

SUMMARY OF THE FIFTH MEETING OF THE CONFERENCE OF THE PARTIES TO STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS: 25-29 APRIL 2011

The fifth meeting of the Conference of the Parties (COP5) to the Stockholm Convention on Persistent Organic Pollutants (POPs) was held from 25-29 April 2011, in Geneva, Switzerland. Over 700 participants, representing more than 125 governments, as well as intergovernmental and non-governmental organizations and UN agencies, attended the meeting. COP5 considered several reports on activities within the Convention's mandate and adopted over 30 decisions on, *inter alia*: listing endosulfan in Annex A of the Convention; financial and technical assistance; synergies; and endorsing seven new Stockholm Convention regional centres, in Algeria, Senegal, Kenya, South Africa, Iran, India and the Russian Federation.

While some delegations expressed their disappointment at the lack of progress on the establishment of a compliance mechanism, as required under the Convention, and stressed the need to resolve this apparent impasse at COP6, most delegates departed the meeting satisfied that COP5 had been a success. The adoption of the decision to list endosulfan in Annex A was seen by non-governmental organization representatives as historic, indicating the Convention remains dynamic, and moving ever closer to its goal of protecting human health and the environment from POPs.

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 have adverse effects on 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 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 (INC) with a mandate to develop, by

IN THIS ISSUE

A Brief History of the Stockholm Convention	1
COP5 Report	3
Rules of Procedure	3
Matters for Consideration or Action by the Conference of the Parties	3
Enhancing Cooperation and Coordination among the Basel, Rotterdam and Stockholm Conventions.	13
Programme of Work and Adoption of the Budget	13
Other Matters.	14
Closing Plenary	15
A Brief Analysis of COP5	15
Upcoming Meetings	17
Glossary	18

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Melanie Ashton, Qian Cheng, Tallash Kantai, Pia M. Kohler, Ph.D., and Jessica Templeton. The Digital Editor is Brad Vincelette. The Editor is Pamela S. Chasek, Ph.D. <pam@iisd.org>. The Director of IISD Reporting Services is Langston James "Kimo" Goree VI <kimo@iisd.org>. The Sustaining Donors of the *Bulletin* are the Government of the United States of America (through the Department of State Bureau of Oceans and International Environmental and Scientific Affairs), the Government of Canada (through CIDA), the Danish Ministry of Foreign Affairs, the German Federal Ministry for Economic Cooperation and Development (BMZ), the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU), the European Commission (DG-ENV), and the Italian Ministry for the Environment, Land and Sea. General Support for the *Bulletin* during 2011 is provided by the Norwegian Ministry of Foreign Affairs, the Government of Australia, the Ministry of Environment of Sweden, the New Zealand Ministry of Foreign Affairs and Trade, SWAN International, Swiss Federal Office for the Environment (FOEN), the Finnish Ministry for Foreign Affairs, the Japanese Ministry of Environment (through the Institute for Global Environmental Strategies - IGES), the Japanese Ministry of Economy, Trade and Industry (through the Global Industrial and Social Progress Research Institute - GISPRI) and the United Nations Environment Programme (UNEP). Funding for translation of the *Bulletin* into French has been provided by the Government of France, the Belgium Walloon Region, the Province of Québec, and the International Organization of the Francophone (OIF and IEPF). The opinions expressed in the *Bulletin* are those of the authors and do not necessarily reflect the views of IISD or other donors. Excerpts from the *Bulletin* may be used in non-commercial publications with appropriate academic citation. For information on the *Bulletin*, including requests to provide reporting services, contact the Director of IISD Reporting Services at <kimo@iisd.org>, +1-646-536-7556 or 300 East 56th St., #11D, New York, NY 10022, United States of America.

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 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 Movements of Hazardous Waste and their Disposal; resolutions forwarded by the Preparatory Meeting; and the Final Act.

The Stockholm Convention as adopted in 2001 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 Stockholm Convention entered into force on 17 May 2004, and currently has 173 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 Persistent Organic Pollutant Review Committee (POPRC).

