should be explicit references to the GEF in the draft decision. Some developing country participants wanted to avoid such references, which they felt might predetermine the future role of the GEF in financing the implementation of the Convention. Several developed country participants expressed the wish to establish the GEF as the core financial mechanism of the Convention, but agreed to refer to its "interim" nature.

On Thursday in the COW, delegates agreed to a revised decision on guidance to the financial mechanism submitted by the contact group, which was adopted on Friday in plenary without amendment.

**Final Decision:** The decision on guidance to the financial mechanism (UNEP/POPS/COP.1/CRP.30/Rev.1) adopts guidance to assist the "entity or entities" entrusted with the operation of the financial mechanism of the Stockholm Convention to fulfill its role. Among others, it provides criteria for: country and project eligibility; policy and strategy for covering the full incremental costs of implementation incurred by eligible Parties; programme priorities; and periodic assessment of funding needs by the COP. The decision refers to the GEF as the principal entity entrusted with operation of the Convention's financial mechanism on an interim basis.



**MEMORANDUM OF UNDERSTANDING:** On Tuesday in the COW, Cardenas introduced a document on the Memorandum of Understanding (MoU) between the GEF Council and the COP (UNEP/POPS/COP.1/19), and Laurent Granier, GEF, introduced the GEF's report to COP-1 (UNEP/POPS/COP.1/INF.11). The EU supported the draft MoU, with a minor amendment recognizing countries with economies in transition as eligible recipients. Iran and Egypt said the COP's authority to question decisions on project eligibility taken by the GEF was too limited. China objected that while the Convention text refers to the GEF as the "interim" financial mechanism, the MoU refers to it as the financial mechanism. The topic was referred to the financial mechanisms contact group. On Wednesday, Thursday and Friday, the contact group focused on revising the draft MoU.

On Friday in plenary, Co-Chair Almagro introduced the draft decision on a MoU between GEF and the COP, which had been finalized by the contact group. The decision was adopted with editorial corrections, with the understanding that a number of the concerns of developing countries that participated in the contact group will be reflected in COP-1's final report, and addressed at COP-2. These concerns include a "fast-track mechanism" for POPs project approval, and the provision of funding following criteria established by the COP alone.

**Final Decision:** The decision on the MoU (UNEP/POPS/COP.1/CRP.31/Rev.1) adopts the MoU between the Stockholm Convention's COP and the GEF Council. The MoU seeks to give effect to various paragraphs of Article 13 (Financial Resources and Mechanisms) and Article 14 (Interim Financial Arrangements) of the Convention. It states, *inter alia*, that the COP will provide guidance to the GEF as the entity entrusted with the operation of the financial mechanism on an interim basis, and the GEF Council will ensure the effective operation of the GEF in conformity with the COP's guidance. Other elements include: the submission of regular reports to the COP; a review of the effectiveness of the financial mechanism, and of the GEF's performance as interim financial mechanism; and cooperation among the Stockholm Convention and GEF Secretariats.

**REVIEW OF THE FINANCIAL MECHANISM:** On Tuesday in the COW, Cardenas introduced the draft terms of reference (ToR) for review of the financial mechanism (UNEP/POPS/COP.1/18), noting the need to adopt the ToR to allow for its review by COP-2, as stipulated in the Convention. Switzerland, the EU and Kenya suggested postponing the mandate for review, while several developing countries opposed this proposal.

The issue was referred to the financial mechanism contact group. On Wednesday, Thursday and Friday, the contact group's discussion focused on whether the review should be "generic," referring to the Convention's financial mechanism or mechanisms, or explicitly directed to assessing the GEF's performance. In the end, participants agreed that a specific review for GEF would be more fruitful, considering that lessons learned in the review process could lead to an improvement of the ToR for subsequent review. Accordingly, participants agreed to refer to the review as "first." On Thursday in the COW, delegates approved without amendment the draft decision submitted by the contact group on the review of the financial mechanism.

On Friday, in plenary, the decision was adopted with a small editorial amendment.

**Final Decision:** The decision (UNEP/POPS/COP.1/CRP.39/Rev.1) adopts the ToR for the first review of the financial mechanism, recognizes that the first review of the financial mechanism will take place at COP-2 and will cover activities from the date on which the Convention was opened for signature. It provides for the inclusion of an analysis of:

- the mechanism's ability to address the needs of developing countries and countries with economies in transition;
- its ability to incorporate policy guidance from the COP;
- the level of funding; and
- the effectiveness of its performance.

The review will take into account, *inter alia*: information provided by Parties and other governments; reports submitted to the COP and other reports by the entity entrusted with the financial mechanism; and relevant information provided by other entities providing assistance. Performance criteria include, *inter alia*:

- transparency and timeliness of project approval;
- simplicity, flexibility and expeditiousness of procedures for accessing funds;
- adequacy and sustainability of resources;
- country ownership; and
- level of stakeholder involvement.

