

## POPS COP4 HIGHLIGHTS: MONDAY, 4 MAY 2009

The fourth Conference of the Parties (COP4) to the Stockholm Convention on Persistent Organic Pollutants (POPs) opened in Geneva, Switzerland on Monday 4 May, 2009.

In the morning, delegates heard opening statements, addressed organizational matters and began consideration of the listing of new chemicals. During the afternoon, delegates continued discussion on new chemicals, exchanged views on issues related to the POPRC and initiated discussion on non-compliance.

### OPENING PLENARY

Ndiaye Cheikh Sylla (Senegal), on behalf of the Minister of Environment, opened the plenary session. 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 Achim Steiner, Executive Director of UNEP, 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.

### ORGANIZATIONAL MATTERS

**ELECTION OF OFFICERS:** Delegates elected Alireza Moaiyeri (Iran) as COP4 President. GRULAC nominated Jeffrey Headley (Barbados) as replacement bureau representative and the African Region nominated Ndiaye Cheikh Sylla (Senegal).

**ADOPTION OF THE AGENDA:** Plenary adopted the agenda (UNEP/POPS/COP.4/1) without amendment.

**ORGANIZATION OF WORK:** Delegates agreed to a proposal made 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.

### RULES OF PROCEDURE

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.

### REPORT ON CREDENTIALS

Stressing the importance of the timely presentation of credentials by all parties, COP4 President Moaiyeri requested the Secretariat to present a report on credentials on Tuesday.

### SECRETARIAT ACTIVITIES AND ADOPTION OF THE BUDGET

Plenary considered the activities of the Secretariat and the adoption of the budget (UNEP/POPS/COP.4/37/Add.1), and SWITZERLAND and the Czech Republic on behalf of 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 centers.

SWITZERLAND suggested new Secretariat positions be shared with both the Rotterdam and the Basel Convention. 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 emphasized the need to provide financial and technical assistance to developing countries and countries with economies in transition, called upon parties to participate actively in the clearinghouse mechanism, and expressed hope that the recommendation of the Joint *Ad Hoc* Working Group would be approved in order to promote coordination among the Stockholm, Rotterdam, and Basel Conventions.

Delegates agreed to establish a contact group on the budget, co-chaired by Jacqueline Alvarez (Uruguay) and Kerstin Stendahl-Rechardt (Finland).

### MATTERS FOR CONSIDERATION OR ACTION BY THE COP

**LISTING OF CHEMICALS IN ANNEXES A, B OR C OF THE CONVENTION:** Reiner Arndt, POPRC Chair, discussed POPRC's recent work and explained the different standards of evidence required for the screening phase and the risk profile stages of evaluation. With reference to endosulfan, Arndt emphasized the transparency of the Committee's work, explained the process by which it decided to vote on advancing the chemical to the risk profile stage, and asked the COP to advise the Committee on how it should decide that all efforts to achieve consensus have been exhausted. INDIA stated that decisions can only be made by consensus and asked the COP to undo POPRC's action on endosulfan.

COP4 Vice-President Fernando Lugris (Uruguay) chaired the discussion on each of the nine proposed chemicals.

The EU, PANAMA, PERU, and MYANMAR supported listing the nine proposed chemicals, with the EU asking that exemptions be accompanied by review procedures. IRAN supported a gradual approach to including new substances. Morocco, on behalf of the ARAB GROUP and the AFRICAN GROUP, called for a comprehensive approach to ensure the necessary financial and technical assistance is available to developing countries, the need for which was underscored by CAMBODIA, IRAN, CUBA and MYANMAR.

On chlordecone, ARGENTINA and UGANDA supported listing the substance under Annex A without specific exemptions. CUBA, supported by IRAN, called for an analysis of the implications of listing new chemicals. Parties agreed that the Secretariat prepare a draft decision on chlordecone.

On HBB, IRAN said it could not support listing the substance in Annex A, and UGANDA asked if there are environmentally friendly alternatives. The Secretariat clarified that information on control measures and availability of alternatives is contained in the risk management evaluation, and parties agreed that the Secretariat prepare a draft decision on HBB.

On PeCB, the US noted no objections to listing in Annex A but concerns about listing in Annex C. CANADA supported listing PeCB in Annex A and in principle also in Annex C. ARGENTINA favored listing in Annex C and not in A and parties agreed that the Secretariat consult informally with parties and prepare a draft decision on PeCB.

On lindane, NEPAL, supported by INDIA, KENYA and GHANA, requested exemptions for specific medical uses. The US stated that contrary to their former position it now supports listing of lindane in Annex A. MYANMAR called for listing in Annex A without exemptions. DOCTORS FOR THE ENVIRONMENT reminded parties that due to its uses, children are at a high risk of exposure to lindane. Parties agreed that the Secretariat prepare a draft decision on lindane.

Parties also asked the Secretariat to prepare draft decisions on alpha-HCH and beta-HCH.

