



THE CONFERENCE OF PLENIPOTENTIARIES ON THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS: 21-23 MAY 2001

The Preparatory Meeting for the Conference of Plenipotentiaries on the Stockholm Convention on Persistent Organic Pollutants (POPs) convenes today in Stockholm, Sweden. The Conference of Plenipotentiaries on the Stockholm Convention on POPs (Diplomatic Conference) will take place on Tuesday, 22 May, and Wednesday, 23 May.

During the Preparatory Meeting, delegates are expected to complete the preparation of resolutions for the Diplomatic Conference that were tabled at the fifth session of the Intergovernmental Negotiating Committee (INC-5) but were not approved due to time constraints. These resolutions address: interim arrangements; a capacity assistance network; and liability and redress. Another resolution regarding a tribute to the Government of the Kingdom of Sweden will also be considered. During the Diplomatic Conference, delegates will adopt: the Stockholm Convention; the resolutions adopted by INC-4 and INC-5, which address interim financial arrangements and issues related to the Basel Convention; the resolutions forwarded by the Preparatory Meeting; and the Final Act. The Final Act and the Stockholm Convention will be opened for signature shortly thereafter. Following the signing ceremony, delegates will hear statements from those representatives wishing to address the Diplomatic Conference.

Negotiations on the Stockholm Convention began in Montreal, Canada, in June 1998 and were completed in Johannesburg, South Africa, in December 2000. The initial 12 POPs on which international action will be taken under the Stockholm Convention are 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) unintended byproducts: dioxins and furans.

The treaty sets out control measures covering the production, import, export, disposal and use of POPs. Governments are to promote best available techniques and practices for replacing existing POPs while preventing the development of new POPs. Provision has also been made for a procedure identifying additional POPs and the criteria to be considered in doing so. Key elements of the treaty include: the requirement that developed countries provide new and additional financial resources; control measures to eliminate production and use of intentionally produced POPs, eliminate unintentionally produced POPs, where feasible, and manage and dispose of POPs wastes in an environmentally sound manner; and substitution involving the use of safer

chemicals and processes to prevent toxic byproducts. Precaution is operationalized throughout the Stockholm Convention, with specific references in the preamble, the objective and the provision on identifying new POPs. The treaty also includes provisions on, *inter alia*: information exchange; implementation plans; public information, awareness and education; and research, development and monitoring.

A BRIEF HISTORY OF THE POPS NEGOTIATIONS

During the 1960s and 1970s, the use of certain chemicals and pesticides in industry and agriculture increased dramatically. Many of these chemicals are important to modern society, but can also pose a serious threat to human health and the environment. In particular, a certain category of chemicals known as persistent organic pollutants (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, bioaccumulate and pose a risk of causing adverse effects to human health and the environment. With further evidence of the long-range transport of these substances to regions where they have never been used or produced, and the consequent threats they pose to the environment worldwide, the international community has called for urgent global action to reduce and eliminate their release into the environment.

Prior to 1992, international action on chemicals primarily involved developing tools for information exchange and risk assessment. For example, in 1985 the FAO established an International Code of Conduct for the Distribution and Use of Pesticides and, in 1987, UNEP created the London Guidelines for the Exchange of Information on Chemicals in International Trade. In 1992, the UN Conference on Environment and Development (UNCED) adopted Agenda 21. Chapter 19 of Agenda 21, "Environmentally Sound Management of Toxic Chemicals Including Prevention of Illegal International Traffic in Toxic and Dangerous Products," called for the creation of the Intergovernmental Forum on Chemical Safety (IFCS). Agenda 21 also called for the establishment of the Inter-Organization Programme on the Sound Management of Chemicals (IOMC) to promote coordination among international organizations involved in implementing Chapter 19.

In March 1995, the UNEP Governing Council (GC) adopted Decision 18/32 inviting the IOMC, the IFCS and the International Programme on Chemical Safety to initiate an assessment process regarding an initial list of 12 POPs. In response to this invitation,

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the IFCS convened an *Ad Hoc* Working Group on POPs, which developed a workplan for assessing these substances. The assessments included available information on the chemistry, sources, toxicity, environmental dispersion and socioeconomic impacts of the 12 POPs.

In June 1996, the *Ad Hoc* Working Group convened a meeting of experts in Manila, the Philippines, and concluded that sufficient information existed to demonstrate the need for international action to minimize the risks from the 12 POPs, including a global legally binding instrument. The meeting forwarded a recommendation to the UNEP GC and the World Health Assembly (WHA) that immediate international action be taken. 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, prepare for and convene an intergovernmental negotiating committee (INC) with a mandate to develop, by the end of 2000, an international legally binding instrument for implementing international action, beginning with the 12 specified POPs. The first meeting of the INC was also requested to establish an expert group for the development of science-based criteria and a procedure for identifying additional POPs as candidates for future international action. Also in February 1997, the second meeting of the IFCS decided that the IFCS *Ad Hoc* Working Group would continue to assist in preparations for the negotiations. In May 1997, the WHA endorsed the recommendations of the IFCS and requested that the World Health Organization participate actively in negotiations of the international instrument.