## REPORTING

On Tuesday in the COW, Cardenas introduced documents on Party reporting, format and timing (UNEP/POPS/COP.1/20) and the results of field testing of the draft model format for Party reporting (UNEP/POPS/COP.1/INF/21). Parties supported the suggested periodicity and timing of reporting, and made several editorial suggestions to the reporting format. The EU asked the Secretariat to develop a detailed reporting format for polychlorinated biphenyls (PCBs) for consideration at COP-2. On Wednesday in the COW, Cardenas introduced a revised draft decision on party reporting, timing and format incorporating the suggested revisions, and a revised format model for reporting. Papua New Guinea and China said the deadline for submitting the first report was too ambitious, with China highlighting contradictions between the obligations of Parties to submit their NIPs within two years of ratification, and the first report by 31 December 2006. The COW accepted the decision without amendment, with China's and Papua New Guinea's concerns to be reflected in COP-1's report. On Friday in plenary, delegates adopted these draft decisions without amendment.

**Final Decisions:** The decision on Party reporting, timing and format (UNEP/POPS/COP.1/CRP.14/Rev.1) requests each Party to submit its first report by 31 December 2006, for consideration by COP-3, and to submit subsequent reports every four years thereafter. The decision also adopts the revised format for reporting, and requests the Secretariat to: distribute the format to Parties; prepare a cost estimate for developing an electronic system for reporting for consideration by COP-2; and develop a draft format for reporting on PCBs for consideration by COP-2.

The draft model format for reporting (UNEP/POPS/COP.1/CRP.15) requires Parties to indicate whether they have exported any of the chemicals listed in Annexes A (Elimination) and B (Restriction) of the Convention, and whether they have destroyed wastes in an environmentally sound manner or in such a way that the POP content is destroyed or irreversibly transformed so that they do not exhibit characteristics of POPs.



### **EFFECTIVENESS EVALUATION**

On Tuesday in the COW, Fiedler introduced documents on the Convention's effectiveness evaluation, including arrangements to provide the COP with comparable monitoring data on the presence of POPs (UNEP/POPS/COP.1/21), and guidance for a global POPs monitoring programme (UNEP/POPS/COP.1/INF/23). The EU said evaluation should be cost-effective and, supported by Canada, Norway and New Zealand, proposed using existing national and regional programmes to obtain comparable data. Egypt suggested using regional and subregional centers for evaluating effectiveness. Noting it was premature to create a subsidiary body for evaluation, the US suggested creating an *ad hoc* expert working group. New Zealand suggested cost information be provided for the various proposals. On Wednesday in the COW, GRULAC called for using existing monitoring networks. Uruguay and Egypt said extending the existing network would divert resources away from meeting the Convention's main goals.

On Thursday in the COW, Canada presented a draft decision together with Japan, New Zealand, Australia, Norway and Iceland recognizing the need to establish an effectiveness evaluation panel. GRULAC opposed references to a "global monitoring system." In informal consultations, delegates agreed to delete references to such a group, and to replace the evaluation panel with an evaluation mechanism. They also agreed to request the Secretariat to develop a background scoping paper for a global monitoring plan for consideration by COP-2, including: assessment of existing datasets on human health and environment; assessment of regional monitoring programmes; and identification of gaps and priorities and their costs. The COW agreed to the decision as amended.

On Friday, the plenary adopted the draft decision on effectiveness evaluation without amendment.

**Final Decision:** Recognizing, among others, the need for a strategic and cost-effective approach building on existing human health and environmental monitoring programmes to the extent possible, the decision on effectiveness evaluation (UNEP/POPs/COP.1/CRP.38/Rev.1) agrees to initiate arrangements to obtain comparable monitoring data to perform effectiveness evaluation. The decision also: requests the Secretariat to use existing monitoring programmes and databases where possible, field test the arrangements, develop a background scoping paper for a global monitoring plan for consideration by COP-2; and invites relevant organizations to collaborate in such arrangements.

### **NON-COMPLIANCE**

In plenary on Monday, delegates agreed to address the issue of non-compliance in the legal working group. On Tuesday, the legal working group discussed non-compliance and the procedure for addressing this issue intersessionally (UNEP/POPS/COP.1/22). Some delegates mentioned the need to establish a compliance committee as soon as possible, and others discussed whether experts in the committee should participate in their personal capacities or as government representatives. Some delegates said the issue of compliance should draw from the Basel Convention's compliance mechanism, while others alluded to that of the Cartagena Protocol on Biosafety. Participants agreed to convene an open-ended working group to meet immediately prior to COP-2 to address this topic.

