

## SUMMARY OF THE FOURTH CONFERENCE OF THE PARTIES TO THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS: 4-8 MAY 2009

The fourth Conference of the Parties (COP4) to the Stockholm Convention on Persistent Organic Pollutants (POPs) was held from 4-8 May 2009, in Geneva, Switzerland. Over 800 participants, representing more than 149 governments, as well as intergovernmental and non-governmental organizations, and UN agencies, attended the meeting. COP4 considered several reports on activities within the Convention's mandate and adopted 33 decisions on, *inter alia*, nine new chemicals, financial resources, guidance to the financial mechanism, implementation plans, technical assistance, synergies and effectiveness evaluation.

Three key decisions were prerequisites for success at COP4: the addition of nine new chemicals to the Convention; financial resources and technical assistance, including endorsement of regional coordinating centres; and agreement on a non-compliance mechanism. The three issues were interlinked, and while delegates were at an impasse until early Saturday morning, a political compromise was achieved, allowing the COP to adopt a package of decisions on new chemicals and financial resources and technical assistance. There was no agreement on a non-compliance mechanism and work on this was deferred to COP5.

Although several delegates expressed dissatisfaction with the COP4 process, and urged that it not set a precedent for future COPs, COP4 was characterized as a success with the adoption of the final compromise package of decisions. Despite the difficult path to the outcome, the addition of nine new chemicals to the Convention, as well as a renewed commitment to the provision of assistance to developing countries, has moved the Stockholm Convention closer to the goal of eliminating or reducing the release of POPs into the environment.

### 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 interference with normal infant and child development. POPs are chemical substances that persist in the environment, bioaccumulate in living organisms, and can cause 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 global environment, the international community called for urgent global action to reduce and eliminate their release into the environment.

In March 1995, the United Nations Environment Programme's Governing Council (UNEP GC) adopted Decision 18/32 inviting the Inter-Organization Programme on the Sound Management of Chemicals, the Intergovernmental Forum on Chemical Safety (IFCS) and the International Programme on Chemical Safety to initiate an assessment process regarding a list of 12 POPs. The IFCS *Ad Hoc* Working Group on POPs 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

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meeting forwarded a recommendation to the UNEP GC and the World Health Assembly (WHA) that immediate international action be taken on these substances.

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 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. 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 Intergovernmental Negotiating Committee (INC) met five times between June 1998 and December 2000 to elaborate the convention. The Conference of the Plenipotentiaries convened from 22-23 May 2001, in Stockholm, Sweden, where delegates adopted: the Stockholm Convention; resolutions addressing interim financial arrangements and issues related to the Basel Convention on the Control of Transboundary Movement of Hazardous Waste and their Disposal; 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 practices (BEP) for replacing existing POPs while preventing the development of new POPs. Provision was also made for a procedure to identify 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; 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 exercised throughout the Stockholm Convention, with specific references in the preamble, the objective and the provision on identifying new POPs.

The Convention can list chemicals in three annexes: Annex A contains chemicals to be eliminated; Annex B contains chemicals to be restricted; and Annex C calls for the minimization of unintentional releases of listed chemicals.

The Stockholm Convention entered into force on 17 May 2004, and currently has 163 parties, including the European Community.

**COP1:** The first Conference of the Parties (COP1) to the Stockholm Convention was held from 2-6 May 2005, in Punta del Este, Uruguay. To set the Convention's implementation in motion, delegates adopted a broad range of decisions, which had been elaborated during two meetings of the INC in June 2002 and July 2003. These decisions related 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 POPRC.

The POPRC was established to regularly consider additional candidates for the Annexes A, B and C to the Convention. The Committee's membership comprises 31 experts nominated by parties from the five regional groups. It reviews chemicals nominated by parties in three stages. The Committee first determines whether the substance fulfills POP screening criteria, as defined by the Convention in terms of its persistence, bioaccumulation, potential for long-range environmental transport (LRET), and toxicity. If a substance is deemed to fulfill these requirements, the Committee then drafts a risk profile to evaluate whether the substance is likely, as a result of its LRET, to lead to significant adverse human health and/or environmental effects and global action is therefore warranted. Finally, if the POPRC finds that global action is warranted, it develops a risk management evaluation reflecting socioeconomic considerations associated with possible control measures and, based on this, the POPRC decides to recommend that the COP list the substance under one or more of the annexes to the Convention.

**POPRC-1:** The first meeting of the POPRC (POPRC-1) was held in Geneva, Switzerland, from 7-11 November 2005. The Committee considered five chemicals proposed for inclusion in the Convention and agreed that intersessional working groups would develop risk profiles on these chemicals, to be assessed by the Committee at its second meeting. POPRC-1 also reviewed its role and mandate, and took decisions on several operational issues, including developing procedures for handling confidential information, work plans for intersessional activities, and criteria and procedures for inviting additional experts.

**COP2:** This meeting took place from 1-5 May 2006, in Geneva, Switzerland. COP2 considered several reports on activities within the Convention's mandate, and adopted 18 decisions on, *inter alia*: DDT, exemptions, financial resources and mechanisms, information exchange, BAT/BEP, identification and quantification of releases, measures to reduce or eliminate releases from wastes, implementation plans, listing chemicals in Annexes A, B and/or C of the Convention, reporting, technical assistance, synergies, effectiveness evaluation, and non-compliance.

**POPRC-2:** POPRC-2 was held in Geneva, Switzerland, from 6-10 November 2006. The Committee adopted the risk profiles for pentabromodiphenyl ether (pentaBDE), chlordecone, hexabromobiphenyl (HBB), lindane, and perfluorooctane sulfonate (PFOS) and agreed that intersessional working groups would develop draft risk management evaluations for these chemicals to be assessed by POPRC-3. The Committee also agreed to consider five newly proposed chemicals for inclusion in the Convention: alpha hexachlorocyclohexane (alphaHCH), beta hexachlorocyclohexane (betaHCH), pentachlorobenzene (PeCB), commercial octabromodiphenyl ether (c-octaBDE) and short-chained chlorinated paraffins (SCCPs), and agreed that intersessional working groups would develop risk profiles on these chemicals to be assessed by the Committee at its third meeting.

**COP3:** Stockholm Convention COP3 was held from 30 April - 4 May 2007, in Dakar, Senegal. COP-3 considered several reports on activities within the Convention's mandate and adopted 22 decisions on, *inter alia*: a revised process for the review of entries in the register of specific exemptions; DDT; measures to reduce or eliminate releases from wastes; guidelines on the standardized toolkit for identification and quantification of releases; guidelines on BAT and draft guidance on BEP; regional centres; listing chemicals in Annexes A, B or C of the Convention; reporting; effectiveness evaluation; national implementation plans (NIPs); budget; financial resources; technical assistance; synergies; and non-compliance.

**POPRC-3:** This meeting took place from 19-23 November 2007, in Geneva, Switzerland. The Committee approved the risk management evaluation for five chemicals, and recommended that COP-4 consider listing under Annexes A, B, or C: lindane; chlordecone; HBB; pentaBDE; and PFOS, its salts and PFOS fluoride. Risk profiles were approved for four chemicals, and POPRC-3 adopted a work programme to prepare draft risk management evaluations for those chemicals, namely on: c-octaBDE, PeCB, and alphaHCH and betaHCH, and agreed that intersessional working groups would develop draft risk profiles on these chemicals to be assessed by the Committee at its fourth meeting. The Committee decided that a proposal by the European Community and its member states to consider endosulfan for inclusion in Annex A, B, or C would be considered by POPRC-4.

**BASEL CONVENTION COP-9:** This meeting was held from 23-27 June 2008, in Bali, Indonesia. COP-9 adopted more than 30 decisions prepared by the Open-Ended Working Group on, *inter alia*: cooperation and coordination; the budget; legal matters; review of Basel Convention Regional Coordinating Centres; the Partnership Programme; the Strategic Plan; and technical matters. Key issues that occupied much of delegates' time included: adopting the recommendation of the AHJWG on Enhancing Cooperation and Coordination among the Basel, Rotterdam and Stockholm Conventions; linking the evaluation of the effectiveness of the Convention with the new strategic framework beyond 2010 and, in this context, approving a suitable budget; and legal interpretation of Article 17(5), relating to the entry into force of the Ban Amendment.

**POPRC-4:** This meeting convened from 13-17 October 2008, in Geneva, Switzerland. POPRC-4 considered several operational issues, including conflict-of-interest procedures, toxic interactions between POPs, and activities undertaken for effective participation of parties in its work. The Committee approved the risk management evaluations for four chemicals, and recommended that COP-4 consider listing under Annexes A, B, or C: c-octaBDE, PeCB, and alphaHCH and betaHCH. A draft risk profile for SCCPs was discussed and the Committee agreed to forward it to POPRC-5 for further consideration. POPRC-4 also evaluated a proposal to list endosulfan under the Convention and agreed, by vote, that it met the Annex D criteria for listing and that a draft risk profile should be prepared for consideration by POPRC-5. POPRC-4 also began an exchange of views on a proposal to list hexabromocyclododecane (HBCD).

**ROTTERDAM CONVENTION COP-4:** This meeting convened from 27-31 October 2008, in Rome, Italy. COP-4 adopted 13 decisions, including the addition of tributyl tin

compounds, pesticides used in antifouling paints for ship hulls that are toxic to fish, mollusks and other aquatic organisms, to Annex III of the Convention (Chemicals subject to the PIC procedure). The meeting also adopted the recommendation of the AHJWG on Enhancing Cooperation and Coordination among the Basel, Rotterdam and Stockholm Conventions. Issues unresolved and forwarded to COP-5 included those on: compliance; effective implementation; and listing of chrysotile asbestos, the most commonly used form of asbestos and cause of mesothelioma, and endosulfan, a pesticide widely used in cotton production, in Annex III.

## COP4 REPORT

On Monday morning, Ndiaye Cheikh Sylla (Senegal), on behalf of the Minister of Environment, opened COP4. Noting the record number of participants, Executive Secretary of the Stockholm Convention Donald Cooper highlighted that COP4 opens a new chapter in the history of the Convention as nine new chemicals are recommended for inclusion, and that the Secretariat will be able to build on already high levels of cooperation among the Stockholm, Rotterdam and Basel Conventions if parties decide to further enhance synergies.

Bakary Kante, on behalf of United Nations Environment Programme (UNEP) Executive Director Achim Steiner, underscored that COP4 represents a turning point as new chemicals are considered for listing.

Ndiaye Cheikh Sylla highlighted major issues to be discussed at COP4, including *inter alia*: effectiveness evaluation; technical assistance; regional and subregional centres; synergies; and new chemicals.

Delegates elected Alireza Moaiyeri (Iran) as COP4 President. The Group of Latin American and Caribbean Countries (GRULAC) nominated Jeffrey Headley (Barbados) as replacement Bureau representative and the African Region nominated Ndiaye Cheikh Sylla (Senegal). The other Bureau members serving at COP4 were: Katerina Šebková (Czech Republic); Atle Berndt Fretheim (Norway); Svitlana Sukhorebra (Ukraine); John Roberts (United Kingdom); Fernando Luginis (Uruguay); Xia Yingxian (China); and David Kapindula (Zambia).

Delegates later elected the new officers to the Bureau, whose terms run from the closure of COP4 until the closure of COP5: Karel Bláha (Czech Republic); Liudmila Marduaeva (Republic of Moldova); Caroline Wamai (Kenya); Hubert Binga (Gabon); Rajiv Gauba (India); Jeffrey Headley (Barbados); Carlos Villón (Ecuador); Franz Perrez (Switzerland); and François Lengrand (France).

Delegates adopted the agenda (UNEP/POPS/COP.4/1) without amendment.

Delegates agreed to a proposal by Chile, supported by Switzerland, to address the item on synergies among the Stockholm, Rotterdam, and Basel Conventions earlier in the meeting, as it may have financial implications.

