

## POPS COP5 HIGHLIGHTS: TUESDAY, 26 APRIL 2011

The fifth Conference of the Parties (COP5) to the Stockholm Convention on Persistent Organic Pollutants (POPs) convened for its second day in Geneva, Switzerland on Tuesday, 26 April 2011.

In the morning, delegates discussed finance and endosulfan. During the afternoon, delegates considered work plans on new POPs, synergies and exemptions.

The contact group on budget met throughout the day.

### MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION

#### MEASURES TO REDUCE OR ELIMINATE RELEASES FROM WASTES:

The Secretariat introduced the documents (UNEP/POPS/COP.5/9, UNEP/POPS/COP.5/12, UNEP/POPS/COP.5/15, and UNEP/POPS/COP.5/16). JAPAN described his country's guidelines on the disposal of POPs-containing waste. The EU, with the US and BANGLADESH, supported the invitation of the Basel Convention to assist in the elimination of waste containing POPs, with the EU, supported by IPEN, requesting a definition of "low POP-content." NORWAY welcomed the cooperation between the Stockholm Convention and the Basel Convention in the elimination of waste, and with CANADA and INDONESIA, but opposed by the US, emphasized that the work of the POPRC should be taken into consideration. NIGERIA and NEPAL called for capacity building for developing countries in the elimination of waste-containing POPs. President Blaha requested the Secretariat to prepare a draft decision on this issue.

**FINANCIAL RESOURCES:** The Secretariat completed his introduction, highlighting a proposal to consolidate COP guidance to the financial mechanism (UNEP/POPS/COP.5/26), and outlining four options for facilitating the work of the COP (UNEP/POPS/COP.5/27): a subsidiary financial mechanism committee, an *ad hoc* working group, an open-ended intersessional electronic working group, and maintaining the *status quo*.

The EU favored postponing discussion on consolidating guidance to the GEF until COP6 to link directly with the GEF replenishment cycle. Morocco, for the ARAB GROUP, appealed to donor countries to allocate resources to help with development and implementation of NIPs. CHINA said the third review of the financial mechanism should focus on the difficulties in the area of the sustainability, predictability and sufficiency of funds. The AFRICAN GROUP underscored the need for financial commitments to allow for NIP implementation and technology transfer.

On the proposed options for facilitating the work of the COP, the EU, NORWAY, and the US favored maintaining the *status quo*. CHINA supported establishing a subsidiary body.

NIGERIA, MEXICO, and SENEGAL called for resolutions on financial resources at COP6, while SUDAN called for resolutions at COP5. MYANMAR urged equal access to GEF funding. IRAN underscored implications for compliance.

MEXICO called for new financial resources to support NIPs, and requested a study on mobilizing resources.

SWITZERLAND urged the GEF to be responsive to developing country party needs.

The US said ratification of the Convention was its priority. IPEN proposed the reduction of co-financing requirements for least developed countries (LDCs) and Small Island Developing States (SIDs). The Center for International Environmental Law (CIEL), for IPEN, emphasized the need for effective public participation in any COP5 decision.

On needs assessment, the EU called for a periodic review every four years in line with the GEF replenishment process, and said additional studies on financial resources are unnecessary.

The US supported an independent study of financial resources additional to those provided by GEF, and called for more realistic estimates of funding needs.

A contact group on financial resources, to be co-chaired by Mohammed Khashashneh (Jordan) and Johanna Lissinger Peitz (Sweden), was established.

**LISTING OF CHEMICALS IN ANNEX A, B OR C TO THE CONVENTION:** The Secretariat introduced the documents related to listing chemicals in Annexes A, B, and/ or C of the Convention (UNEP/POPS/COP.5/14-17 and UNEP/POPS/COP.5/INF/9-12).

**Endosulfan:** POPRC Chair Reiner Arndt (Germany) introduced POPRC's recommendation to list endosulfan in Annex A with specific exemptions, noting the recommendation was taken by consensus by all POPRC members present and voting at POPRC-6.

Many countries commended the POPRC and POPRC Chair Arndt's work.