The POPRC was established to regularly consider additional candidates for the annexes 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.

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.

COP3: Stockholm Convention COP3 was held from 30 April - 4 May 2007, in Dakar, Senegal. COP3 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 and/or C of the Convention; reporting; effectiveness evaluation; national implementation plans; budget; financial resources; technical assistance; synergies; and non-compliance.

COP4: COP4 was held from 4-8 May 2009 in Geneva, Switzerland. Parties adopted 33 decisions on a variety of topics, including financial resources and technical assistance and the agreement to list nine new substances under Annexes A, B, and/or C of the Convention, namely: *c*-pentabromodiphenyl ether; chlordecone; hexabromobiphenyl (HBB); alpha hexachlorocyclohexane (alphaHCH); betaHCH; lindane; *c*-octabromodiphenyl ether, pentachlorobenzene (PeCB) and perfluorooctane sulfonate (PFOS), its salts and PFOS fluoride. The amendment to list additional POPs under Annexes A, B and/or C entered into force on 26 August 2010 for 151 parties. Parties also adopted a decision on cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions, which included agreement to convene extraordinary meetings of the Conferences of the Parties.

POPRC5: POPRC5 met from 12-16 October 2009, and addressed several operational issues, including: work programmes on new POPs; substitutions and alternatives; toxicological interactions; and activities undertaken for effective participation in the POPRC's work. POPRC5 agreed that hexabromocyclododecane (HBCD) met the Annex D criteria for listing and that a draft risk profile should be prepared. Draft risk profiles for endosulfan and short-chained chlorinated paraffins (SCCPs) were considered. SCCPs were kept in the Annex E phase for further consideration at POPRC6 and the Committee,

through a vote, decided to move endosulfan to the Annex F phase, while inviting parties to submit additional information on adverse effects on human health.

EX-COPS: The simultaneous extraordinary Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions were held from 22-24 February 2010 in Bali, Indonesia. Delegates adopted an omnibus synergies decision on joint services, joint activities, synchronization of the budget cycles, joint audits, joint managerial functions, and review arrangements.

POPRC6: This meeting took place from 11-15 October 2010 in Geneva, Switzerland. POPRC6 adopted 12 decisions, including on: support for effective participation in POPRC's work; the work programmes on new POPs; and intersessional work on toxic interactions. POPRC adopted the risk profile for HBCD and established an intersessional working group to prepare a draft risk management evaluation on HBCD. POPRC also agreed, by a vote, to adopt the risk management evaluation for endosulfan and recommend to COP listing endosulfan in Annex A, with exemptions. The Committee considered a revised draft risk profile on SCCPs, agreeing to convene an intersessional working group to revise the draft risk profile and to consider SCCPs again during POPRC7.

COP5 REPORT

COP4 President Gholamossein Dehghani (Iran) welcomed delegates and opened COP5 on Monday morning, 25 April. He underscored the achievements made in the ten years since the adoption of the Stockholm Convention, but emphasized that more work is needed.

Jim Willis, Joint Executive Secretary of the Basel, Stockholm and Rotterdam Conventions, emphasized that the Stockholm Convention has become the living dynamic instrument envisioned nearly ten years ago. He underscored the importance of synergy among the chemicals conventions, noting that working together will allow the conventions to achieve more than would be possible independently.

Bakary Kante, on behalf of Achim Steiner, Executive Director of the United Nations Environment Programme (UNEP), lauded the synergy among the three chemicals conventions as constituting a "unique development" in the world of multilateral environmental agreements, and expressed hope that it would set a precedent for other processes.

Monique Barbut, Chief Executive Officer, Global Environment Facility (GEF), highlighted the GEF's assistance to developing countries and countries with economies in transition in eliminating POPs. She announced that the GEF Council has approved US\$250,000 to assist parties in updating their national implementation plans (NIPs) to include new POPs. She informed delegates of efforts to improve the GEF investment model in response to requests by countries, stating that the GEF partnership is being expanded to include national and other entities, in preference to multilateral entities.