The Secretariat introduced a note on the Rules of Procedure (UNEP/POPS/COP.4/3) and reminded delegates of the need to address bracketed text under rule 45(1). COP4 President Moaiyeri proposed the removal of the brackets, but Chile, Australia, India and Argentina registered objections. Delegates agreed that the section will be reviewed at COP5.

Plenary met throughout the week, and delegates also met in contact groups on financial resources and technical assistance, effectiveness evaluation, budget, non-compliance, and new chemicals at various times throughout the week. The following summary is organized according to the order of the items on the agenda.

### **MATTERS FOR CONSIDERATION OR ACTION BY THE CONFERENCE OF THE PARTIES**

Issues under this agenda item were discussed in plenary from Monday to Wednesday. Discussions relating to financial resources and technical assistance, effectiveness evaluation, non-compliance, and the listing of new chemicals in Annexes A, B and C of the Convention were discussed in contact groups throughout the week.

**MEASURES TO REDUCE OR ELIMINATE RELEASES FROM INTENTIONAL PRODUCTION AND USE:** On Wednesday, the Secretariat introduced the evaluation of the continued need for DDT and alternatives (UNEP/POPS/COP.4/4), the expert group report on the production and use of DDT and alternatives (UNEP/POPS/COP.4/5), and the draft business plan for a global partnership on alternatives (UNEP/POPS/COP.4/6).

In the ensuing discussion, India requested replacing the expert group's recommendation to continue DDT use "only in malaria affected areas" and "strictly within World Health Organization (WHO) recommendations" by recommending continued DDT use for "disease vector control" (UNEP/POPS/COP.4/CRP.5). Switzerland did not support the change, mainly due to its omission of WHO recommendations. Switzerland, Zambia, the EU, Uganda, Nigeria and Bangladesh supported the business plan. Several African and Asian countries noted the continued need for the use of DDT for disease vector control.

**Final Decision:** The decision on DDT (UNEP/POPS/COP.4/CRP.27) was adopted on Thursday. The COP:

- concludes that countries currently using DDT for disease vector control may need to continue to do so until locally available and cost-effective alternatives are available;
- requests the Secretariat, in collaboration with WHO, to carry out activities for the assessment of the continued need for DDT for vector control;
- endorses the establishment of a global alliance for the development and deployment of alternative products, methods and strategies and requests the Secretariat to lead its implementation;
- urges parties to actively participate in the establishment of the global alliance, and welcomes the participation of other stakeholders;
- requests the Global Environment Facility (GEF), developed country parties, funding institutions and other financial institutions to provide financial support for the establishment and subsequent activities of the global alliance; and
- encourages parties that use DDT to work with WHO to introduce integrated vector management in their vector control programmes.

**Exemptions:** On Wednesday in plenary, the Secretariat introduced requests for exemptions (UNEP/POPS/COP.4/7), noted that all exemptions expire on 17 May 2009, and agreed to draft a decision to extend provision of this procedure given the possible listing of new chemicals. COP4 Vice President

Atle Fretheim noted there were no requests for new extensions. The EU expressed hope that parties will limit future exemption requests to critical uses of proposed chemicals.

On Thursday, a draft decision was presented to plenary, and was adopted without amendment.

**Final Decision:** In the decision on exemptions (UNEP/POPS/COP.1/CRP.28), the COP, *inter alia*:

- notes the cancellation of all specific exemptions recorded in the register for the first twelve POPs and, with the exception of polychlorinated biphenyls (PCBs), all current exemptions listed in Annex A and Annex B will no longer be available to parties after 17 May 2009;
- agrees to extend the expiration date in paragraph 6 of the review process for entries in the Register of Specific Exemptions to 2015; and
- encourages parties that may seek a specific exemption for future POPs to make efforts to introduce alternative measures as soon as possible.

**Evaluation of the continued need for the procedure under paragraph 2(b) of Article 3:** On Wednesday in plenary, the Secretariat introduced its report on evaluation of the continued need for the Article 3 paragraph 2(b) procedure (UNEP/POPS/COP.4/8) on export provisions for listed POPs, stating that very little information had been received from parties relating to export and import of POPs.

On Thursday, a draft decision was presented to plenary and was adopted without amendment.

**Final Decision:** In the decision on evaluation of the continued need for the procedure under paragraph 2(b) of Article 3 (UNEP/POPS/COP.4/CRP.20), the COP, *inter alia*:

- concludes that currently available information on the experience of using the procedure is insufficient for evaluating its continued need;
- urges parties to include in their Article 15 reports information on their imports and exports of chemicals listed in Annexes A and B;
- reminds parties exporting chemicals listed in Annexes A and B that the Convention requires them to submit to the Secretariat the certification from the importing state, and requests the Secretariat to prepare a report of certifications from exporting parties for consideration by COP5; and
- decides to evaluate further the continued need for the procedure at COP5.

**Polychlorinated biphenyls:** On Wednesday in plenary, the Secretariat introduced the proposal to create a PCBs Elimination Club (PEC) (UNEP/POPS/COP.4/9). On Saturday morning, the plenary adopted a draft decision (UNEP/POPS/COP.4/CRP.32) with minor amendments, as part of the compromise package.

Several countries expressed support for the PEC. Bolivia called for multilateral discussions to decide on the details of the PEC, and Cuba suggested replacing the word "club" with "initiative." The Secretariat agreed to meet with parties bilaterally to answer remaining questions.

**Final Decision:** In the decision on PCBs (UNEP/POPS/COP.4/CRP.32), which renames the PCBs elimination "club" the PCBs elimination "network," the COP, *inter alia*:

- endorses the Secretariat's proposal for the establishment of a PCBs elimination network;
- invites the Basel Convention to join;

- requests the Secretariat to serve as the preliminary secretary of the network, and to report to on progress to COP5;
- encourages developed country parties and invites the donor community, the private sector and other external funding agencies to support financially the implementation of the network; and
- invites intergovernmental organizations, donors, holders of PCBs, non-governmental organizations, experts, industry and business to seek membership and actively engage in information exchange.

**MEASURES TO REDUCE OR ELIMINATE RELEASES**

**FROM UNINTENTIONAL PRODUCTION: Best available techniques and best environmental practices:**

On Wednesday in plenary, the Secretariat summarized activities undertaken regarding the guidelines on Best Available Techniques and the provisional guidelines on Best Environmental Practices (UNEP/POPS/COP.4/10). The EU suggested a review similar to that undertaken to update the dioxin toolkit. Oman noted the guidelines are not available in Arabic, and the Secretariat committed to seeking funds to translate them into all UN languages. On Thursday, a draft decision was presented to plenary and adopted without amendment.

**Final Decision:** In the decision on Best Available Technologies and Best Environmental Practices (UNEP/POPS/COP.4/CRP.22), the COP, *inter alia*:

- invites parties to provide the Secretariat with their comments on experience in using the guidelines and guidance;
- requests the Secretariat to implement awareness-raising and technical assistance activities to promote the guidelines and guidance;
- requests the Secretariat to propose to COP5 a procedure for updating the guidelines and guidance; and
- invites parties and others in a position to do so to fund activities aimed at enhancing understanding and implementation of the guidelines and guidance.

**Identification and quantification of releases:** On Wednesday in plenary, the Secretariat discussed the ongoing review and updating of the Toolkit for Identification and Quantification of Dioxin and Furan Releases (UNEP/POPS/COP.4/11). On Thursday, a draft decision was presented to plenary and was adopted without amendment.

**Final Decision:** In the final decision (UNEP/POPS/COP.4/CRP.23), the COP, *inter alia*:

- encourages parties to use the Toolkit when elaborating source inventories and release estimates, for the reporting of these releases, and to provide comments to the Secretariat;
- requests the Secretariat to continue implementing the review and updating the Toolkit, and to place emphasis on the key sources for which limited monitoring data are available, support efforts by developing countries to identify their sources, and organize training and capacity-building activity on Toolkit use;
- invites parties, states not party to the Convention, intergovernmental organizations, non-governmental organizations, and industry to, *inter alia*: generate and provide the Secretariat with relevant data and information on Annex C chemicals as identified in the Toolkit review; participate actively in the review; and facilitate transfer of knowledge and capacity strengthening through partnership; and

- invites parties and others in a position to do so to provide funding.

**MEASURES TO REDUCE OR ELIMINATE RELEASES**

**FROM WASTES:** On Wednesday, the Secretariat introduced its report on support for the guidelines relating to POPs wastes (UNEP/POPS/COP.4/12). Many countries welcomed the Secretariat's activities. Several developing countries highlighted the lack of funding to adequately store and eliminate POPs wastes, and called for new and additional funding and technical assistance. The African Group, supported by the International POPs Elimination Network (IPEN), voiced concern about the low POP content threshold, and requested the COP revise it. The US pointed out that this issue was being considered by the Basel Convention, but IPEN countered that the Stockholm Convention is mandated to work with the Basel Convention on this issue.

On Thursday, the draft decision (UNEP/POPS/COP.4/29) was considered by plenary. After several interventions related to the wording of the decision, delegates agreed to postpone further discussion on this issue and consult informally. On early Saturday morning, delegates adopted a decision as part of a compromise package.

**Final Decision:** In the decision on wastes (UNEP/POPS/COP.4/CRP.29), the COP, *inter alia*:

- notes the development of a tool developed by the Secretariat and the work being undertaken regionally to support parties in implementing environmentally sound management of POPs waste and PCBs, and recommends parties inform relevant stakeholders of the interactive training tool; and
- requests the Secretariat, in collaboration with the Basel Convention, to continue activities in other regions to support developing countries with management of POPs waste and PCBs in an environmentally sound manner, and encourages developed countries and funding agencies to support the work of the Secretariat and to provide technical guidance.

**IMPLEMENTATION PLANS:** On Tuesday in plenary, the Secretariat reported on submitted National Implementation Plans (NIPs), and introduced additional guidance on the calculation of action plan costs and a report on implementation priorities identified by parties (UNEP/POPS/COP.4/13 and 14, and COP.4/INF/10 and INF/11).

The EU called on all parties to submit their NIPs, and underscored that eligibility for financial assistance for implementation projects is contingent on submission. Many parties urged the Secretariat and the COP to provide technical and financial assistance to implement the activities outlined in NIPs. The Secretariat explained that updated NIPs would be due within three years of listing new chemicals.

IPEN highlighted multi-stakeholder involvement and proposed that country priorities be taken into account in COP decisions on financial and technical assistance, capacity building, and regional centres.

On Thursday, a draft decision was presented to plenary, and was adopted without amendment.

**Final Decision:** In the decision on NIPs (UNEP/POPS/COP.4/CRP.13), the COP, *inter alia*:

- welcomes the implementation plans submitted by parties;
- takes note of the deadlines for transmission of the implementation plans for each party, and encourages parties for which deadlines have passed to transmit their plans as soon as possible;

- takes note of the draft additional guidance on the calculation of action plan costs, including incremental costs, and action plans for specific POPs;
- requests the entity or entities entrusted with the operations of the financial mechanism of the Convention, including the GEF, to take into account the priorities identified by parties in their implementation plans as transmitted to the COP;
- invites and encourages parties to use the guidance on social and economic assessment in the development and implementation of the NIPs, the draft additional guidance on the calculation of action plan costs, and action plans for specific POPs in the development, review and implementation of their NIPs, and to provide the Secretariat with comments on their usefulness;
- requests the Secretariat to prepare a revised version of the socioeconomic guidance and of the additional guidance on the calculation of action plan costs, and to identify any other guidance that may be necessary to assist parties; and
- invites parties and others in a position to do so to provide additional funding required for developing the additional guidance.