SWITZERLAND supported adding endosulfan to Annex A with "restrained" allowance of exemptions, and emphasized that voting is an option for listing. SOUTH KOREA supported listing endosulfan and said decisions could be taken by general agreement.

The EU emphasized POPRC's rigorous scientific analysis, noted that more than 80 alternatives were assessed, and, with NORWAY and GABON, supported listing in Annex A with no exemptions.

The AFRICAN GROUP supported listing in Annex A with specific exemptions for certain crop-pest complexes. BENIN underscored challenges arising from the illegal use of endosulfan and, with MOZAMBIQUE, underscored the need for alternatives. INDONESIA supported listing in Annex A with specific exemptions.

LEBANON, OMAN, ARGENTINA, MOROCCO, JORDAN and QATAR expressed support for listing in Annex A.

GRULAC supported listing in Annex A and emphasized that financial and technical assistance are essential for implementation. CUBA said the financial implications of listing must be clarified before it could support listing.

JAPAN supported listing, noting future POPRC decisions should be consensus-based. OMAN emphasized the importance of consensus. SAUDI ARABIA and the US welcomed the listing of endosulfan in Annex A, with the US expressing hope that future proposals will be brought forward by consensus. CHINA

called for consensus-based decision-making in POPRC, warning that doing otherwise could damage the credibility of POPRC and even the COP.

INDIA said data are needed on non-POPs alternatives to endosulfan, substantive decisions by POPRC should be consensus-based, and financial assistance for implementation of current obligations should be secured prior to listing new chemicals.

SAMOA called for suspending the proposal to list endosulfan until further cost-effective and sustainable alternatives are identified by consensus.

The INTERNATIONAL STEWARDSHIP CENTER emphasized that the proposed alternatives to endosulfan are not affordable and that its listing will be detrimental to farmers.

THANAL, the INUIT CIRCUMPOLAR COUNCIL, PAN and FAO, welcomed the proposed listing of endosulfan in Annex A, noting the severe health effects on farmers and indigenous peoples. The INDIAN CHEMICAL COUNCIL emphasized that there was insufficient scientific evidence to list endosulfan in Annex A.

President Blaha established a contact group chaired by Hala Saif Al-Easa (Qatar) to further discuss this issue.

**Work Programme on new POPs:** On the POPRC recommendations (UNEP/POPS/COP.5/15), JAPAN, supported by the US, called for time for expert consideration of the feasibility of POPRC's recommendations on the elimination of BDEs from the waste stream and on risk reduction from PFOS.

The EU said separating BDE articles from the waste stream should commence, but noted some recommendations required further clarification. NORWAY, supporting the EU, called for ceasing use of PFOS in open applications, and proposed discussion of further POPRC activities.

MEXICO noted the need for tracking of import and export of POPs-containing products in many developing countries.

The ARAB GROUP emphasized the importance of determining modalities for cooperation among countries.

SWITZERLAND emphasized the usefulness of the POPRC recommendations for countries with disposal operations that may release brominated flame retardants, and welcomed cooperation with the Basel Convention.

CANADA emphasized that any decision on disposal of waste containing BDES should reflect the flexibility required by parties to best meet their national circumstances.

IPEN urged parties to implement the recommendations on PFOS risk reduction and recycling of articles containing BDEs.

POPRC Chair Arndt emphasized that the recommendations are written so that countries in a position to do so can take action voluntarily.

COP5 President Blaha proposed, and delegates agreed, that Japan, the EU and Canada meet to discuss these issues. He clarified that the endosulfan contact group will address text on POPRC's recommendations on work programme on new POPs. He also requested that the Secretariat prepare a draft decision on possible action by COP5 on POPRC's terms of reference, other developments of its technical work, and effective participation in the work of the Committee.

**Exemptions:** The EU encouraged parties to notify their intended uses and exemptions for PFOS as soon as possible and called for identification of technically feasible alternatives to the substance. Citing limited information on the use of lindane, the EU did not support the request to develop a review requirement for the chemical. Consideration of this issue will resume Wednesday.