On Wednesday, the legal working group considered a draft decision convening an open-ended working group on non-compliance, and agreed the group would report on its work to COP-2. On Friday in plenary, Co-Chair Daniel introduced the draft decision from the legal working group, and the plenary adopted it without amendment.

**Final Decision:** The decision on non-compliance (UNEP/POPS/COP.1/CRP.22) establishes an open-ended *ad hoc* working group to meet immediately prior to COP-2 to consider procedures and institutional mechanisms on compliance, and invites all governments to submit their views on this issue. It further requests the Secretariat to prepare a draft for consideration by this group based on opinions received and compliance mechanisms in other MEAs.

### **SETTLEMENT OF DISPUTES: RULES ON ARBITRATION AND CONCILIATION**

In plenary on Monday, delegates agreed to address the issue of dispute settlement in the legal working group. On Tuesday, the legal working group considered the sole outstanding issue in the dispute settlement procedures (UNEP/COP/POPS/COP.1/29), referring to the status of arbitral tribunal decisions on interim measures of protection. Delegates agreed that the arbitral tribunals would be able to "indicate" interim measures of protection leaving the binding or non-binding nature of their decisions purposely undetermined.

On Friday in plenary, Co-Chair Daniel introduced a draft decision that was adopted without amendment.

**Final Decision:** The decision adopts arbitration and conciliation procedures to be incorporated as Annex G to the Convention (UNEP/POPS/COP.1/CRP.16).

### **FINANCIAL RULES FOR THE CONFERENCE OF THE PARTIES AND ANY SUBSIDIARY BODIES, AS WELL AS THE FINANCIAL PROVISIONS GOVERNING THE FUNCTIONING OF THE SECRETARIAT**

In plenary on Monday, delegates agreed to address the issue of financial rules in the legal working group. On Tuesday, the legal working group considered the financial rules (UNEP/COP/POPS/COP.1/28) and agreed on: the financial period; the establishment of the general trust fund and its objectives; and support by non-Parties of the Convention's activities. On Wednesday, the legal group agreed on the use of the UN scale of assessed contributions and on Thursday, it agreed on the contributions by non-Parties and finalized the text of the financial rules.

On Friday, plenary adopted the financial rules without amendment. GRULAC stated that the adopted UN scale of assessed contributions does not address the socioeconomic realities or the capacity to pay of developing countries, and will divert resources that would otherwise be spent in implementing the Convention. Delegates agreed to convey these concerns via a note from the Executive Secretary to the UN General Assembly.

**Final Decision:** The financial rules (UNEP/POPS/COP.1/CRP.33) establish an operational budget, a general trust fund to support operations of the Convention, and a special trust fund to support technical assistance, training and capacity building, participation by representatives of developing country Parties, and other activities. Assessed contributions to the budget will be made



according to the UN scale, adjusted so that no country pays less than 0.01%, no least developed country pays more than 0.01% and no country pays more than 22%.

### **SECRETARIAT LOCATION**

On Thursday in plenary, President Arana introduced the issue of the location of the Secretariat of the Convention (UNEP/POPS/COP.1/26) and a draft decision on voting procedures.

Italy presented its candidature to host the Secretariat in Rome, and Switzerland presented its candidature to host the Secretariat in Geneva. Delegates adopted the decision on voting procedures.

On Friday in plenary, Italy withdrew its candidacy and delegates then unanimously agreed to locate the Secretariat in Geneva.

**Final Decision:** The final decision (UNEP/POPS/COP.1/CRP.41) accepts the offer from Switzerland to host the Convention's Secretariat in Geneva, and invites UNEP to begin making practical arrangements.

### **LIABILITY AND REDRESS**

On Friday, in plenary, Switzerland submitted a draft decision providing that COP would discuss the matter of liability and redress concerning the use and intentional introduction of POPs into the environment at a future meeting, with a view to deciding which action should be taken (UNEP/POPS/COP.1/CRP.20). Delegates agreed to make reference to the issue in COP-1's final report.

### **ACTIVITIES OF THE SECRETARIAT AND ADOPTION OF THE BUDGET**

On Monday, the plenary decided to refer the budget to the legal working group. On Wednesday, the legal working group worked on the budget for 2006-07 (UNEP/COP/POPS/COP.1/2). Delegates agreed to use the UN scale of assessed contributions, but responding to concerns by some developing countries, decided to convey their concerns about the scale to the UN General Assembly. They also discussed how to share an Executive Secretary with the Rotterdam Convention, considering the Rotterdam Convention Secretariat is located in both Rome and Geneva, and how to incorporate financial contributions by non-Parties.