**LISTING CHEMICALS IN ANNEXES A, B OR C OF THE CONVENTION:** Documents on the listing of chemicals in Annexes A, B or C of the Convention (UNEP/POPS/COP.4/17 and UNEP/POPS/COP.4/18) were presented in plenary on Monday, and Reiner Arndt, Persistent Organic Pollutants Review Committee (POPRC) Chair, reported on the recent work of the Committee (UNEP/POPS/COP.4/16). The POPRC recommended nine chemicals for possible listing; of these, seven were referred to the contact group on new chemicals for varying levels of further discussion. Chlordecone and hexabromobiphenyl (HBB) were sent directly to the Secretariat to prepare a draft decision.

**Work programme:** The need for guidance to assist parties in addressing their obligations associated with managing waste containing new POPs was discussed in the contact group on Tuesday, Wednesday and Thursday. Early Saturday morning, a draft decision on creation of a work programme to guide parties on implementation of their obligations, including under Article 6, was presented to plenary (UNEP/POPS/COP.4/CRP.38) and adopted as part of the compromise package.

As a result of the discussion of recycling, reuse, and disposal of waste containing brominated diphenyl ethers (BDEs), the contact group developed a proposal for an intersessional work programme involving collection of information about these and other new POPs from parties, which will ultimately be used by the POPRC to develop recommendations on reducing the risks posed by new POPs in the waste stream.

**Final Decision:** In the decision on addressing obligations associated with the listing of BDEs, perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF) and other new POPs in Annexes A, B, and C of the Convention (UNEP/POPS/COP.4/CRP.38), the COP, *inter alia*:

- decides to undertake a work programme to guide parties on the implementation of their obligations; and
- invites parties to support work on the evaluation of alternatives.

**Operating procedures of the POPRC:** On Monday in plenary, the Secretariat introduced a note on the operating procedures of the POPRC (UNEP/POPS/COP.4/16). POPRC Chair Reiner Arndt provided a report highlighting the key issues

addressed at POPRC4. A draft decision was presented to plenary early Saturday morning (UNEP/POPS/COP.4/CRP.9) and adopted without amendment, as part of the compromise package.

**Final Decision:** In the decision on the POPRC operating procedures, the COP, *inter alia*:

- adopts the amendments to the terms of reference of the Committee as set out in Annex I of the decision;
- endorses the decision to meet in closed session before the start of each meeting to discuss issues related to conflicts of interest;
- confirms the appointment of new members to the committee; and
- requests the Secretariat to develop a resource toolkit providing information on the Stockholm Convention and the POPRC.

The POPRC members include: Mohammed Ismail El Sehamy (Egypt), Stella Mojekwu (Nigeria), Samuel Banda (Zambia), Tanzania, Hu Jianxin (China), Masaru Kitano (Japan), Mohammed Khashashneh (Jordan), Jarupong Boon-Long (Thailand), Ivan Holoubek (Czech Republic), Liudmila Marduhaeva (Moldova), Norma Sibarati Nudlman (Argentina), José Álvaro Rodríguez (Colombia), Floria Roa Gutiérrez (Costa Rica), Robert Chénier (Canada), Timo Seppälä (Finland), Reiner Arndt (Germany), and Peter Alistair Dawson (New Zealand). Delegates elected Reiner Arndt as POPRC Chair.

**AlphaHCH:** Delegates discussed alpha hexachlorocyclohexane (alphaHCH) in plenary on Monday and in the new chemicals contact group on Thursday (UNEP/POPS/COP.4/17 and UNEP/POPS/COP.4/18). On Friday, a draft decision on the listing of alphaHCH in Annex A with no exemptions for production or use was presented to plenary (UNEP/POPS/COP.4/CRP.16). As byproducts of the lindane production process, alphaHCH and beta hexachlorocyclohexane (betaHCH) could only be listed alongside lindane, and following the referral of lindane to the new chemicals contact group, these substances were also referred to that group as a matter of procedure. On Saturday morning, plenary adopted this decision as part of the compromise package.

**Final Decision:** In the decision on the listing of alphaHCH (UNEP/POPS/COP.4/CRP.16), the COP decides to amend Part I of Annex A of the Convention to list alphaHCH with no exemptions for production or use.

**BetaHCH:** The chemical was discussed in plenary on Monday, and in the new chemicals contact group on Thursday (UNEP/POPS/COP.4/17 and UNEP/POPS/COP.4/18). Early Saturday morning, a draft decision on the listing of betaHCH in Annex A with no exemptions for production or use was presented to plenary (UNEP/POPS/COP.4/CRP.17) and adopted as part of the compromise package.

**Final Decision:** In the decision on listing of beta hexachlorocyclohexane (UNEP/POPS/COP.4/CRP.17), the COP decides to amend Part I of Annex A of the Convention to list betaHCH with no exemptions for production or use.

**HBB:** This substance was discussed in plenary on Monday (UNEP/POPS/COP.4/17 and UNEP/POPS/COP.4/18). On Friday, a draft decision on the listing of HBB in Annex A with no exemptions for production or use was presented to plenary (UNEP/POPS/COP.4/CRP.8) and adopted without amendment as part of the compromise package.

**Final Decision:** In the decision on the listing of HBB (UNEP/POPS/COP.4/CRP.8), the COP decides to amend Part I of Annex A of the Convention to list HBB with no exemptions for production or use.

**Chlordecone:** This chemical was discussed in plenary on Monday (UNEP/POPS/COP.4/17 and UNEP/POPS/COP.4/18). On Friday, a draft decision on listing chlordecone in Annex A with no exemptions was presented to plenary (UNEP/POPS/COP.4/CRP.7) and adopted without amendment as part of the compromise package.

**Final Decision:** In the decision on the listing of chlordecone (UNEP/POPS/COP.4/CRP.7), the COP decides to amend Part I of Annex A of the Convention to list chlordecone with no exemptions for production or use.

**PeCB:** This chemical was discussed in plenary on Monday and in a contact group on Wednesday (UNEP/POPS/COP.4/17 and UNEP/POPS/COP.4/18). Early Saturday morning, a draft decision on listing pentachlorobenzene (PeCB) with no exemptions was presented to plenary (UNEP/POPS/COP.4/CRP.18) and adopted as part of the compromise package.

During discussions on Monday, some participants expressed divergent views about the appropriate annex in which to list PeCB. Canada supported listing PeCB in Annex A and, in principle, in Annex C, while Argentina favored listing in Annex C and not A. After informal consultations among the objecting parties, the issue was referred to the contact group, where no further objections to the listing of PeCB in Annex A were raised.

**Final Decision:** In the decision on listing of PeCB (UNEP/POPS/COP.4/CRP.18), the COP decides to amend Part I of Annex A of the Convention to list PeCB without exemptions for production or use; and to amend Annex C to include PeCB in Parts I, II and III.

**PFOS:** Perfluorooctane sulfonic acid (PFOS) was discussed in plenary on Monday, in a contact group on Monday, Tuesday, Wednesday and Thursday, and in a drafting group on Thursday and Friday (UNEP/POPS/COP.4/17 and UNEP/POPS/COP.4/18).

During discussions, some parties emphasized that until cost-effective, environmentally-friendly alternatives become available, they would not support listing PFOS, while others highlighted the health and environmental risks posed by PFOS and called for immediate listing in Annex A. While all participants agreed on the need for acceptable purposes and specific exemptions for some uses of PFOS, opinions diverged on which uses fall into these categories. A small group tasked with developing a list of possible uses struggled to reach agreement throughout the week, as some participants sought to add uses and others supported using the list provided by POPRC.

On Wednesday, as the prospects for agreement seemed dim, participants seeking to compromise in order to make any progress agreed to consider listing PFOS in Annex B rather than Annex A. The group continued its discussions on possible acceptable uses and specific exemptions late into Thursday evening, at which point tentative agreement was reached to list PFOS in Annex B and a legal drafting group was formed.

A draft decision on listing PFOS in Annex B with acceptable purposes and specific exemptions was presented to plenary (UNEP/POPS/COP.4/CRP.35). The decision was adopted on Saturday morning as part of the compromise package.

**Final Decision:** In the decision on listing of PFOS, its salts and perfluorooctane sulfonyl fluoride (PFOSF) (UNEP/POPS/COP.4/CRP.35), the COP decides to amend Part I of Annex B of the Convention to list PFOS, its salts and PFOSF with

acceptable purposes including, *inter alia*: photo-imaging, fire-fighting foam, and insect baits for leaf-cutting ants; and specific exemptions including, *inter alia*: metal plating, leather and apparel, textiles and upholstery, paper and packaging, and rubber and plastics.

**C-pentaBDE:** Tetrabromodiphenyl ether and pentabromodiphenyl ether (c-pentaBDE) were discussed in plenary on Monday and in the contact group from Monday to Thursday (UNEP/POPS/COP.4/17 and UNEP/POPS/COP.4/18). Early Saturday morning, a draft decision on listing c-pentaBDE with one exemption for use was presented to plenary (UNEP/POPS/COP.4/CRP.36) and adopted as part of the compromise package.

While no parties objected to listing c-pentaBDE in Annex A, in Monday's contact group Australia, Canada and the EU expressed concern with the technical and legal implications of bromodiphenyl ethers (BDEs) entering the waste stream, especially with regard to Article 6 provisions on reducing or eliminating releases from wastes. This issue, which dominated discussions throughout the week, encompassed recycling, reuse, and trade of products containing BDEs. Ultimately, participants agreed that parties may, with certain provisions, allow recycling of such products, as set out in the newly drafted Part IV of Annex A.

**Final Decision:** In the decision on the listing of c-pentaBDE (UNEP/POPS/COP.4/CRP.36), the COP, *inter alia*:

- decides to amend Part I of Annex A of the Convention to list c-pentaBDE with a specific exemption for articles containing these substances in accordance with provisions of Part IV of Annex A; and
- decides to insert a new section in Part IV to Annex A which, *inter alia*, permits recycling of articles containing the above substances.

**C-octaBDE:** Hexabromodiphenyl ether and heptabromodiphenyl ether (C-octaBDE) were addressed in plenary on Monday, and in contact groups from Monday to Thursday (UNEP/POPS/COP.4/17 and UNEP/POPS/COP.4/18). Like c-pentaBDE, there was general agreement among parties that the substance should be listed in Annex A. However, progress was hampered by the need for resolution of the waste and waste recycling issue. Early Saturday, a draft decision on listing c-octaBDE was presented to plenary (UNEP/POPS/COP.4/CRP.37) and adopted as part of the compromise package.

**Final Decision:** In the decision on listing c-octaBDE (UNEP/POPS/COP.4/CRP.37), the COP decides to amend Part I of Annex A of the Convention to list c-octaBDE with a specific exemption for articles containing these substances in accordance with provisions of Part IV of Annex A.

**Lindane:** This chemical was discussed in plenary on Monday and in a contact group on Wednesday and Thursday (UNEP/POPS/COP.4/17 and UNEP/POPS/COP.4/18).

On Monday, Nepal, India, Kenya and Ghana requested exemptions for specific medical uses, while Myanmar called for listing lindane in Annex A without exemptions. NGOs reminded participants of the health risks posed by lindane, and Doctors for the Environment emphasized that children are at high risk of exposure to the chemical. While the issue initially appeared to be uncontroversial, it was referred to a contact group on Wednesday, after Kenya requested an exemption for seed treatment. This request was withdrawn on Friday. Early Saturday morning,

a draft decision on listing lindane was presented to plenary (UNEP/POPS/COP.4/CRP.15/Rev.1) and adopted as part of the compromise package, with an amendment to remove a specific exemption for use in seed treatment for maize.

**Final Decision:** In the decision on listing of lindane (UNEP/POPS/COP.4/CRP.15/Rev.1), the COP, *inter alia*:

- decides to list lindane in Annex A of the Convention with a specific exemption for the use of lindane as a human health pharmaceutical for control of head lice and scabies as second line treatment;
- decides to amend Part I of Annex A of the Convention; and
- requests the Secretariat to cooperate with the WHO in developing reporting and reviewing requirements for the use of lindane as a human health pharmaceutical for the control of head lice and scabies.