**NON-COMPLIANCE:** Reporting on his informal facilitation of discussions on compliance, Barry Reville (Australia), said some countries still harbored concerns about the lack of financial and technical assistance to developing country parties to reach compliance. The EU, JAPAN, SWITZERLAND and CANADA said that the Chair's text from COP4, although not ideal, could be used as a basis for discussion. Delegates agreed to consider this issue again on Wednesday in plenary.

#### **ENHANCING COOPERATION AND COORDINATION AMONG THE BASEL, ROTTERDAM AND STOCKHOLM CONVENTIONS**

Joint Executive Secretary Willis introduced the relevant documents on enhancing synergies (UNEP/POPS/COP.5/32, Add.1, UNEP/POPS/COP.5/INF14-17 and INF46).

GRULAC appealed to donors to fund the clearing-house mechanism among the three Conventions. The EU emphasized that many aspects of synergies are linked to the programme of work and budget. Brazil stated that: the synergies process should lead to mobilization of new, additional and predictable financial resources, and increased ratification; and noted some elements contained in the joint management document (UNEP/POPS/COP.5/32/Add.2) go beyond the mandate of the synergies process.

The AFRICAN GROUP proposed a defined coordination mechanism to enhance synergies at the national level.

NORWAY noted the administrative nature of the prepared documents does not sufficiently demonstrate the possibility for further joint actions and, with SWITZERLAND, supported giving Joint Executive Secretary Willis a broad mandate in restructuring, to be carried out in consultation with the Bureau and to be approved by COP6.

MEXICO requested an estimate of costs of synergy measures. CHINA and ARGENTINA stressed the need to strengthen implementation at the national and regional level.

On review arrangements, CHINA and ARGENTINA underscored parties should be the source of information. CHINA and MEXICO questioned the need to convene an ExCOP in 2013. SWITZERLAND underscored that 2011 may be too early, but that in 2013 parties may take decisions on the next phase of synergies. The US supported holding combined meetings in 2013.

The FAO, on behalf of the IOMC, outlined contributions by its partner organizations.

Delegates agreed to continue discussion on synergies in a contact group chaired by Osvaldo Alvarez (Chile).

#### **CONTACT GROUPS**

**BUDGET:** The contact group, chaired by Kerstin Stendahl (Finland), discussed the budget scenarios (UNEP/POPS/COP.5/35/Add.1) and the Swiss request to reallocate part of their contribution from the core budget to the voluntary fund. One party expressed concern that if the zero nominal growth scenario is implemented, valuable staff members from the Secretariat would be lost. The group will reconvene on Wednesday.

**SYNERGIES:** The contact group chaired by Osvaldo Álvarez (Chile) met in the evening, and discussed documents prepared by the Secretariat (UNEP/POPS/COP.5/CRP.2). On joint services, some parties raised concerns with the budgetary implications of integrating the information technology platforms and services of the three Secretariats. On joint activities, participants agreed to consider prioritization and reviewed proposed cross-cutting activities for possible inclusion in the programmes of work of the three conventions for 2012-2013.

**FINANCE:** The contact group met in the evening. On technical assistance, participants considered ways in which the Secretariat might facilitate technology transfer, including a proposal to compile a list of technology needs and to evaluate the effectiveness of technical assistance programmes. Delegates then discussed the selection of new Stockholm Convention regional centers, with deliberations on the criteria to serve as the basis for evaluating the seven candidate centers. The contact group will meet again on Wednesday to consider financial resources and draft decisions arising from their deliberations.

**ENDOSULFAN AND NEW POPS:** The group began its work in the evening by considering possible exemptions associated with listing endosulfan under Annex A, notably those crop-pest complexes of particular concern to parties. A minority of participants questioned the mandate of the group, but after confirmation from the legal advisor, continued work.

#### **IN THE CORRIDORS**

Tuesday morning's plenary was full and tense as COP5 turned its attention to endosulfan, the chemical that has hamstrung Stockholm's sister convention, the Rotterdam Convention, for years. This unfortunate precedent had many interpreting consideration of endosulfan as a significant test for the Stockholm. Will Stockholm too, succumb to politics? Have wized parties developed new strategies to avoid political blockades? As initial views were exchanged, some participants were pleased at the apparent openness of most parties to discussing the issue, other more seasoned delegates predicted long evenings ahead.