On Thursday, the COW considered a note on possible arrangements for a joint head of the Secretariats of the Rotterdam and Stockholm Conventions (UNEP/POPS/COP.1/CRP.35), responding to the Rotterdam Convention's invitation to co-finance the Executive Secretary of both Secretariats in 2006. John Buccini, Acting Executive Secretary of the Stockholm Convention, said the proposed language applied only to the UNEP portion of the Secretariat. On Thursday, the legal working group considered the issue and decided to address the Rotterdam Convention Secretariat as one entity, rather than as two separate parts. The group then discussed the detailed components of the different budgetary lines, incorporating new meetings decided by the COW, and produced a draft decision and annexes for consideration by the plenary.

On Friday, plenary adopted the budget without amendments.

**Final Decision:** The budget for the biennium 2006-2007 (UNEP/POPS/COP.1/CRP.24 and Corr. 1) includes a decision and four tables including: the operational budget for 2006 and indicative operational budget for 2007; the scale of assessments for apportionment of contributions; the staffing table and the funding estimate for activities under the Special Trust Fund.

### **OTHER MATTERS**

**COOPERATION WITH THE WTO:** On Monday in plenary, Canada asked the COP to consider as part of its agenda a proposed note on cooperation with the WTO. On Friday in plenary, Canada withdrew its proposal and indicated that it would raise the issue again at COP-2.

### **SYNERGIES BETWEEN CHEMICALS-RELATED**

**CONVENTIONS:** On Monday in plenary, Switzerland introduced a draft decision submitted with Norway and France on elements to enhance synergies between chemicals and wastes-related conventions. After informal consultations, Switzerland introduced a revised draft decision in plenary on Friday. Delegates adopted the decision without amendment.

**Final Decision:** The decision (UNEP/POPS/COP.1/CRP.4/Rev.1\*) requests the Secretariat to prepare a study on how cooperation between the Basel, Stockholm, and Rotterdam Conventions could be improved.

**FINANCIAL RESOURCES:** On Friday in plenary, China introduced a draft decision (UNEP/POPS/COP.1/CRP.40), together with Brazil, Ecuador, Egypt, the Philippines, South Africa, Sri Lanka, Thailand, Uruguay, Venezuela and Yemen, on the need to determine the financial resources required for implementing the Convention over the 2006-2010 period. The decision requests the Secretariat to prepare an estimate of financial resource needs of developing countries for implementation, and to communicate this result to the GEF Council no later than the third negotiating meeting for the GEF's fourth replenishment. The UK, Latvia, France, Italy, Slovakia, Slovenia, Japan, Italy, Spain, Sweden, Finland, the Czech Republic, Denmark, Austria, the European Community, Portugal, New Zealand, the Netherlands, Canada and Norway opposed the proposal, noting the difficulty of conducting such a study, the lack of budgetary provision in 2005 to conduct a study, and the lack of modalities and ToR for the proposed study. Brazil indicated the Group of 77 and China's support for the proposal. After informal consultations, the EU read out a compromise decision, which was adopted by plenary without amendment.

**Final Decision:** The decision, entitled "Preparation of draft ToR for work on modalities on the needs assessment for Parties that are developing countries or countries with economies in transition to implement the provisions of the Convention over the period 2006-2010," reads, "The COP invites the Secretariat to develop draft ToR for work on modalities for COP-2."

### **HIGH-LEVEL SEGMENT**

COP-1 President Mariano Arana (Uruguay) opened the high-level segment on Thursday morning. UNEP Executive Director Klaus Töpfer stressed the importance of multilateralism and synergies among environmental agreements. Sheila Watt-Cloutier, Inuit Circumpolar Conference, presented an Inuit carving of a drum dancer to President Arana, symbolizing the connection between North and South.

Leonard Good, Chair and Chief Executive Officer of the GEF, reiterated the GEF's commitment to continue improving its procedures to allow for the successful implementation of the Convention.

On Friday, COP-1 President Arana introduced, and Executive Director Töpfer welcomed, Dr. Tabaré Vázquez, President of Uruguay. President Vázquez welcomed COP-1 participants to Uruguay and said that as an oncologist he sympathized with the



matters being addressed by COP-1. He called for the implementation of the Stockholm Convention. He said development should be committed to improving human conditions rather than increasing accumulation or consumption. He highlighted the links between poverty and environmental degradation, and the need to realize the Convention's global objectives through international cooperation.

**COUNTRY STATEMENTS:** Delegates heard statements from ministers and heads of delegations. Some key themes addressed in these statements are summarized below.

**Implementation of the Convention:** Singapore, the US and others noted efforts to ratify the Convention. Several countries noted their development of NIPs and implementation efforts. Switzerland committed to continued support for the Convention's implementation. WHO noted the importance of involving the health sector in NIP development. The Philippines highlighted the need for a balance between implementing BAT and BEP and not unduly burdening society with the costs of technical transition. Canada stressed the need for a compliance mechanism, and for a means of evaluating the effectiveness of the Convention. The International Indian Treaty Council supported inclusion of a source identification strategy in the dioxin toolkit. Croplife International stressed the need for sound science-based decision making.