**INFORMATION EXCHANGE:** On Wednesday in plenary, the Secretariat introduced a progress report on the implementation of the clearing-house mechanism and a draft work plan (UNEP/POPS/COP.4/19 and 20). Switzerland highlighted the need for a mechanism covering the three chemicals conventions. On Thursday, the draft decision was presented to plenary and adopted without amendment.

**Final Decision:** In the final decision on information exchange (UNEP/POPS/COP.4/CRP.26), the COP, *inter alia*:

- invites parties and other stakeholders undertaking information exchange activities to use the strategic plan developed by the Secretariat and endorsed by COP3 in order to strengthen compatibility among various activities;
- approves the activities and budget for the biennium 2010-2011;
- requests the Secretariat to prepare, in cooperation with the Secretariats of the Basel and Rotterdam Conventions, a revised workplan for the activities of the clearing-house mechanism, and to present it at the Extraordinary meeting of the COP;
- endorses a proposal set out by the Secretariat in its note on the possible role of the clearing-house mechanism at the national and regional levels, and invites parties, regional centres, and other stakeholders to build clearing-house mechanism nodes; and
- requests the financial mechanism of the Stockholm Convention, including the GEF and other financial institutions, to provide financial resources to developing countries, Stockholm regional centres, and other stakeholders for projects aimed at improving information exchange.

**TECHNICAL ASSISTANCE:** The items on technical assistance were taken up briefly in plenary on Tuesday and Thursday. The issue of regional and subregional centres for capacity building and transfer of technology was dealt with extensively in a contact group on technical assistance and financial resources, co-chaired by Mohammed Khashashneh (Jordan) and Jozef Buys (Belgium) from Tuesday to Thursday. Decisions on these issues were adopted in plenary early on Saturday morning as part of the compromise package.

In plenary discussion, delegates highlighted the need for: coordination with existing Basel Convention Regional Centres (BCRCs), a more even geographical distribution of centres, and financial and technical assistance for centres.

**Guidance on technical assistance:** The issue of guidance on technical assistance was considered briefly in plenary on Tuesday and Thursday, based on the proposed actions outlined by the

Secretariat in its document on the issue (UNEP/POPS/COP.4/21). Early Saturday morning in plenary, the draft decision on this issue was adopted as part of the compromise package.

**Final Decision:** In the decision on guidance on technical assistance (UNEP/POPS/COP.4/CRP.14/rev.1), the COP, *inter alia*:

- requests the Secretariat to continue to implement its technical assistance programme, while making full use of regional centres, taking into account decision SC-1/15, in addition to priorities and needs identified in the report on priorities identified by parties in their implementation plans (UNEP/POPS/COP.4/13) and the needs assessment (UNEP/POPS/COP.4/27);
- invites parties, relevant international organizations, and non-governmental organizations (NGOs) to provide information to the Secretariat on their experience in implementing the guidance, and requests the Secretariat to prepare a progress report on guidance based on this and other pertinent information; and
- urges parties in a position to do so to provide the necessary funds to support continued implementation activities.

**Regional and subregional centres:** The selection of regional and subregional centres for capacity building and transfer of environmentally sound technologies under the Stockholm Convention was discussed in a contact group, on the basis of a document prepared by the Secretariat that reviewed the twelve nominations received from five regions (UNEP/POPS/COP.4/22) and a conference room paper (CRP) from the Secretariat including updated information for a table detailing whether the twelve nominated centres meet the terms of reference for the centres set out in decision SC-2/9.

Deliberations in the contact group distinguished between “must-have” and “would like to have” elements of the criteria laid out in decision SC-2/9, focusing in particular on those criteria some centres may not have met, especially as relating to whether: expertise of the centre meets the technical assistance requirements of the region; and the centre has highly qualified technical personnel with recognized competence in technical assistance and technology transfer. In addition, delegates also considered whether the centres had submitted their workplans and activity reports for 2008-2009. Representatives from several of the nominated centres provided clarifying and additional information.

Delegates also discussed the activities to be undertaken by these centres, with Chile asking that they do more than conduct workshops. Participants supported asking that endorsed centres report on their work and be reviewed periodically. The EU, with Nigeria, stressed the importance of having a level playing field in assessing whether nominated centres satisfied the criteria for endorsement.

On Thursday, the contact group concluded its review of the nominated centres and prepared a draft decision that, *inter alia*: identifies those nominated centres to be endorsed by COP4, and invites four others, those hosted by Algeria, Iran, the Russian Federation, and Senegal, to be considered for endorsement at COP5. In the afternoon, Iran asked that its centre be endorsed by COP4, but delegates disagreed, and the issue was forwarded to the Ministers’ Working Dinner Thursday evening. Early Saturday morning in plenary, the draft decision on this issue was

introduced, and Executive Secretary David Cooper explained that certain countries had committed to providing additional support to those nominated centres not endorsed by COP4 to facilitate their continuing activities and eventual endorsement. Switzerland noted its commitment to supporting a UNITAR project with the nominated centre in Senegal. Parties adopted the decision as part of the compromise package.

**Final Decision:** In the decision on regional and subregional centres for capacity building and transfer of technology (UNEP/POPS/COP.4/CRP.34), the COP, *inter alia*:

- endorses, for four years, eight nominated Stockholm Convention centres listed in Annex I, namely centres located in China, Kuwait, the Czech Republic, Brazil, Mexico, Panama, Uruguay and Spain;
- invites four nominated centres listed in Annex II, namely those in Algeria, Senegal, Iran and the Russian Federation, to continue their activities, seek support in complying with the decision SC-2/9 criteria, and be considered for endorsement at COP5;
- requests the Stockholm Convention Centres to coordinate regionally and undertake work on monitoring, diagnosis, technical analysis, information gathering, and identification of techniques for the elimination and disposal of POPs;
- invites regions to nominate, through their Bureau representative, institutions wishing to serve as Stockholm Centres, in particular from those regions or subregions not covered by existing centres;
- decides to evaluate the performance and sustainability of the centres and to reconsider their status at COP6; and
- provides deadlines for reporting by the Stockholm Centres and requests the Secretariat to report on the centres' activities at COP5.

**FINANCIAL RESOURCES:** The items on financial resources were taken up briefly in plenary on Tuesday, and extensively in a contact group on technical assistance and financial resources co-chaired by Mohammed Khashashneh (Jordan) and Jozef Buys (Belgium) from Tuesday to Friday. The contact group considered effectiveness of the implementation of the memorandum of understanding between the COP and the GEF Council, resource mobilization, the review of the financial mechanism, needs assessment, and additional guidance to the financial mechanism. Financial resources were also considered in plenary early Saturday morning as part of the compromise package.

**Memorandum of Understanding (MOU) between the**

**COP and the GEF Council:** The contact group discussed the effectiveness of the implementation of the MoU between the COP and the GEF Council, based on the proposed actions outlined by the Secretariat in its document (UNEP/POPS/COP.4/24), and on a GEF report on its activities related to the Stockholm Convention (UNEP/POPS/COP.4/25). On early Saturday morning in plenary, the draft decision on this issue was adopted as part of the compromise package.

**Final Decision:** In the decision on the effectiveness of the implementation of the MoU between the COP and the GEF Council (UNEP/POPS/COP.4/CRP.40), the COP:

- welcomes the GEF report to COP4 and the continuing cooperation between the two secretariats; and
- requests the Secretariat to prepare for consideration by COP5, in consultation with the GEF Secretariat, a report on the

effectiveness of the implementation of the MoU between the COP and the GEF Council.

**Mobilization of resources:** The contact group briefly discussed this issue on Wednesday, based on the proposed actions outlined by the Secretariat in its document on the issue (UNEP/POPS/COP.4/26). Participants disagreed with hiring a consultant to prepare a report on resource mobilization. Chile noted that a resource mobilization service was to be established as a result of the adoption of the decision on synergies among the Stockholm, Rotterdam and Basel Conventions, and suggested this service could be asked to carry out the study at the Extraordinary COP in February 2010. No decision was adopted on this issue.

**Review of the financial mechanism:** The contact group discussed the second review of the financial mechanism (UNEP/POPS/COP.4/INF/17) based on the proposed actions outlined by the Secretariat in its document on the issue (UNEP/POPS/COP.4/28). Discussions centered on the limitations and opportunities of GEF co-financing and the need to provide prioritized guidance to the GEF. Early on Saturday morning in plenary, this decision was adopted as part of the compromise package.

**Final Decision:** In the decision on the review of the financial mechanism (UNEP/POPS/COP.4/CRP.41), the COP, *inter alia*:

- welcomes the positive report of the second review of the financial mechanism, in particular the significant contribution of the GEF of US\$360 million dollars to POPs projects since 2001;
- concludes that the methodological framework used is helpful and clear and should be followed in future reviews, the recommendations of which should be prioritized; and,
- requests the Secretariat to prepare, for consideration and possible adoption by COP5, draft terms of reference for the third review of the financial mechanism, which it decides to undertake at COP6.

**Needs assessment:** The contact group discussed needs assessment for implementing the Convention from 2010-2014 in developing countries and countries with economies in transition (UNEP/POPS/COP.4/27). Discussion regarding a draft decision on the issue centered on: accuracy concerns and the implication of the size of the needs assessment for the guidance to the GEF and parties. The contact group did not reach agreement on a recognition that the assessment identifies many difficulties in gathering consistent, complete and accurate information, which need to be addressed in subsequent assessments. Disagreement also remained on whether developed country parties should be "invited" or "requested" to provide information to the Secretariat on ways in which they can support the Convention. Brackets remained around these contested texts when the contact group completed its work.

This draft decision was presented to the plenary early Saturday, and parties agreed to delete any text remaining in brackets and adopt the decision as amended as part of the compromise package.

**Final Decision:** In the decision on needs assessment (UNEP/POPS/COP.4/CRP.46), the COP, *inter alia*:

- notes the needs assessment and requests the Secretariat transmit it to the GEF for consideration during the fifth GEF replenishment;

- requests the Secretariat to prepare a report, for consideration by COP5, reviewing the availability of financial resources additional to those provided through the GEF and ways and means of mobilizing and channeling those resources; and
- requests the Secretariat to prepare, for consideration by COP5, the terms of reference of the 2015-2019 needs assessment, and to develop a simple and consistent format to facilitate parties' assessment and reporting of funding used during 2010-2014 and funding needs for 2015-2019.

**Guidance to the financial mechanism:** The contact group discussed the guidance to the financial mechanism, based on elements forwarded to it from other contact groups and other issue areas, and based on a proposal put forward by China with Bangladesh, Brazil, Cambodia, India, Iran, Jamaica, Kuwait and Laos.

Discussions centered on this proposal, which outlined four elements of guidance to the GEF: calling for the GEF to increase by five times financial support in the POPs focal area in light of the listing of new chemicals; the Resource Allocation Framework (RAF) should not be applied to the POPs focal area; the co-financing ratio for POPs projects is too high and should be lowered; and initial financial support should be provided for project preparation. This proposal also included a recommendation to the COP to establish a subsidiary financial mechanism committee, with proportional geographic representation, to bridge communication and coordination between the COP and GEF.

On the proposed subsidiary committee, Japan, Canada, and others opposed the proposal citing budgetary implications, while the EU questioned the need for such a committee. Switzerland and others noted that insufficient notice had been provided to discuss the establishment of such a committee at COP4. China and Iran suggested an *ad hoc* working group could intersessionally elaborate the terms of reference for such a committee for discussion at COP5. Japan suggested interested parties begin electronic intersessional discussions on the issue. One delegate suggested that at future COPs, work could be conducted in two parallel streams with one working group devoted to technical assistance and financial resources throughout the week. The contact group then discussed, but did not agree on, a proposal that the Secretariat seek views on and explore options for such a committee.