INC-1: The first session of the Intergovernmental Negotiating Committee (INC-1) was held from 29 June to 3 July 1998, in Montreal, Canada. INC-1 established the Implementation Aspects Group (IAG) to address technical and financial assistance and requested the Secretariat to prepare a document for INC-2 containing material for possible inclusion in an international legally binding instrument. INC-1 also established the Criteria Expert Group (CEG) to elaborate proposals for science-based criteria, and to develop a procedure, for identifying additional POPs as candidates for future international action, to be presented to the INC at or before its fourth session. INC-1 directed the CEG to incorporate criteria pertaining to persistence, bioaccumulation, toxicity and exposure in different regions, taking into account the potential for regional and global transport.

CEG-1: The first session of the Criteria Expert Group (CEG-1) was held from 26-30 October 1998, in Bangkok, Thailand, to consider the CEG's programme of work. At CEG-1, delegates considered, *inter alia*, the development of a procedure for identifying additional POPs, including the information required at different stages of the procedure, and who would nominate, screen and evaluate a substance as a future POPs candidate.

INC-2: INC-2 was held from 25-29 January 1999, in Nairobi, Kenya. Discussions were largely based on the Secretariat-prepared outline of an international legally binding instrument. After general discussions on this document, delegates divided into the IAG and the Negotiating Group. The Negotiating Group examined the text of the outline and completed preliminary discussions on: measures to reduce or eliminate releases of POPs into the environment; national implementation plans; information exchange; public information, awareness and education; and research, development and monitoring. The IAG held general discussions on possible capacity-building activities requiring technical and financial assistance. A contact group on annexes also met to begin placing the 12 POPs into annexes for: prohibited production and use; restricted production and use; and chemicals subject to certain release reporting and release reduction or elimination measures.

CEG-2: The second session of the Criteria Expert Group (CEG-2) met from 14-18 June 1999, in Vienna, Austria, to build upon the work of CEG-1 in the development of scientific criteria and a procedure for adding additional POPs to the initial list of 12. The CEG succeeded in completing its work in two rather than three sessions, and proposed a procedure that provides for the establishment of a review committee or committees to apply screening criteria and to prepare a risk profile and risk management evaluation for proposed substances. The CEG submitted its recommendations to INC-3.

INC-3: INC-3 met from 6-11 September 1999, in Geneva, Switzerland, and adopted the report of the CEG and approved the CEG's recommendations as a basis for further negotiation. In the Negotiating Group, delegates made advances on language for articles on: measures to reduce or eliminate releases; national implementation plans; the listing of substances in annexes; and information exchange. In the IAG, delegates continued discussions on technical assistance and financial resources and mechanisms, and many governments and regional groups submitted draft text for these articles.

INC-4: INC-4 met from 20-25 March 2000, in Bonn, Germany. Contentious issues revolved around measures to reduce or eliminate releases, technical assistance, and financial resources and mechanisms. While INC-4 succeeded in drafting articles on technical assistance and financial resources and mechanisms, the text remained heavily bracketed and developed and developing country positions remained divided. Delegates devoted much time to addressing control measures and made some headway on elimination language with respect to byproducts. INC-4 also addressed and made progress on articles regarding: national implementation plans; listing of substances; information exchange; public information, awareness and education; and research, development and monitoring. INC-4 did not have time to discuss the preamble, objective and definitions, and left these articles for consideration at INC-5.

INC-5: INC-5 met from 4-10 December 2000 in Johannesburg, South Africa, and was attended by approximately 525 participants from 122 countries, intergovernmental organizations and non-governmental organizations. INC-5 was expected to conclude negotiations on the POPs convention and did so in the early morning hours of Saturday, 10 December. Going into INC-5, countries were still divided over issues related to: financial resources and mechanisms; measures to reduce or eliminate releases; and the precautionary principle. Delegates met in various contact groups and more informally to address these issues throughout the week, and informal consultations on financial issues and the precautionary principle were held throughout the final night of the conference. Delegates agreed to resolutions on interim financial arrangements and issues related to the Basel Convention, which will be considered by the Diplomatic Conference. A number of resolutions were also tabled addressing, *inter alia*, interim arrangements, a capacity assistance network and liability and redress, but since time did not permit their discussion, they will be considered in Stockholm.

THINGS TO LOOK FOR TODAY

PREPARATORY MEETING: Delegates will convene at 10:00 am at the Folkets Hus, City Conference Center in Stockholm, for the Preparatory Meeting to complete the preparation of resolutions for consideration and possible adoption by the Conference of Plenipotentiaries. Resolutions to be discussed include those tabled at INC-5, but not approved due to time constraints. The Meeting will have before it resolutions on interim arrangements, a capacity assistance network, liability and redress, and a tribute to the Government of the Kingdom of Sweden.