**Technical assistance:** On regional centers, South Africa supported using existing centers to promote synergies in the implementation of all MEAs, and proposed that centers become inter-governmental institutions. Senegal said the Basel Convention regional centers should be strengthened, and supported the development of centers under the Stockholm Convention. Morocco and Brazil expressed interest in hosting regional centers. Egypt, Canada, Chile, Jordan, Venezuela and others called for technical assistance and capacity building. Germany and Canada expressed commitment to providing technical assistance. Kenya and China noted particular needs for assistance on BAT. Kiribati and Mauritius emphasized the need to consider the special situation of small island developing states (SIDS). The Taporoporoanga Ipukarea Society, on behalf of Indigenous Peoples of SIDS, highlighted the vulnerability of SIDS to water-borne POPs due to sea storms washing over the islands and stressed the need for technical assistance and the transfer of appropriate technologies. The United Nations Institute for Training and Research briefed delegates on its capacity-building and training programmes relating to chemicals management. The United Nations Industrial Development Organization highlighted its contribution to capacity building, in particular the introduction of BAT/BEP in industrial processes.

**Financial mechanisms:** Many countries thanked the GEF for providing support in the development of NIPs. Barbados stressed the need for clear and transparent accounting. The UK, on behalf of the EU, stressed the EU's commitment to a sound financial mechanism, and noted the EU's role in the GEF's third replenishment. The United Nations Development Programme (UNDP) highlighted its role as an implementing agency for both the GEF and the Multilateral Fund of the Montreal Protocol.

**Synergies between chemicals-related MEAs:** The Czech Republic, Ghana, UNDP and others stressed the importance of promoting synergies among chemicals-related conventions, including the Stockholm, Rotterdam and Basel Conventions. Romania said the three conventions form a complex system for a more efficient management of chemicals. Switzerland, Spain,

Norway and the World Bank stressed the importance of the Strategic Approach to International Chemicals Management (SAICM). The Basel Secretariat highlighted opportunities for collaboration, including technical guidelines for POPs wastes, regional and sub-regional centers, experience sharing, and development of NIPs. The UN Food and Agriculture Organization (FAO) said it has a limited role to play in the Stockholm Convention because pesticides included in the Convention are no longer significant in agriculture. However, he said this may change in the future, and that urgent action is required to deal with obsolete stocks.

**Domestic issues:** Many countries outlined aspects of domestic efforts to promote implementation. Barbados, Togo and Kiribati described ongoing efforts to prepare their NIPs. Kiribati called on Parties to consider improving BAT/BEP guidelines to capture the needs of developing countries, especially SIDS. Rwanda highlighted recent activities linking poverty eradication to environmental protection, and asked donors to provide financial and technical assistance to deal with stockpiles of obsolete wastes, PCBs, and dioxin and furan releases. Thailand outlined plans to initiate projects relating to control of POPs uses, the use of alternatives, BAT and BEP, and awareness raising. Japan highlighted domestic action to dispose of PCBs and to reduce dioxin releases. China noted the establishment of a national steering group dealing with the Convention's implementation. Venezuela highlighted efforts to eliminate obsolete pesticides. Chile described activities that have enhanced its capacity to address, *inter alia*, obsolete POPs inventories, contaminated sites, PCBs, dioxins and furans. Mauritius stressed the risk of illegal trade in POPs, and called for a review of this issue.

**The importance of chemicals for economic and social development:** Côte d'Ivoire emphasized the role of chemicals in social and economic development, while noting they were a growing threat to human health and the environment.

**Management of POPs Wastes:** Samoa highlighted safe disposal and cost-effective treatment as regional priorities. South Africa stressed the ongoing elimination of pesticide stockpiles, including POPs. Morocco drew attention to the Rabat Declaration on the Environmentally Sound Management of Unwanted Stocks of Hazardous Wastes. Australia emphasized a programme collecting POPs wastes in Pacific island countries for shipment to Australia under the Basel Convention. Belarus highlighted the need for safe storage and remediation of products containing POPs wastes.

**Unintentionally produced POPs:** Guinea highlighted the problems posed by brush fires. Argentina noted a national inventory of dioxins and furans, and Australia mentioned its recent completion of a comprehensive survey of dioxins. Chile emphasized the need to develop national strategies to control sources generating unintentionally produced POPs.