Paulina Lopez Fletes, youth representative and recipient of the Safe Planet Campaign film contest award, called for avoiding the adverse effects of POPs.

On the election of officers (UNEP/POPS/COP.5/2), noting rule 22 of the Rules of Procedure, the Secretariat introduced a proposal by the European Union (EU) (UNEP/POPS/COP.5/CRP.3) to elect the COP5 president, and to postpone the election

of the nine vice presidents until after discussions on the Rules of Procedure. Armenia, for Central and Eastern Europe, nominated Karel Blaha (Czech Republic) as COP5 President and parties agreed.

Delegates adopted the agenda (UNEP/POPS/COP.5/1) without amendment. The Secretariat introduced the tentative organization of work (UNEP/POPS/COP.5/1/Add.1 and UNEP/POPS/COP.5/INF/1) and it was adopted.

This report is organized according to the order of the agenda.

RULES OF PROCEDURE

On Monday, the Secretariat introduced a note on the Rules of Procedure (UNEP/POPS/COP.5/3) and reminded delegates of the need to address bracketed text under rule 45(1), on reaching agreement on substantive matters by two-thirds majority vote. COP5 President Blaha proposed removing the brackets, but Australia preferred retaining the brackets, and delegates agreed to consider the issue again at COP6.

Also on Monday, the EU, supported by Switzerland, introduced a proposal to amend rule 22 to change the timing of the election of COP Presidents. Chile sought clarification on details of the proposal and parties agreed a drafting group would refine the text of the proposal. President Blaha confirmed that under that the proposal, the election of the Bureau and the new President would occur at the close of COP5 and that those members would serve until the close of COP6.

On Wednesday President Blaha introduced the draft decision on the amendment to rule 22 of the Rules of Procedure and delegates adopted it without amendment.

Final Decision: In the decision (UNEP/POPS/COP.5/CRP.5) on the Rules of Procedure, the COP amends rule 22 so that at each COP the elected Bureau shall commence their terms of office at the closure of the meeting at which they are elected and remain in office until the closure of the next ordinary COP, including for any intervening extraordinary meeting.

MATTERS FOR CONSIDERATION OR ACTION BY THE CONFERENCE OF THE PARTIES

MEASURES TO REDUCE OR ELIMINATE RELEASES FROM INTENTIONAL PRODUCTION AND USE: DDT:

On Thursday, the Secretariat introduced documents on the promotion of DDT alternatives, a report of the DDT expert group, and implementation of activities of the Global Alliance for Alternatives to DDT (UNEP/POPS/COP.5/4-5, UNEP/POPS/COP.5/INF/2-3 and 36). South Africa provided a summary of the First Assembly of the Global Alliance for Alternatives to DDT, which convened on 26 April 2011.

Discussing the results of risk assessment of DDT use in indoor residual spraying, the World Health Organization (WHO) noted it has updated its position on the use of DDT and associated guidelines.

The EU invited the Secretariat to collect information on alternatives to DDT, to be assessed by the DDT Expert Group and the POPRC. Indonesia recognized the need for a timeframe for reduction of DDT use and called for financial assistance for use of alternatives. The Arab Group supported limits on the use of DDT and extension of resources to conduct inventories of DDT stockpiles. Bangladesh and the Dominican Republic called for assistance with disposal of DDT stockpiles.

Switzerland proposed that DDT be phased out by 2020, with review by the COP in 2019. Japan called for further

information on effective alternatives. WHO emphasized that choice of insecticides must consider technical, biological, and epidemiological factors, and highlighted the issue of pyrethroid resistance in mosquitoes. Delegates agreed to request the Secretariat to prepare a draft decision on the issue.