On the proposed guidance to the GEF, discussions focused on the message to convey regarding the scale of the POPs focal area under the fifth GEF replenishment. Developing countries supported requesting a "significant" increase in the GEF's financial support for the POPs focal area, while the EU disagreed, preferring to call for an "adequate and successful" replenishment of the GEF Trust Fund.

Following extensive discussions on the RAF, agreement was reached on requesting the GEF to ensure that the Bureau and Secretariat are appropriately informed and consulted on POPs-related RAF developments in a timely manner. Disagreements centered on the stated rationale for not extending the current RAF to the POPs focal area, with China and others focusing on the obligations of the Convention and the "ever-increasing" list of POPs, and with Switzerland and others focusing on the operational weaknesses revealed in the mid-term review of the RAF.

On co-financing, China and developing countries asked for lower co-financing by host developing countries on POPs projects, while the EU and others asked for increased co-financing from other sources. Delegates came close to reaching a compromise to urge the GEF to support the efforts of developing countries and countries with economies in transition, to mobilize a greater proportion of co-financing from sources other than government and to ensure the co-financing ratio would not be the sole factor that would deter a funding decision by the GEF, with Canada asking that it be conditional on reasonable efforts having been made to secure such funding.

The contact group also agreed to welcome streamlining the GEF project cycle.

Early on Saturday morning in plenary, Co-Chair Buys verbally introduced changes to a draft decision on guidance to the financial mechanism, which represented a compromise as part of the compromise package. The COP adopted the text as amended.

The contact group also discussed throughout the week elements of additional guidance to the GEF, collecting several paragraphs from other agenda items. This was presented to the plenary early Saturday, and parties agreed to delete the remaining text in brackets and adopt the decision, as amended, as part of the compromise package.

**Final Decisions:** In the final decision on guidance to the financial mechanism (UNEP/POPS/COP.4/CRP.47), the COP:

- reaffirms its decisions SC-1/9, SC-2/11 and SC-3/16;
- in the context of the 5th GEF replenishment, being aware of the funding needs assessment, and in light of the current and possible future listing of new POPs, calls on developed countries to make all efforts to make adequate financial resources available in accordance with their obligations under Article 13 of the Convention to enable developing country parties and parties with economies in transition to fulfill the obligations of the Convention;
- requests the GEF to ensure that the COP Bureau and the Secretariat are appropriately informed and consulted in a timely manner on any further developments of the RAF which involve the POPs focal area; and
- welcomes the ongoing policy reforms with the GEF as they relate to streamlining of the project cycle and urges the GEF to continue such efforts.

In the final decision on additional guidance to the financial mechanism (UNEP/POPS/COP.4/CRP.48), the COP:

- requests the GEF to provide the necessary financial and technical assistance to developing country parties and countries with economies in transition in accordance with Articles 13 and 14, especially the least developed countries and small island developing states, to help them prepare or update their NIPs and to comply with the Convention requirements;
- requests the Convention's financial mechanism and invites other donors to provide sufficient financial support for further step-by-step capacity enhancement, including through strategic partnerships, to sustain the new monitoring initiatives that provided data for the monitoring report; and
- requests the entities entrusted with the operation of the financial mechanism, including the GEF, when implementing guidance to the financial mechanism in decision SC-1/9, to take into account the priorities identified by parties in the NIPs.

**REPORTING:** On Wednesday, the Secretariat introduced a note on reporting pursuant to Article 15 of the Convention (UNEP/POPS/COP.4/29). The draft decision on reporting was approved without amendment on Thursday.

**Final Decision:** In the final decision on reporting (UNEP/POPS/COP.4/CRP.30), the COP:

- welcomes the report based on information received pursuant to Article 15;
- decides that each party shall submit its second report by 31 October 2010 for consideration at COP5;
- invites parties to use the training module on the use of the electronic reporting system, and to provide the Secretariat with comments on their experiences using this system by 31 December 2009; and
- requests the Secretariat to: prepare a report for consideration by COP5; continue providing training to parties on the use of the electronic reporting system; develop and disseminate a users' manual for the system; and develop an enhanced version of the system.

**EFFECTIVENESS EVALUATION:** On Tuesday, Ramon Guardans (Spain) introduced discussion on the coordinating group for the global monitoring plan for POPs (UNEP/POPS/COP.4/INF/20), and plenary agreed to the establishment of a contact group to draft decisions on effectiveness evaluation (UNEP/POPS/COP.4/30) and the global monitoring plan for effectiveness evaluation (UNEP/POPS/COP.4/31). A contact group chaired by Guardans and Victoria Mupwaya (Zambia), met from Tuesday morning, concluding its work on Wednesday evening.

Discussions in plenary concerned the need for a common financial and human resources support strategy, with Mexico offering technical assistance for a regional effectiveness evaluation. Argentina called for a coordination group for global effectiveness evaluation to be responsible for carrying out evaluations.

Switzerland supported, *inter alia*, specimen banking as a means of collecting and storing POPs for future analysis, and six-year terms for group members. The US called for modification of the format to allow for more detailed analysis of the measures.

The Island Sustainability Alliance highlighted the need to identify the sources of POPs. Many countries called upon developed countries to provide financial and technical support to developing countries, and some expressed concern about the limited number of parties who submitted reports.

In the contact group, issues raised related to the cost of the creation of a 10-person *ad hoc* technical working group to develop cost-effective and pragmatic proposals to be submitted to COP5, with the EU stressing that there may be no funding in the budget for such a group. Canada was concerned about the terms of reference of this working group, as well of the regional organizational groups. The contact group also dealt with the arrangements necessary for future effectiveness evaluations.

On Thursday, the draft decision on the global monitoring plan for effectiveness evaluation was adopted without amendment. The draft decision on the terms of reference for the *ad hoc* working group on effectiveness evaluation was also adopted with minor amendments.

**Final Decisions:** In the decision on the global monitoring plan for effectiveness evaluation (UNEP/POPS/COP.4/CRP.25), the COP, *inter alia*:

- takes note of the report of the meeting of the coordination group and welcomes the regional monitoring report;
- acknowledges additional information on human tissue data presented at COP4;
- adopts the global monitoring plan for POPs that was provisionally adopted at COP3;
- adopts the terms of reference and mandate of the regional organizational groups and the global coordination group;
- requests the Secretariat to make non-substantive changes to the implementation plan for the global monitoring plan for POPs; provide support in updating the guidance document for the global monitoring plan; and continue to support training and capacity enhancement activities;
- requests the Convention's financial mechanism to provide sufficient financial support to sustain the new monitoring activities; and
- invites the parties to engage actively in the implementation of the global monitoring plan and the effectiveness evaluation.

Annexed to the decision are the terms of reference and mandate of the regional organizational groups and the global coordination group, including: the terms of membership for the regional organizational groups and their tasks; and the objectives of the global monitoring group, its mandate and tasks including promoting experience sharing and capacity enhancement, and evaluating the global monitoring plan.

In the decision on effectiveness evaluation (UNEP/POPS/COP.4/CRP.31), the COP:

- agrees that the current information on environmental monitoring be used as a baseline for comparative purposes for future evaluations;
- recognizes the need to revise the arrangements for gathering information derived from national reports;
- establishes an *ad hoc* working group and requests this group to report to COP5;
- agrees that a six-year period is a suitable interval for effectiveness evaluations; and
- requests the support of the Secretariat in these tasks.

Annexed to this decision are the terms of reference for the *ad hoc* working group and a table showing the proposed work schedule for the working group. The terms of reference include: the composition of the *ad hoc* working group; the methodology to be adopted by the working group; and the elements to be contained in the working group's report to COP5.

**NON-COMPLIANCE:** The issue of non-compliance was introduced by the Secretariat in plenary on Monday (UNEP/POPS/COP.4/34) and addressed in a contact group, chaired by Anne Daniel (Canada), on Monday, Tuesday, Wednesday, and Friday. On Thursday, non-compliance was discussed in a Friends of the Chair group, and presented by the Chair to the Ministers' Working Dinner hosted by the Swiss Government.

Discussions in the contact group were based on the draft text contained in the annex to decision SC-3/20 because China and India had reservations about using the Chair's proposal from COP3 as a starting point. The debate centered on how to invoke procedures (triggers), measures to take in response to compliance difficulties, decision making process, objectives, information, and committee size and composition.

On triggers, the EU proposed an alternative to the secretariat trigger and the committee trigger proposing the committee examine NIPs and national reports and identify compliance questions. While most parties supported this, or at least its use as a basis for work, India and China preferred a self-trigger only.

On measures, most parties agreed that the committee be allowed to express concern regarding non-compliance, with China and India objecting.

On decision-making, the EU and Japan supported majority decision making in case consensus could not be reached. China, India and Iran preferred consensus.

On objectives, most delegates supported the objectives being, *inter alia*, non-adversarial, flexible and transparent. China, India, and Iran proposed adding reference to “non-punitive” and “facilitative.”

China argued that they could not agree to a compliance procedure as long as it contained a systematic imbalance against developing countries, which do not have the capacity to comply. Switzerland, the Center for International Environmental Law and others emphasized the importance of a compliance mechanism especially for developing countries to bring developed countries into compliance with their obligations to provide sufficient assistance.

Because no agreement could be reached in the Friends of the Chair group, the Chair presented a proposal to Thursday’s Ministerial Working Dinner that was based on the Chair’s Proposal to COP3, but included, *inter alia*, a stronger reflection of the link between developing countries’ ability to comply and developed countries’ commitments relating to financial and technical assistance. The Chair reported that ministers present at the dinner, which China did not attend, had supported the non-compliance proposal as part of a wider package, which included regional centres and a financial mechanism. India underlined that the absence of a statement by his minister should not be construed as support for the proposal.

In Friday’s contact group, the EU, Switzerland, Australia, Canada, and the Central and Eastern Europe Group supported presenting the Chair’s proposal to plenary as the outcome of the contact group, with some African and Latin American countries indicating the need for consultation, and India and China objecting. On Saturday morning, the COP decided to forward the issue to COP5, and adopted the following decision as part of the compromise package.

**Final Decision:** In the final decision on non-compliance (UNEP/POPS/COP.4/CRP.42), the COP:

- decides to consider further the procedures and institutional mechanisms on non-compliance at COP5; and
- decides that the draft text contained in the annex to the decision, bearing in mind the proposal of the Chair of the contact group, shall be the basis for its further work.

The Chair’s proposal was submitted to plenary in a separate CRP (UNEP/POPS/COP.4/CRP.39), and appended to the conference report. It is based on the Chair’s proposal presented to COP3, with a few amendments, including, *inter alia*: a contextual paragraph recognizing that the extent to which developing country parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country parties of their commitments relating to financial resources, technical assistance,

and technology transfer; and the EU proposal for the committee examining parties’ national reports, and identifying compliance questions, which replaces the secretariat and committee triggers.

**SYNERGIES:** On Tuesday in plenary, Osvaldo Álvarez-Pérez (Chile) and Kerstin Stendahl (Finland), Co-Chairs of the 45-member *Ad-Hoc* Joint Working Group on Cooperation and Coordination among the Basel, Rotterdam and Stockholm Conventions (AHJWG): presented on the group’s work; outlined its recommendations on organization, technical issues, information management and public awareness, administrative issues, and decision-making procedures; and informed plenary that the AHJWG recommendations have been adopted with minor amendments by the Basel and Rotterdam Conventions. On Thursday, in the high-level segment, the COP formally adopted the decision (UNEP/POPS/COP.4/CRP.12).

Norway supported the recommendations as a concrete and constructive response to the UN consultations on international environmental governance. Brazil stressed that activities specific to each Convention should not be neglected. Switzerland commended the AHJWG process as transparent, country-driven, and inclusive. Nigeria emphasized the need to build upon Basel Convention Regional Centres (BCRCs) as a platform for increasing synergies. China stressed that the Stockholm Convention’s financial and technical mechanisms should retain their independence.