**Additional POPs:** Many countries stressed the importance of the POPRC's role. The EU announced plans to nominate chlordecane and hexabromobiphenyl, and Mexico the nomination of lindane. Norway highlighted its nomination of penta-BDE. Sweden indicated PFOS as a priority, and emphasized the need to prevent the release of new chemicals with POPs characteristics. Denmark supported the addition of those proposed by Mexico, Norway and the EU and, with Germany and Spain, supported the inclusion of additional POPs. The International Pesticides Elimination Network



(IPEN) said elimination of POPs is the Convention's goal, and called for the expedited addition of new POPs and chemicals with similar properties. Malaysia cautioned against the addition of new POPs, stressing the need for assistance strategies. WWF International noted its report outlining 20 chemicals suitable for nomination to the Convention.

**POPs alternatives:** Slovakia and Mauritius underscored the importance of developing and promoting POPs alternatives. Kenya called for investment in non-chemical alternatives. Mexico highlighted success with a prevention-based approach to eradicating malaria without pesticides. Venezuela noted the replacement of DDT as malaria vector control. The International Indian Treaty Council called for the phase-out and banning of DDT, highlighting contamination of indigenous foods and the environment in the Arctic.

**Awareness raising:** Mauritius urged Parties to adopt aggressive public-awareness campaigns on the effects of POPs on health and the environment. Croplife International outlined activities relating to occupational risk assessment and awareness raising, and expressed a commitment to continuous innovation to develop safer crop protection products. The International Council of Chemicals Associations and the World Chlorine Council described awareness-raising activities and support for capacity-building activities, including workshops on environmental health and safety issues. WWF International underscored participation by NGOs in chemical-related fora. The International Conference on Free Trade Unions highlighted the plight of workers exposed to hazardous substances, in particular to pesticides, and called on Parties to listen to civil society.

### CLOSING PLENARY

Parties adopted the report of the meeting (UNEP/POPS/COP.1/CW/L.1 and L.1/Add.1) without amendment. Buccini announced that COP-2 will be held the first week of May 2006 in Geneva, Switzerland. Regional groups thanked the President and the Governments of Uruguay and Switzerland. IPEN said that the activities of COP-1 were an encouraging sign that the "promise" of POPs elimination would be kept. President Arana gavelled the meeting to a close at 8:03 pm.

### A BRIEF ANALYSIS OF COP-1

As delegates convened for the first Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants (POPs COP-1) in the seaside resort town of Punta del Este, Uruguay, the sunny setting contributed to a warm and constructive atmosphere. While the agenda seemed full of potential roadblocks, most delegates were satisfied with the progress achieved at the meeting. The meeting succeeded in adopting a broad range of decisions required to set the Convention's implementation in motion, including guidance on national implementation plans (NIPs) and technical assistance, and the establishment of the POPs Review Committee (POPRC).

COP-1's work was characterized by efficiency, and by a collegial spirit that some referred to as the "spirit of Punta del Este." Yet the meeting was not without controversy as discussions relating to the setting up of expert bodies and financial and technical assistance lasted late into the night. However, the smooth resolution of the large majority of these disagreements, based in part on the

successful history of the Intergovernmental Negotiating Committee (INC), the strength of the Convention's text itself, and the compromises achieved under the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, served to maintain the positive spirit of the meeting and provided an auspicious foundation for the Convention's future work.

### THE IMPORTANCE OF GOOD PRECEDENTS

At the beginning of the week, delegates expressed strong appreciation for the work of the INC and the leadership of its Chair, John Buccini, who is now Acting Executive Secretary of the Convention. The compromises negotiated by the INC have proven robust, and at COP-1 delegates did not attempt to reopen debate on issues agreed upon in Stockholm in 2001. For example, while the continued need for DDT for malaria vector control has been portrayed in the media as a polarizing issue, delegates relied on the clear mandate given by the Convention, and there was general agreement on the need to strike a balance between the harm resulting from exposure to DDT and that caused by malaria. Accordingly, COP-1 reached agreement on the DDT Register and the evaluation of the need for DDT following informal consultations, without the need for more detailed negotiations in a contact group.

Similarly, agreement on some thorny issues was facilitated by the many parallels between the Stockholm and Rotterdam Conventions. While discussions on the geographic composition of the Rotterdam Convention's Chemical Review Committee (CRC) was the focus of tense disagreements in 2004, and was only resolved through a compromise leaving all delegates "equally unhappy," discussions on the geographic composition of the POPRC were settled early on thanks to an agreement to follow the CRC's membership model. Striving to avoid "reinventing the wheel," negotiators also drew on the Rotterdam Convention's text to accelerate agreement on financial rules and the participation of observers under the Rules of Procedure.

Nevertheless, seeking synergies also led to some confusion in the legal and budget group when efforts to establish a joint Executive Secretary with the Rotterdam Convention were complicated by the fact that the Rotterdam Convention's Secretariat is divided between Geneva and Rome, with the involvement of both UNEP and FAO. In the end, the budget details of such an appointment were ironed out, and a joint Rotterdam/Stockholm Executive Secretary should ensure that the Conventions maintain close ties in the future. Likewise, COP-1's commitment to building synergies with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and to the Strategic Approach to International Chemicals Management, acknowledged the relevance of these processes, as they relate to POPs wastes and the broader issue of safe management of chemicals throughout their lifecycle, respectively.