On Friday, delegates considered a draft decision on DDT (UNEP/POPS/COP.5/CRP.24). The EU proposed changes to the draft decision to request: an expert group to undertake an in-depth review of the continued need for DDT; the POPRC to assess alternatives to DDT with respect to POPs characteristics; and the Secretariat to compile information to facilitate this work. The draft proposed that COP6 evaluate the continued need for DDT and agree on a feasible phase-out date (UNEP/POPS/COP.5/CRP.38). India emphasized that agreement on discussion of phase-out of DDT would not be possible at COP5 and questioned the need for the POPRC to assess alternatives to DDT, given limited resources. India, South Africa, Uganda, Zambia, Nigeria, Namibia, and Kenya for the African Group, expressed concerns about the EU proposal, with several emphasizing that work on alternatives is essential before the phase-out of DDT is discussed. Switzerland suggested, and delegates agreed, that a small group, including the EU and the African Group, work on compromise text.

Reporting back on the work of the small group, the EU agreed to delete reference to a phase-out deadline. Protracted discussions then began on the positioning of the Global Alliance and funding for the DDT Expert Group.

The African Group introduced new text (UNEP/POPS/COP.5/CRP.40) supporting the continued work of the global alliance on the development and deployment of products, methods and strategies as alternatives to DDT for disease vector control. The EU reminded delegates that there were no financial resources available for the continued work of the Global Alliance under the Stockholm Convention. India stressed that it was unrealistic to set ambitious targets for DDT elimination and then withhold the finances that would facilitate reaching those targets. After extensive debate, the African Group and India agreed that UNEP should “take over administration and implementation of the Global Alliance, in collaboration with WHO,” and called on the Secretariat to report on progress of this arrangement at COP6. On funding the work of the DDT Expert Group, as the budget group had already completed its work, Joint Executive Secretary Willis proposed, and delegates agreed, that meetings of the Expert Group could be funded from “synergy savings,” noting though that this was not routine procedure. Delegates then adopted the amended draft decision.

Final Decision: In the final decision (UNEP/POPS/COP.5/CRP.38), the COP, *inter alia*:

- takes note of the report by the DDT expert group on the assessment of the continued need for DDT for disease vector control;
- concludes that countries relying on DDT for disease vector control may need to continue such use until locally appropriate and cost-effective alternatives are available for a sustainable transition away from DDT;
- adopts the list of parties (set out in the annex) to be invited to nominate experts to serve as members of the DDT expert group;
- requests the DDT expert group to undertake an in-depth assessment of the continued need for DDT;

- invites UNEP to take over the administration and implementation of the Global Alliance, in collaboration with the WHO; and
- requests the Secretariat to report on the status of this arrangement to COP6.

The annex contains a list of parties identified by COP5 to nominate DDT expert group members whose terms of office will commence in September 2011, including South Africa and the Democratic Republic of the Congo for the African Group; Romania and Armenia for Central and Eastern Europe; India and China for Asia and the Pacific; and Panama and Paraguay for the Latin American and Caribbean Group (GRULAC). The Western Europe and Others Group is yet to nominate experts.

Exemptions: Plenary considered this issue on Tuesday afternoon and Wednesday morning. The Secretariat introduced the documents (UNEP/POPS/COP.5/7, UNEP/POPS/COP.5/18 and UNEP/POPS/COP.5/INF/13). In the discussion, 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. Norway said the uses and exemptions for PFOS and listed BDEs should be phased out as soon as possible, noting that the evaluation of exemptions for PFOS should be given priority.

Indonesia called for the sharing of experience and best practices on PFOS. The Global Indigenous Peoples’ Caucus cautioned against the continued use of lindane, and the International POPs Elimination Network (IPEN) called for a rigorous review process for specific exemptions for PFOS at COP6. WHO called for new resources for provision of technical advice on eliminating lindane. President Blaha requested the Secretariat to prepare a draft decision. On Friday, delegates considered and adopted the draft decision with no amendments.

Final Decision: In the final decision (UNEP/POPS/COP.5/CRP.23), the COP, *inter alia*:

- requests the Secretariat to prepare for consideration by COP6 a draft format for reporting by parties that use or produce PFOS, its salts and Perfluorooctane sulfonyl fluoride (PFOSF) on the progress made in eliminating those chemicals, and to develop a process to enable the COP to evaluate the continued need for PFOS, its salts and PFOSF for the various acceptable purposes and specific exemptions based on available scientific, technical, environmental and economic information, and to report on progress to COP6;
- welcomes the cooperation of 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;
- invites parties to facilitate the provision of information relating to the use of lindane, including through notifications of registration for specific exemptions; and
- encourages those parties that may seek a specific exemption for future POPs to make efforts to introduce alternative measures as soon as possible, and requests the Secretariat to establish a revised register as appropriate.