**Final Decision:** In the final decision (UNEP/POPS/COP.4/CRP.12), the COP adopts the recommendation of the AHJWG, including preambular paragraphs that, *inter alia*:

- recognize the broad scope of the Stockholm Convention;
- welcome the ongoing commitment of all parties to ensuring the implementation of the full breadth of the Convention; and
- look forward to the follow-up on the development of managerial issues arising from closer cooperation among the three conventions.

The recommendation of the AHJWG consists of five parts:

- organizational issues in the field, including coordination at the national level, programmatic cooperation in the field, and coordinated use of regional offices and centres;
- technical issues, including national reporting, compliance mechanisms, and cooperation on technical and scientific issues;
- information management and public awareness issues, including joint outreach and public awareness, information exchange/clearing-house mechanism on health and environmental impacts, and joint input into other processes;
- administrative issues, including: joint managerial functions, resource mobilization, and financial management and audit functions; and
- decision making, including: coordinated meetings, extraordinary meetings of the COPs and review arrangements.

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

**BUDGET:** Plenary considered the activities of the Secretariat and the adoption of the budget (UNEP/POPS/COP.4/37/Add.1) on Monday. A contact group, co-chaired by Jacqueline Alvarez (Uruguay) and Kerstin Stendahl (Finland), was established and met throughout the week.

In plenary, Switzerland and the EU urged members to honor their contributions. Nigeria stressed the need for increased funding for research into alternatives to DDT, and for greater financial assistance to developing countries and countries with economies in transition. India, Morocco, on behalf of the Arab Group, Uganda, Iran, Fiji, on behalf of Pacific Island Countries, and Zambia supported Nigeria.

The Arab Group, Uganda, Myanmar and Zambia stressed the importance of establishing new regional centres. Switzerland suggested that new Secretariat positions be shared with both the Rotterdam and the Basel Conventions. Tanzania highlighted capacity building in promoting alternatives to DDT and PCB phase-out as crucial issues for Africa. She stressed the need to build capacity in global monitoring, while Ghana emphasized information sharing and awareness raising. Argentina, on behalf of GRULAC, called upon parties to participate actively in the clearing-house mechanism, and expressed hope that the recommendation of the AHJWG would be approved in order to promote coordination among the Stockholm, Rotterdam, and Basel Conventions.

Discussion in the contact group concerned the list of priorities for activities of the Secretariat, presented in three budget scenarios: the Executive Secretary's scenario; the zero percent scenario; and the ten percent scenario. After protracted discussion, the group agreed to use a Co-Chairs' proposal for the operational budget, which is based on figures from both the zero percent scenario and the ten percent scenario, as a baseline for negotiations. The programme of work and budget contain activities on: financial assistance, technical assistance (including regional programmes), effectiveness evaluation, existing POPs, and new POPs.

The group was faced with the uphill task of factoring into the budget adopted decisions containing budgetary implications. The other issues the group addressed included: the addition of staff to the Secretariat based on decisions taken in other working groups and subsequently in plenary; the scope of work and financing of the regional centres; the position of a capacity building assistant for the additional workload of the Secretariat on new POPs; issues relating to capacity building versus those on implementation of the Convention; inclusion of activities of a proposed non-compliance committee and its travel costs; and the marrying of the views from developing countries and those of developed countries on priority activities for the Secretariat.

A Friends of the Co-Chair group, including representatives from Switzerland, the EU, South Africa, the Bahamas, New Zealand, Nigeria and Japan, reviewed the Co-Chairs' scenario line-by-line early Saturday morning. The contact group forwarded the decision to plenary for further consideration.

In plenary, Co-Chair Stendahl introduced the work of the contact group, announcing the budget for the biennium as US\$11,712,910. Supported by Japan, she registered that the three budget scenarios may be unrealistic, and stressed that they will need to be revised at the Extraordinary COP of the three conventions in 2010 to better facilitate issues of a joint budget.

Cuba emphasized that making parties report to the COP on paying outstanding amounts was "immoral." The Secretariat explained that the practice of sharing the list of countries with outstanding balances is already in place, pointing out that the parties' arrears are made public on the Convention's website.

This decision was adopted by plenary early Saturday morning, as part of the compromise package.

**Final Decision:** In the final decision on financing and budget for the biennium 2010-2011 (UNEP/POPS/COP.4/CRP.45), the COP, *inter alia*:

- approves the programme of activities and operational budget for the 2010-2011 biennium of US\$5,839,267 for 2010 and US\$5,873,643 for 2011;
- authorizes the head of the Convention Secretariat to make: commitments up to the level of the approved operational budget; and 20% of one main appropriation line of the approved budget to other appropriation lines;
- welcomes the annual contribution of 2 million Swiss Francs;
- approves the use of US\$300,000 from the unspent balances or contributions from previous financial periods to cover part of the 2010-2011 budget;
- decides to keep the working capital reserve at 8.3% of the annual average of the biennial operational budget;
- invites the UNEP Executive Director to consider funding an officer to manage joint support services for the Rotterdam, Stockholm and Basel Conventions;
- requests the Secretariat to notify parties to the Convention of the amounts of their contributions for a given year by 15 October of the previous year;
- decides that the trust funds of the Convention shall be continued until 31 December 2011 and requests the UNEP Executive Director to extend the two trust funds of the Convention for the biennium 2010-2011, subject to the approval of the UNEP Governing Council; and
- welcomes the fact that decisions on the joint auditing of the secretariats of the Basel, Rotterdam and Stockholm Conventions are on the agenda of the simultaneous extraordinary meetings of the COPs to the conventions.

Annexed to the decision is the procedure for the allocation of funding from the special Voluntary Trust Fund for facilitating participation of parties in the COP, which includes that, *inter alia*: the procedure gives priority to the least developed countries and small island developing states; and the Secretariat should notify and invite eligible countries to the COP.

#### **HIGH-LEVEL SEGMENT**

The COP4 high-level segment convened on Thursday and Friday, with the plenary hearing statements from a Vice-President, Ministers, other high-level government officials, and senior representatives of intergovernmental and nongovernmental organizations, UN bodies and specialized agencies, and a number of other stakeholders. A Ministers' Working Dinner, hosted by the Swiss Government, was held on Thursday evening.

On Friday, UNEP Executive Director Achim Steiner emphasized that the Stockholm Convention is "gaining traction" in addressing contradictions between global commitment and local reality. He highlighted the inadequacy of financing for the chemicals agenda, and proposed to host a consultative forum on the issue in the next six months. Steiner committed to ensuring that the chemicals agenda does not become the "poor cousin" of the international environmental process.

**COUNTRY STATEMENTS:** During the high-level segment, delegates raised issues relating to, *inter alia*: illegal trafficking of POPs; international cooperation for the effective elimination

of POPs; the need to manage production, use and elimination of chemicals; technical and financial assistance; ensuring that proposed alternatives are easily accessible; the creation of regional and subregional centres; and the socioeconomic impacts of listing new POPs.

Uruguay requested parties to endorse the nomination of its regional coordinating centre. Nepal urged countries to provide technical and financial assistance. Myanmar explained his country was waiting for enabling funds under the GEF. Cameroon described his country's activities to eliminate POPs and its plans to secure POPs stockpiles and develop inventories of PCBs.

Kiribati expressed concern that there is no nominated regional centre for the Pacific region. The Marshall Islands described his country's work to complete its NIP, dispose of PCB equipment, conduct an inventory of POPs, and raise public awareness.

Argentina described a dedicated chemicals unit in his country. Bangladesh highlighted the need for increased capacity to implement their NIP. Bahrain reaffirmed its commitment to the Convention and requested technical assistance.

Cambodia highlighted the importance of the Chemical Information Exchange Network for building capacity for developing countries. Colombia described its efforts to eradicate stocks of DDT. Croatia highlighted its efforts to protect humans and the environment through the management of POPs, and expressed support for synergies among the Basel, Rotterdam, and Stockholm Conventions.

Noting that it submitted its NIP on Wednesday, the Dominican Republic described its implementation strategy to address POPs and emphasized the importance of international cooperation.

El Salvador implored delegates to proceed wisely and with good will to tackle differences, emphasizing that regional centres and financing benefits are less important than a planet free of POPs. Ecuador highlighted its leadership on POPs, as demonstrated by its work on the POPRC and revision of its NIP. Venezuela called for strengthening technical and financial assistance. Zambia endorsed the Basel Convention Regional Centre in Africa as a regional centre for the Stockholm Convention. France noted that much progress had been made on the issues of synergies and regional centres at COP4. Jordan emphasized the importance of regional centres for technical assistance, and expressed support for establishment of a centre in Kuwait.

Kenya emphasized the importance of awareness creation among civil society and the informal sector. Mexico outlined key challenges, including promoting the substitution principle, identifying new POPs, and ensuring the availability of technical and financial assistance. Japan highlighted the achievement of listing new chemicals to the Convention. Croatia highlighted its efforts to protect humans and the environment through the management of POPs, and expressed support for synergies among the Basel, Rotterdam, and Stockholm Conventions.

For a more detailed written report on the high-level segment, see: <http://www.iisd.ca/vol15/enb15173e.html>

### **CLOSING PLENARY**

On Friday afternoon in plenary, the Secretariat reported that, following the Bureau's examination of parties' credentials, 125 parties could be considered present and participating in COP4,

and that the 17 parties that had submitted inadequate or no information would be treated as observers for the remainder of the meeting.

Regarding other matters, the Secretariat discussed the issue of official communications (UNEP/POPS/COP.4/36), and the COP decided to adopt the decision contained in the document urging parties to nominate official focal points and national focal points for information exchange.

Argentina offered to host COP5 in Argentina in May 2011, and the COP accepted.

On Friday evening, COP4 Vice President David Kapindula (Zambia) introduced the report of the meeting (UNEP/POPS/COP.4/L.1 and UNEP/POPS/COP.4/L.1/Add.1) and it was adopted with minor amendments.

Plenary adjourned in the early evening to allow the financial resources and technical assistance group to complete its work, and for the Bureau to convene. Plenary reconvened later in the evening, and President Moaiyeri highlighted that COP4 stood at a critical point, where it could fail or it could succeed. He stated it was too late to negotiate further on substantive issues, and proposed adopting agreed decisions and postponing outstanding issues to COP5. Switzerland questioned if this proposal was from the Bureau, or a proposal of the COP President. The EU stressed that the Bureau had agreed to consider the President's proposal on how to proceed with completing the work of the COP and how to address the issue of lack of simultaneous interpretation. President Moaiyeri restated his proposal, but Canada underscored that the Bureau did not agree to "freeze work" and that the COP must continue its work. COP4 President Moaiyeri responded that there was not enough time, and proposed to reconvene the Bureau. The EU and India urged the President to proceed through the draft decisions.

Early Saturday morning, a draft decision on listing lindane was presented to plenary (UNEP/POPS/COP.4/CRP.15/Rev.1) and adopted, with an amendment to remove a specific exemption for use in seed treatment for maize. The Secretariat then apologized for the lack of interpretation and delegates agreed to continue work in English only.

New chemicals contact group Chair Roberts introduced the decisions on new chemicals, however, Cuba and Argentina intervened and requested that COP4 deal with issues of financial resources and technical assistance prior to new chemicals. Delegates agreed to suspend plenary to wait for documents on financial resources and technical assistance and consulted informally on a compromise package.

Early Saturday morning, plenary reconvened, and President Moaiyeri announced that after intensive last-minute negotiations, agreement had been reached on a package of decisions involving new chemicals and financial resources. India, China, the EU, Australia, Canada, Switzerland, Japan, Nigeria and Argentina welcomed the package and affirmed their commitment to adding nine POPs to the Convention. Delegates agreed to suspend plenary while the package was drafted and the document distributed.