### THE NUTS AND BOLTS OF IMPLEMENTATION

As COP-1 progressed with laying the groundwork for the Convention's implementation, there was a general acknowledgment that this will be a complex and potentially expensive endeavor. Developing countries expressed concerns about their capacity to comply without technical assistance, in particular



regarding best available technologies (BAT) and best environmental practices (BEP) to reduce dioxin and furan, two unintentionally produced-POPs.

Initial guidelines on BAT and BEP were developed by an expert group over the past two years, yet a few countries and some NGOs remained concerned that these guidelines did not fully reflect the need for substitutions to prevent the unintentional formation of POPs at source, but instead promoted end-of-pipe approaches. In addition, several developing countries were concerned that guidelines on the use of certain technologies would mandate the application of technology without incorporating mechanisms for technology transfer or considering their special circumstances. However, developed country representatives defended the guidelines, stressing they are not intended to be prescriptive but seek to provide technical options for reducing and preventing POPs formation. This debate is likely to continue, with a new expert group tasked with continuing work on the guidelines so that they can be considered for adoption at COP-3.

#### **DEFUSING CONTROVERSIES ABOUT FINANCING**

When discussing many of the operational details of a convention, financial issues usually come into play. The lengthy contact group discussions on the budget involved many choices and trade-offs, which inevitably spilled over into the more substantive discussions in the Committee of the Whole (COW). For instance, a number of countries successfully argued that the work of the POPRC should be conducted with simultaneous translation into the six UN languages, stressing that concerns over budgetary implications should not impede the effective and inclusive functioning of a process critical to catalyzing action on POPs.

At COP-1, Parties were also charged with developing guidance to the financial mechanism, which the Convention entrusts to the Global Environment Facility (GEF) on an interim basis. In elaborating the review of the financial mechanism, developing countries were eager not to presuppose the GEF's primary role, and maintained the need for a multi-source funding mechanism. Several countries were candid in their criticism of the GEF, pointing to the complexities and lengthiness of its funding process, the need to ensure the GEF Council does not supersede the COP's authority, and a lack of transparency in the GEF's decision-making process. Developed countries highlighted the lack of real alternative mechanisms, noting that the GEF is the "only game in town," and expressed confidence that the Memorandum of Understanding with the GEF Council would lay the foundation for clear guidance to the GEF on the funding of POPs-related projects.

The upcoming negotiations for the GEF's fourth replenishment, scheduled to begin in just a few weeks, also prompted concerns that the GEF, which is now the financial mechanism for several other environmental conventions, might not have sufficient funds to meet the needs of the Stockholm Convention. This consideration came to a head at the close of the meeting, as the Group of 77 and China introduced a proposal requesting the Secretariat to assess countries' financial assistance needs and input these requirements into the GEF's replenishment negotiations. Developed countries reacted strongly and, in a significant move, many countries, including most of the European Union's member states, proceeded to make individual statements explaining that this was logistically and financially unfeasible. Despite some delegates' fears that an extended debate on this issue would taint COP-1's accomplish-

ments, the situation was defused with an agreement to ask the Secretariat to develop terms of reference for such a study. The title of the proposed decision was significantly longer than the very succinct text of the decision itself, and its jovial reading by the head of the UK delegation led to general laughter in plenary. This surprising resolution is perhaps the clearest testament to the spirit of goodwill and good humor that persisted through even the most arduous negotiations at COP-1.

#### **THE FUTURE OF THE CONVENTION**

The prospect of complying with the Stockholm Convention is bound to become more daunting as more chemicals beyond the "dirty dozen" are added to its purview. The carefully designed POPRC will be in charge of reviewing nominations for new chemicals, and while this subsidiary body is expected to iron out outstanding aspects of its own procedural rules, including the elaboration of criteria for the selection of invited experts, it appears that it will have a full docket at its initial meeting. The nomination of four new chemicals – penta-BDE, lindane, chlordecone, and hexabromobiphenyl – has already been announced, and it is likely that more will follow. Indeed, WWF International has already circulated a list of 20 candidates that it suggests would be suitable for listing under the Convention.

The initiation of these reviews will test the POPRC from the start. In particular, the role of observers in these high-stakes deliberations is likely to be scrutinized, as perceived over-involvement on their part might hinder Parties' willingness to accept POPRC recommendations. While COP-1 agreed to limit the number of experts the 31-member Committee could invite, no limits were set on the attendance by observers, be they Parties, governments, industry or NGOs. Throughout its negotiation, the Stockholm Convention was marked by its openness to observers, who commend this transparency. Yet, while some of the contact groups limited active involvement to Parties, others surprised seasoned negotiators by encouraging input from non-Parties, industries and NGOs alike. The extent to which their input will continue to be welcomed as implementation of the Convention moves forward remains to be seen.