On c-pentaBDE, IRAN requested that discussion of the substance be deferred to Tuesday so it would have time to consult its capital. AUSTRALIA, supported by JAPAN, expressed concern that the discussion could constrain the work of the contact group, particularly with regard to issues such as the disposal of c-penta- and c-octa-BDE. CHINA emphasized the need to address technical and financial assistance in a contact group. BANGLADESH supported the formation of a contact group, noting that c-pentaBDE plays an important role in fighting fires in his country. CANADA, supported by AUSTRALIA, called for listing c-pentaBDE in Annex A.

Regarding c-octaBDE, CANADA and AUSTRALIA supported listing in Annex A and called for the creation of a contact group.

On PFOS, SWITZERLAND suggested listing in Annexes A and B, noting that alternatives for some uses are unavailable. INDIA called for a contact group to discuss the issue, and emphasized that even when alternatives are available, they are often expensive. VENEZUELA noted that as an oil-producing country, it has economic concerns about listing PFOS.

Delegates agreed to establish a contact group to address the recommended listing of c-pentaBDE, c-octaBDE, and PFOS.

Delegates then discussed the POPRC's programme of work and confirmed the appointment of members nominated between COP3 and COP4.

On support for effective participation in the work of the POPRC, JORDAN highlighted a workshop it hosted with the assistance of Germany and the POPRC. ARGENTINA called for financial assistance to enable developing countries to take part in the POPRC as observers. The DOMINICAN REPUBLIC stressed developing countries have relevant and important information to contribute to the POPRC. SWITZERLAND endorsed the handbook for effective participation in the work of the POPRC.

On conflict of interest, the Secretariat introduced suggestions to clarify and simplify the declaration of interests form adopted at COP1. IPEN suggested POPRC members also declare activities that would affect the perception of their objectivity. Delegates requested the Secretariat prepare a draft decision reflecting these amendments.

The Secretariat then introduced proposed revisions to the POPRC's terms of reference and a summary of the decision making procedure the POPRC had developed to fulfill its mandate (UNEP/POPS/COP.4/16 Annex II and III). INDIA, with IRAN, stressed that in light of the Convention's Rules of Procedure, the POPRC should follow a consensus-based approach. SWITZERLAND, with CANADA, NORWAY, the EU, and ZAMBIA, disagreed, noting that Article 19.6(c) of the Convention supercedes the Convention's Rules of Procedure, and that the POPRC should vote at any stage of the review process when it is clear no consensus can be reached. The US stressed the Convention provides for the POPRC to vote only as a last resort, encouraged the POPRC to try and find solutions beyond the confines of one meeting, and warned that voting may alienate countries.

Delegates agreed a Friends of the President group would work with the Secretariat to prepare a draft decision on the programme of work of the POPRC.

**NON-COMPLIANCE:** The Secretariat noted the progress made on non-compliance under the Rotterdam Convention. AUSTRALIA emphasized that this is a long standing issue requiring resolution and, supported by the EU and ARGENTINA, suggested the formation of a contact group to address it. Delegates agreed to a contact group on non-compliance chaired by Anne Daniel (Canada).

#### CONTACT GROUPS

**NON-COMPLIANCE:** The contact group met briefly in the evening to organize their work. Chair Anne Daniel suggested, and delegates agreed, that the group first decide whether to base their deliberations on the Chair's proposal or the draft text contained in the annex to decision SC-3/20. Some delegates underscored the importance of a facilitative rather than a punitive approach to non-compliance. Participants agreed to commence their work on Tuesday morning.

**NEW CHEMICALS:** The contact group chaired by John Roberts (UK), met on Tuesday evening and discussed c-pentaBDE, c-octaBDE and PFOS. AUSTRALIA, CANADA and the EU expressed concern with technical and legal implications of BDEs entering the waste stream, especially as regarding Article 6 on intentional releases from wastes. They announced that their legal teams would come up with possible solutions by noon Tuesday. After a wide-ranging discussion on PFOS, Chair Roberts asked Robert Chénier (Canada) to work with a subgroup to develop a list of uses for which alternatives do not exist or are not feasible. The contact group will reconvene Tuesday morning.

#### IN THE CORRIDORS

Delegates embarked into COP4 with an exceptionally heavy agenda, and were reminded of the long-term implications of their decisions by the drumming and chanting of a peaceful protest that greeted them as they arrived at the conference center.

Despite what some described as an "explosive" start, with one party questioning the POPRC process, most delegates remained positive about the process and optimistic that COP4 would achieve its goals, including the addition of new chemicals to the Convention. Most delegates were pleased that issues relating to the terms of reference for the POPRC were deferred to a Friends of the President group, therefore not delaying the work on new chemicals.

Looking toward budget negotiations a few delegates cited residual resentment from the Rotterdam COP and with a sense of déjà vu foresaw a tough week ahead.

On non-compliance several felt an agreement was possible, but some noted that their delegations were spread too thin to participate actively in the contact group.