At 3:00 am Saturday, President Moaiyeri reconvened plenary and Jozef Buys introduced the package language and explained it was intended to slot into the draft decision on guidance to the financial mechanism. Argentina and Senegal requested that the President clarify the contents of the entire package. Bakary Kante (UNEP) explained that UNEP Executive Director Achim

Steiner had called on the key negotiators from each regional group, but noted that some group members could not be located for consultation. He said the intention was to come to a political agreement to solve the deadlock and allow COP4 to reach a successful conclusion. Kante said a political consensus was accepted that recognized as the greatest challenge of COP4 the addition of nine new chemicals and the large-scale need of developing countries, and said the agreement was a political declaration of financial commitment. Kante noted the problem with compliance and highlighted the agreement, in principle, by India and China to discuss compliance as soon as possible. He said the political declaration could be adopted as a package of outstanding decisions and invited delegates to adopt this.

On a point of order, Australia explained that his country was unable to sign off on something he had not looked at, stressed that the range of decisions were complex and needed to be looked at carefully. In response, Executive Secretary Donald Cooper explained that the package included three groups of decisions. He said the first group included decisions with agreed text, the second was the group of decisions related to the financial mechanism and technical assistance, and the third was the package of decisions pertaining to new chemicals. He noted outstanding issues regarding the decisions on regional centres, non-compliance, and needs assessment.

After several clarifications on removing remaining brackets, and an explanation on the new chemicals decisions from contact group Chair John Roberts, the plenary agreed to adopt the proposed package of 23 decisions. Canada further requested, and delegates agreed, to forward the draft working text on non-compliance to COP5, with the aim of adopting a decision on a non-compliance mechanism at COP5.

In the closing minutes of COP4, the EU emphasized the importance of completing work on non-compliance and said that COP4 had reached an historic outcome. China commended the result of the meeting and thanked the Secretariat for helping parties "out of this chaos." Côte d'Ivoire congratulated parties on their work and reiterated the need for technical assistance.

President Moaiyeri thanked delegates and gavelled the meeting to a close at 4:37 am.

## A BRIEF ANALYSIS OF COP4

The stakes were high as parties convened in Geneva for the fourth meeting of the Conference of the Parties (COP4) to the Stockholm Convention on Persistent Organic Pollutants (POPs). While the official opening speeches focused on the potential of adding nine new chemicals to the Convention, key issues also included securing the financial resources and technical assistance necessary for implementation, endorsing regional centres, and finalizing negotiations on non-compliance. In the end, as contact groups continued deliberations late Friday evening, and it appeared COP4 had reached an impasse, it was a compromise package linking some of these issues that provided the way out.

This brief analysis will outline the key challenges, and some of the significant agreements, on new chemicals, financial and technical assistance and non-compliance, highlighting some of the implications of the compromise package.

## ADDING TO THE DIRTY DOZEN

The recommendation to list nine new chemicals to Annexes A, B or C of the Convention was the culmination of four meetings of the POPs Review Committee (POPRC), the 31-member expert group established under the Convention to review whether global action on a substance is warranted.

As COP4 was the first opportunity to consider expanding the scope of the Convention, deliberations on these chemicals were seen by some as a litmus test of the POPRC process. Entering the week, delegates expected that those chemicals no longer in production, the so-called "dead" chemicals, would likely be approved more easily than those "live" chemicals in wide production and use, such as PFOS, which is used in a variety of industrial, firefighting and pest-control applications. A contact group convened throughout the week to finalize the recommendations for listing, and predictably many hours were devoted to the study of the uses of PFOS, for which alternatives may not be available or affordable.

Many delegates were surprised by the difficulties posed by the proposed listing of brominated diphenyl ethers (BDEs), namely c-pentaBDE and c-octaBDE. These substances, used as flame retardants in bulk plastics and foam rubber, are no longer in production, but are ubiquitous in products. Concerns were raised at the beginning of the week that listing these chemicals might substantially impact the plastics recycling industry as the Convention precludes the recycling of POPs. Yet it is very difficult to separate BDE-containing plastic from BDE-free plastic. Negotiators had to develop legal language that protects human health and the environment from BDE releases arising from recycling, but, at the same time, balances potential adverse impacts on the plastics recycling industry.

In addition to these technical and economic concerns, developing countries stressed the heavy financial burden they would need to shoulder in implementing their new commitments arising from the listing of additional POPs. Eventually, these many concerns were overcome, and agreement was reached to list all nine candidate POPs as part of the eleventh-hour compromise package reached in the early hours of Saturday morning, which links the issue to financial and technical assistance, and leaves out agreement on a non-compliance mechanism.

## ENABLING IMPLEMENTATION: FINANCIAL AND TECHNICAL ASSISTANCE

Since the Convention's inception, developing countries have consistently underscored their needs for technical and financial assistance, especially now that many are shifting from developing national implementation plans (NIPs) to implementation. Throughout COP4, developing country parties reminded developed countries of the Convention's Article 13 (Financial resources and mechanisms), which makes developing countries' abilities to comply contingent on financial and technical assistance.

A needs assessment for 2010-2014 was prepared for COP4, and while parties contested the methodology employed and underscored the uncertainties it entailed, the estimate of close to US\$5 billion in resource needs for only 68 parties and the original 12 POPs over five years stood in stark contrast with the GEF report that US\$360 million had been contributed to POPs projects since 2001. Even as developed countries underscored

that close to an additional US\$400 million had been secured through GEF co-financing, many developing country delegates called on COP4 to send a strong signal to donors as they discuss the fifth replenishment of the GEF to substantially increase the amount of funding available under the POPs window.

Illustrative of the divide between developed and developing countries on this issue were opposing views on GEF co-financing requirements. Developing countries, led by China, asserted that co-financing ratios were too high, making it impossible to attract enough funds, and warned against making co-financing requirements a deterrent for projects. Developed countries underscored the potential of further increasing co-financing ratios, and especially encouraging funding from the private sector.

The prospects for leverage were front and center on another core element of the compromise package: the endorsement of nominated Stockholm Convention Regional Centres for technical assistance and capacity building. Even as developed countries and the Secretariat underscored that recognition as a Regional Centre did not entail budgetary support from the Convention, many of the administrators that came to COP4 to follow their centres' review stressed that endorsement could help them secure project funding from other sources.

Yet as it became clear that four of the twelve nominated centres, those hosted in Senegal, Algeria, Iran and the Russian Federation, would not be endorsed at COP4, concerns arose that some centres, especially those in Africa, deserved additional capacity building to meet the endorsement criteria. As part of the compromise package, specific developed country parties committed to partnering with these nominated centres to enable them to achieve endorsement.

#### **FINANCIAL AND TECHNICAL ASSISTANCE: ENABLING COMPLIANCE**

The need for resources for implementation activities in developing countries was also inextricably linked to the discussions on non-compliance. Despite lengthy and intensive deliberations throughout the week, the contact group on non-compliance made, as contact group Chair Anne Daniel noted in the closing plenary, "virtually no progress." While the Convention text charges the COP with approving non-compliance procedures and mechanisms as soon as practicable, discussions on the issue at COP4 resumed under the shadow of the outcome of deliberations under the Rotterdam Convention, where in October 2009 at its COP4, parties had also failed to reach consensus.

Some delegates stressed that establishing a non-compliance mechanism was just as important for ensuring the legitimization of the Stockholm Convention as the listing of new POPs. They noted that a world free of POPs would not be achieved unless parties were held accountable for their commitments under the Convention, and underscored the potential for implementation assistance arising from a non-compliance committee.

Much of the disagreement on non-compliance stemmed from the entrenched positions of India, China and, more quietly, Iran. They adamantly opposed what they considered an imbalanced system punishing developing countries without the capacity to comply, while not providing them with a mechanism to ensure compliance with their commitments by providing sufficient technical and financial assistance.

In the confusion of the early Saturday morning plenary, following adoption of the compromise package, Chair Daniel had to remind COP4 President Moaiyeri to adopt a decision forwarding the working draft text to COP5. As delegates left the conference center at nearly five in the morning, some rushing straight to the airport, impressions were split on the prospect of establishing non-compliance procedures at COP5, with many wondering if it might again be sacrificed as part of another compromise package.

#### **PACKAGES**

The eleventh-hour compromise was seen by some as providing the only way out of a challenging COP4 that a few seasoned delegates had marked for suspension by Friday evening. However, others raised concerns with this outcome, relating especially to the decision-making process, the lack of transparency, and the prospects for adopting a compliance mechanism.

As work on key issues progressed in parallel contact groups, many delegates expressed frustration with their stunted progress. Some attributed this to the reticence of key parties to commit to progressing on any individual issue, in the hopes of leveraging their position by laying the key areas on the same table. However, despite daily Bureau meetings aimed at fostering communication among contact group Chairs, efforts to facilitate issue-linkages were ineffective. A few participants noted that the current structure of the COP left the plenary to deal only with the "inconsequential" decisions, with others suggesting that future meetings operate in two parallel streams with interpretation.

Whispers of a comprehensive package began circulating mid-week, and a Ministers' Working Dinner, scheduled Thursday evening as part of the High-Level Segment, appeared to be an opportunity to finally link the important issues conceptually. By Friday evening, the buzz of a "package deal" shared the stage with a sense of chaos, as interpretation time ran out before the COP had considered any substantive decisions. As the contact groups continued in isolated bubbles, allusions to closed door discussions, and who had and had not been invited, pervaded the suspended plenary amidst whispers of a potential suspension until the Ex-COP in early 2010.

The package finally presented to plenary in the early hours of Saturday fulfilled developed country parties' priority by listing all nine chemicals and satisfied developing country parties' concern with the regional centres. It also struck a compromise on guidance to the financial mechanism by calling on developed countries, in the context of the fifth GEF replenishment and in light of the listing of new POPs, to make all efforts to ensure adequate financial resources are available. The hidden component of this deal was that agreement on a non-compliance mechanism was sacrificed.

In striking this package, parties ensured that COP4 took the historic decision of expanding the scope of the Convention. However this achievement was hard won. Most feel that to fully legitimize itself, the Convention must have a robust compliance mechanism. With the prospect of new chemicals being recommended for listing at COP5 and COP6, the question is will the non-compliance mechanism again be the casualty of a package deal. Technical and financial assistance will always

be the key trading card for developed countries. However, to get both new chemicals and non-compliance in one COP, developed countries require more than one card in their deck.