As delegates bid fond farewells and congratulated COP President Mariano Arana, COW Chair Mark Hyman, and Executive Secretary John Buccini on the smooth and efficient conduct of the meeting, there was broad agreement that COP-1 had successfully put in place all the necessary tools to catalyze implementation of the Convention. All expressed hope that the positive "spirit of Punta del Este" will carry through to future COPs.



## UPCOMING MEETINGS

### CENTRAL AND EASTERN EUROPE REGIONAL CONSULTATION ON THE DEVELOPMENT OF A STRATEGIC APPROACH TO INTERNATIONAL CHEMICALS MANAGEMENT:

The Central and Eastern Europe regional consultation on SAICM will be held in Ljubljana, Slovenia, from 17-19 May 2005. 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/meeting/cee/default.htm>

**EU-JUSSCANNZ CONSULTATION ON SAICM:** The EU-JUSSCANNZ consultation on SAICM will be held in Paris from 6-7 June 2005. 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/meeting/EU\\_Jusscannz/default.htm](http://www.chem.unep.ch/saicm/meeting/EU_Jusscannz/default.htm)

**EXTRAORDINARY MEETING OF PARTIES TO THE MONTREAL PROTOCOL/ TWENTY-FIFTH MEETING OF THE OPEN ENDED WORKING GROUP:** The 25th meeting of the Open-ended Working Group and the second extraordinary meeting of the Parties to the Montreal Protocol are scheduled to take place from 27 June to 1 July in Montreal, Canada. The extraordinary meeting will seek to resolve disagreements over exemptions allowing methyl bromide use in 2006. For more information, contact: Ozone Secretariat; tel: +254-2-62-3850; fax: +254-2-62-3601; e-mail: ozoneinfo@unep.org; internet: <http://www.unep.org/ozone>

**FOURTH SESSION OF THE OPEN-ENDED WORKING GROUP FOR THE BASEL CONVENTION:** The fourth session of the Open-ended Working Group for the Basel Convention will be held in Geneva, Switzerland, from 4-8 July 2005. For more information, contact: Secretariat of the Basel Convention; tel: +41-22-917-8218; fax: +41-22-797-3454; e-mail: sbc@unep.ch; internet: <http://www.basel.int/>

**SAICM PREPCOM-3:** The third meeting of the Preparatory Committee for the development of a Strategic Approach to International Chemicals Management (SAICM) will be held in Vienna, Austria, from 19-24 September 2005. 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/>

**SECOND CONFERENCE OF THE PARTIES TO THE ROTTERDAM CONVENTION (PIC COP-2):** PIC COP-2 is scheduled for 26-30 September 2005, in Rome, Italy. For more information, contact: Rotterdam Convention Secretariat; tel: +41-22-917-8183; fax: +41-22-797-3460; e-mail: pic@unep.ch; internet: <http://www.pic.int>

**SEVENTEENTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL:** MOP-17 is tentatively scheduled to take place in November 2005 in Dakar, Senegal. For more information, contact: Ozone Secretariat; tel: +254-2-62-3850; fax: +254-2-62-3601; e-mail: ozoneinfo@unep.org; Internet: <http://www.unep.org/ozone>

**FIRST MEETING OF PARTIES TO THE KYOTO PROTOCOL AND ELEVENTH CONFERENCE OF PARTIES TO THE UNFCCC:** The first Meeting of Parties to the Kyoto Protocol (MOP-1), taking place in conjunction with the eleventh session of the Conference of Parties (COP-11) to the UN

Framework Convention on Climate Change (UNFCCC), will be held 28 November - 9 December 2005, in Montreal, Canada. For more information, contact: UNFCCC Secretariat; tel: +49-228-815-1000; fax: +49-228-815-1999; e-mail: secretariat@unfccc.int; Internet:

[http://unfccc.int/meetings/unfccc\\_calendar/items/2655.php](http://unfccc.int/meetings/unfccc_calendar/items/2655.php)

**INTERNATIONAL CONFERENCE ON CHEMICALS MANAGEMENT:** This meeting, which will finalize intergovernmental deliberations on the development of a SAICM, will be held in conjunction with the ninth Special Session of the UNEP GC/GMEF in early 2006 in Dubai. 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/>

**STOCKHOLM CONVENTION COP-2:** COP-2 to the Stockholm Convention will be held 1-5 May 2006, in Geneva. For more information contact: UNEP Chemicals; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: chemicals@unep.ch; internet: <http://www.pops.int>



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