The decision contains four annexes including the forms for notification of: specific exemptions; specific exemptions for PFOS, its salts and PFOSF; acceptable purposes for PFOS, its salts and PFOSF; and of a chemical as a constituent of articles manufactured or already in use.

Evaluation of the continued need for the procedure under paragraph 2(b) of Article 3: On Wednesday, the Secretariat introduced its report (UNEP/POPS/COP.5/8) on export provisions for listed POPs, stating that very little information had been received from parties relating to export and import of POPs. Delegates agreed to the draft decision supporting activities proposed by the Secretariat. On Thursday, delegates considered and adopted a draft decision without amendment.

Final Decision: In the final decision (UNEP/POPS/COP.5/CRP.13), the COP, *inter alia*:

- concludes that the information currently available on experience of using the procedure under paragraph 2(b) of Article 3 is insufficient as a basis for evaluating the continued need for the procedure;
- urges parties to include in their reports information on their imports and exports of the chemicals listed in Annexes A and B to the Convention, if any, and in so doing, to provide as much information as is practicable regarding the destinations of exported chemicals and the purposes for which chemicals are imported; and
- decides to evaluate further the continued need for the procedure set out in paragraph 2(b) of Article 3 at COP6.

Polychlorinated biphenyls (PCBs): Plenary considered this issue on Thursday. The Secretariat introduced the documents on PCBs (UNEP/POPS/COP.5/9, UNEP/POPS/COP.5/29, UNEP/POPS/COP.5/INF/4 and UNEP/POPS/COP.5/INF/23). In the ensuing discussion, the EU requested that assessment of progress in eliminating PCBs take place at COP7 and, supported by Switzerland, Mexico and Japan, emphasized that the PCB Elimination Network (PEN) should not have financial consequences for the Stockholm Convention. Iran, Pakistan and Bangladesh highlighted the importance of technology transfer and, with Lebanon, Colombia, Nigeria and the Arab Group, called for resources for PCB elimination. Canada called for the Basel Convention to lead work related to PCB waste.

The African Group called for, *inter alia*, training of personnel to deal with environmentally sound management of PCBs; equipment for PCB testing; and disposal and destruction technologies. Indonesia requested that PEN be more focused on training and capacity building.

Offering the perspective that, through PEN, the Secretariat had become focused on implementation, Joint Executive Secretary Willis presented the Secretariat's proposal for PEN to continue its operations in a less formal manner, supported by UNEP, similar to the regional centres. President Blaha requested the Secretariat to prepare a draft decision on this matter.

On Friday, the Secretariat highlighted a drafting error in the text and suggested minor changes, and delegates adopted the decision as amended.

Final Decision: In the final decision (UNEP/POPS/COP.5/CRP.25), the COP, *inter alia*:

- recognizes that the Secretariat has so far performed excellent work in facilitating the work of the network, but notes that it is limited, both by its mandate and by its resources, which may therefore restrict its ability to effectively serve in the role of implementer of substantive technical activities;
- requests the Secretariat to facilitate a transition of the leadership of the network, in a sustainable manner, from the Secretariat to one or more UN agencies whose mandate is better suited to the implementation; and

- invites UNEP, together with the relevant member organizations of the Inter-Organization Programme for the Sound Management of Chemicals, the Secretariats of the three chemicals conventions, and their respective regional centres, to consider taking over the administration and implementation of PEN.

MEASURES TO REDUCE OR ELIMINATE RELEASES FROM UNINTENTIONAL PRODUCTION: Best available techniques and best environmental practices: On Wednesday, the Secretariat introduced the documents on best available techniques (BAT) and best environmental practices (BEP) (UNEP/POPS/COP.5/10 and UNEP/POPS/COP.5/INF/5).