## UPCOMING MEETINGS

**SECOND SESSION OF THE INTERNATIONAL CONFERENCE ON CHEMICALS MANAGEMENT (ICCM2):** ICCM2 will take place in Geneva, Switzerland from 11-15 May 2009. For more information, contact the SAICM Secretariat: tel: +41-22-917-8532; fax: +41-22-797-3460; e-mail: saicm@chemicals.unep.ch; internet: <http://www.saicm.org>

**MEETING OF THE OZONE OFFICERS NETWORK OF ENGLISH-SPEAKING AFRICA:** This meeting is scheduled to take place in Kigali, Rwanda from 17-20 May 2009. For more information, contact: Jérémy Boubié Bazyé, UNEP; tel: +254-20-7624281; fax: +254-20-7623165; e-mail: [Jeremy.Bazye@unep.org](mailto:Jeremy.Bazye@unep.org); internet: <http://www.unep.fr/ozonaction/events/index.htm>

**GHS WORKSHOP FOR CLASSIFICATION AND LABELING OF CHEMICALS:** This meeting is scheduled to take place from 10-11 June 2009 in Doha, Qatar. For more information, contact: Abdulelah Alwadaee, UNEP; tel: +973-17-812777; fax: +973-17-825111; e-mail: [Abdulelah.Alwadaee@unep.org.bh](mailto:Abdulelah.Alwadaee@unep.org.bh); internet: <http://www.unep.fr/ozonaction/events/index.htm>

**REGIONAL CAPACITY BUILDING WORKSHOP ON THE GUIDELINES ON BEST AVAILABLE TECHNIQUES AND BEST ENVIRONMENTAL PRACTICES (BAT/ BEP) AND ENVIRONMENTALLY SOUND MANAGEMENT (ESM) OF POPS WASTES AND PCBS:** Taking place from 15-19 June 2009 in Nairobi, Kenya, the event is organized in cooperation with the UNEP Regional Office for Africa. The workshop objective is to assist parties with the implementation of the BAT and BEP guidelines in accordance with the requirements pertaining to Article 5 of the Convention, and environmentally sound management of PCBs and POPs wastes in accordance with the Convention's requirements and Basel Convention technical guidelines. For more information, contact the Stockholm Convention Secretariat; tel: +41-22-917-8729; fax: +41-22-917-8098; e-mail: [ssc@pops.int](mailto:ssc@pops.int); internet: <http://chm.pops.int/Secretariat/Meetings/tabid/331/mctl/ViewDetails/EventModID/1007/EventID/53/xmid/1181/mret/t/language/en-US/Default.aspx>

**THEMATIC JOINT MEETING OF THE OZONE OFFICERS NETWORK OF ENGLISH & FRENCH-SPEAKING WEST AFRICA:** This meeting, organized jointly with ECOWAS, is scheduled to take place in Abuja, Nigeria, from 15-17 June 2009. For more information, contact: Jérémy Boubié Bazyé, UNEP; tel: +254-20-7624281; fax: +254-20-7623165; e-mail: [Jeremy.Bazye@unep.org](mailto:Jeremy.Bazye@unep.org); internet: <http://www.unep.fr/ozonaction/events/index.htm>

**MEETING OF THE BASEL CONVENTION COP9 EXPANDED BUREAU:** This meeting will take place from 23-24 June 2009 in Geneva, Switzerland. For more information, contact the Basel Convention Secretariat: tel: +41-22-917-8218; fax: +41-22-797-3454; e-mail: [sbc@unep.ch](mailto:sbc@unep.ch); internet: <http://www.basel.int/meetings/meetings.html>

**REACH EUROPE 2009:** This conference, to be held from 24-25 June 2009 in Amsterdam, the Netherlands, will provide an opportunity to assess the current status of the regulation,

and to learn from a wide range of organizations on how the regulations are working and what actions industry has taken to ensure compliance. For more information, contact: tel: +44-1939-250383; fax: +44-1939-252416; e-mail: [conferences@rapra.net](mailto:conferences@rapra.net); internet: <http://www.ismithers.net/conference-details.php?id=XREU09->

**SEVENTH SESSION OF THE IMPLEMENTATION AND COMPLIANCE COMMITTEE OF THE BASEL CONVENTION:** This session will convene from 25-26 June 2009 in Geneva, Switzerland, immediately after the meeting of the Basel Convention COP9 Expanded Bureau. For more information, contact the Basel Convention Secretariat: tel: +41-22-917-8218; fax: +41-22-797-3454; e-mail: [sbc@unep.ch](mailto:sbc@unep.ch); internet: <http://www.basel.int/meetings/meetings.html>

**REVIEWING AND UPDATING NATIONAL IMPLEMENTATION PLANS UNDER THE STOCKHOLM CONVENTION:** This workshop will take place from 9-11 August 2009 in Mexico City, Mexico. Organized by the Stockholm Convention Secretariat, the workshop will focus on training on the use of relevant guidance to implement the Convention, as well as on accessing and using the electronic system for reporting under the Stockholm Convention. For more information, contact the Stockholm Convention Secretariat: tel: +41-22-917-8729; fax: +41-22-917-8098; e-mail: [ssc@pops.int](mailto:ssc@pops.int); internet: <http://chm.pops.int/Secretariat/Meetings/tabid/331/mctl/ViewDetails/EventModID/1007/EventID/55/xmid/1181/mret/t/language/en-US/Default.aspx>

**INTERNATIONAL CONFERENCE ON GREEN INDUSTRY IN ASIA:** This conference will convene under the theme of "Managing the transition from the resource-efficient and low-carbon industries," from 9-11 September 2009 in Manila, Philippines. It will serve as a platform to extensively discuss the opportunities generated and challenges posed by a move towards resource efficient industries and sustainable production and consumption patterns. For more information, contact UNIDO; tel: +43-1-260-26-0; fax: +43-1-269-2669; e-mail: [unido@unido.org](mailto:unido@unido.org); internet: <http://www.unido.org/index.php?id=7503>

**REACH ASIA 2009:** REACH Asia 2009 will take place from 15-16 September 2009 in Shanghai, China. The meeting will explore themes related to Asia's role as an engine of growth in the global economy, and the costs and opportunities associated with the EU's REACH Regulation. For more information, contact: tel: +44-1939-250383; fax: +44-1939-252416; e-mail: [conferences@rapra.net](mailto:conferences@rapra.net); internet: <http://www.ismithers.net/conference-details.php?id=XREAS09>

**SECOND WORKSHOP FOR STOCKHOLM CONVENTION REGIONAL AND SUBREGIONAL CENTRES:** This workshop will take place from 28-30 September 2009, in Geneva, Switzerland. It will focus on the work of the Stockholm Convention regional and subregional centres. For more information, contact the Stockholm Convention Secretariat: tel: +41-22-917-8729; fax: +41-22-917-8098; e-mail: [ssc@pops.int](mailto:ssc@pops.int); internet: <http://chm.pops.int/Convention/Meetings/UpcomingMeetings/tabid/521/language/en-US/Default.aspx>

**REGIONAL AWARENESS RAISING WORKSHOP ON ENHANCING COOPERATION AND COORDINATION FOR THE IMPLEMENTATION OF THE BASEL, ROTTERDAM AND STOCKHOLM CONVENTIONS:** This workshop is organized by the Stockholm Convention Secretariat and is tentatively scheduled to take place on 1 October 2009, in Pretoria, South Africa. It aims to offer a holistic approach to enhancing cooperation and coordination when implementing the three conventions at the national and regional levels. For more information, contact Stockholm Convention Secretariat: tel: +41-22-917-8729; fax: +41-22-917-8098; e-mail: ssc@pops.int; internet: <http://chm.pops.int/Convention/Meetings/UpcomingMeetings/tabid/521/language/en-US/Default.aspx>

**FIFTH MEETING OF THE PERSISTENT ORGANIC POLLUTANT REVIEW COMMITTEE (POPRC-5):** POPRC-5 is scheduled to take place 12-16 October 2009 in Geneva, Switzerland. For more information, contact the Stockholm Convention Secretariat: tel: +41-22-917-8729; fax: +41-22-917-8098; e-mail: ssc@pops.int; internet: <http://chm.pops.int/Convention/Meetings/UpcomingMeetings/tabid/521/language/en-US/Default.aspx>

**OPEN-ENDED WORKING GROUP ON MERCURY:** This meeting will convene from 19-23 October 2009, in Bangkok, Thailand. The meeting will prepare for the first intergovernmental negotiating committee (INC) on mercury, scheduled to convene in 2010. In particular, the meeting will discuss the negotiating priorities, timetable and organization of work for the INC. For more information, contact UNEP Chemicals: tel: +41-22-917-8183; fax: +41-22-797-3460; e-mail: mercury@chemicals.unep.ch; internet: <http://www.chem.unep.ch/mercury/>

**AWARENESS RAISING ON THE BAT AND BEP GUIDANCE UNDER THE STOCKHOLM CONVENTION:** This meeting will be held on 1 November 2009, in Barcelona, Spain. This regional workshop aims to foster the implementation of Article 5 and use of the guidelines on BAT and BEP in Central and Eastern European countries. For more information, contact: the Stockholm Convention Secretariat; tel: +41-22-917-8729; fax: +41-22-917-8098; e-mail: ssc@pops.int; internet: <http://chm.pops.int/Convention/Meetings/UpcomingMeetings/tabid/521/language/en-US/Default.aspx>

**AWARENESS RAISING ON THE BAT AND BEP GUIDANCE UNDER THE STOCKHOLM CONVENTION:** This meeting will be held on 1 November 2009 in Panama City, Panama. This regional workshop aims to foster the implementation of Article 5 and use of the guidelines on BAT and BEP in South America and the Caribbean. For more information, contact: the Stockholm Convention Secretariat; tel: +41-22-917-8729; fax: +41-22-917-8098; e-mail: ssc@pops.int; Internet: <http://chm.pops.int/Convention/Meetings/UpcomingMeetings/tabid/521/language/en-US/Default.aspx>

**EXTRAORDINARY MEETING OF THE CONFERENCES OF THE PARTIES TO THE BASEL, ROTTERDAM AND STOCKHOLM CONVENTIONS:** The ExCOP of the three chemicals conventions will take place in February 2010, at a venue to be decided, back-to-back with the eleventh special session of the UNEP Governing Council/Global Ministerial Environment Forum. These simultaneous meetings are aimed at giving high-level political support to the process of enhancing cooperation and coordination among the three conventions. For more information, contact: a) Rotterdam Convention Secretariat;

tel: +41-22-917-8296; fax: +41-22-917-8082; e-mail: pic@pic.int; internet: <http://www.pic.int>; b) Stockholm Convention Secretariat; tel: +41-22-917-8729; fax: +41-22-917-8098; e-mail: ssc@pops.int; internet: <http://www.pops.int>; c) Basel Convention Secretariat; tel: +41-22-917-8218; fax: +41-22-797-3454; e-mail: sbc@unep.ch; internet: <http://www.basel.int>

**SEVENTH SESSION OF THE OPEN-ENDED WORKING GROUP OF THE BASEL CONVENTION:** This meeting is scheduled to take place from 10-14 May 2010, in Geneva, Switzerland. For more information, contact the Basel Convention Secretariat: tel: +41-22-917-8218; fax: +41-22-797-3454; e-mail: sbc@unep.ch; internet: <http://www.basel.int/meetings/meetings.html>

**FIFTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE ROTTERDAM CONVENTION:** This meeting will take place from 20-24 June 2011, in Geneva, Switzerland. For more information, contact the Rotterdam Convention Secretariat: tel: +41-22-917-8296; fax: +41-22-917-8082; e-mail: pic@pic.int; internet: <http://www.pic.int>

**THIRD INTERGOVERNMENTAL REVIEW OF THE GLOBAL PROGRAMME OF ACTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT FROM LAND-BASED POLLUTION (GPA):** The GPA review is expected to take place sometime in 2011 at a location to be determined. For more information, contact: UNEP/GPA Coordinator; tel: +31-70-311-4460; fax: +31-70-345-6648; e-mail: gpa@unep.nl; internet: <http://www.gpa.unep.org>

**FIFTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE STOCKHOLM CONVENTION (POPs COP5):** This meeting is scheduled to take place in May 2011, in Argentina. For more information, contact: the Stockholm Convention Secretariat; tel: +41-22-917-8729; fax: +41-22-917-8098; e-mail: ssc@pops.int; internet: <http://www.pops.int>

## GLOSSARY

AHJWG	<i>Ad Hoc</i> Joint Working Group
alphaHCH	Alpha hexachlorocyclohexane
BDEs	Bromodiphenyl ethers
betaHCH	Beta hexachlorocyclohexane
c-octaBDE	Commercial octabromodiphenyl ether
c-pentaBDE	Commercial pentabromodiphenyl ether
GEF	Global Environment Facility
HBB	Hexabromobiphenyl
heptaBDE	Heptabromodiphenyl ether
hexaBDE	Hexabromodiphenyl ether
IPEN	International POPs Elimination Network
NIPs	National Implementation Plans
PCBs	Polychlorinated biphenyls
PEC	PCBs Elimination Club
PeCB	Pentachlorobenzene
PFOS	Perfluorooctane sulfonate
PFOSF	Perfluorooctane sulfonyl fluoride
POPRC	Persistent Organic Pollutants Review Committee
POPs	Persistent organic pollutants
RAF	Resource allocation framework
tetraBDE	Tetrabromodiphenyl ether