The EU questioned the need for annual meetings of the BAT/BEP Expert Group, and suggested amending the periodicity of the expert group meeting from annually to biennially. The Arab Group emphasized the need to enhance developing countries' capacity to implement the guidelines, and the African Group welcomed the suggestion that the GEF finance this. China underscored the need to incorporate new POPs. IPEN, with the International Council of Chemical Associations, called for NGO experts to be included in the BAT/BEP expert roster.

On Friday, the plenary adopted the decision with minor amendments.

Final Decision: In the final decision on guidelines on best available techniques and provisional guidance on best environmental practices (UNEP/POPS/COP.5/CRP.14), the COP, *inter alia*:

- adopts the procedure for updating guidelines and guidance; and
- invites parties to nominate experts to the joint Toolkit and expert roster and to provide funding for related activities.

Annexed to the decision is the procedure for the review and updating of the guidelines on BAT and the provisional guidance on BEP. The annex also notes that expert meetings will be organized back-to-back with the annual Toolkit Expert meeting.

Identification and quantification of releases: On Wednesday, the Secretariat introduced documents related to updating the Standardized Toolkit for Identification and Quantification of Dioxin and Furan Releases and associated expert meetings (UNEP/POPS/COP.5/11, UNEP/POPS/COP.5/INF/6 and 44). The EU, with the Philippines and GRULAC, emphasized a need to ensure these tools are used to increase awareness. On Friday, delegates adopted the draft decision without amendment.

Final Decision: In the final decision on review and updating of the Standardized Toolkit for Identification and Quantification of Dioxin and Furan Releases (UNEP/POPS/COP.5/CRP.15), the COP, *inter alia*:

- encourages parties to use the Toolkit and to provide comments on their experience;
- requests the Toolkit experts to prepare a preliminary analysis of information on unintentional releases of POPs; and
- invites parties, non-parties, intergovernmental organizations (IGOs), NGOs, and industry bodies to: provide data and information on chemicals listed in Annex C, as identified in the Toolkit review and updating process; participate in the Toolkit review and updating process; facilitate transfer of knowledge and capacity building through strategic partnerships and joint activities; and provide funding to support the above work.

MEASURES TO REDUCE OR ELIMINATE RELEASES FROM WASTES: The Secretariat introduced the documents on Tuesday (UNEP/POPS/COP.5/9, UNEP/POPS/COP.5/12, UNEP/POPS/COP.5/15, and UNEP/POPS/COP.5/16), and the COP discussed this issue on Tuesday and Friday.

During the plenary discussion, Japan described his country's guidelines on the disposal of POPs-containing waste. Nigeria and Nepal called for capacity building for developing countries in the elimination of waste-containing POPs.

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.

On Friday afternoon, the EU outlined its proposed amendments to the draft decision, including clarification of updating of the general technical guidelines and both development and updating of the specific guidelines on waste management. Australia proposed adding "if needed" to allow flexibility in updating the general technical guidelines, and delegates adopted the decision as amended.

Final Decision: In the final decision on measures to reduce or eliminate releases from wastes (UNEP/POPS/COP.5/CRP.29), the COP, *inter alia*:

- invites the Basel Convention to: establish the levels of destruction and irreversible transformation of chemicals to ensure POPs characteristics are not exhibited; consider methods that constitute environmentally sound disposal; define low POP-content; and update the general technical guidelines and to prepare or update specific technical guidelines for environmentally sound waste management; and
- invites parties and observers to provide financial support for parties implementing waste-related provisions of the Convention.

IMPLEMENTATION PLANS: On Monday afternoon in plenary, the Secretariat introduced the documents (UNEP/POPS/COP.5/13), including the reports related to the NIPs and comments on draft guidance on socioeconomic assessment for NIPs development and implementation (UNEP/POPS/COP.5/INF/7/Rev.1, INF/8 and INF/47).

Many parties called for revision of guidelines for updating NIPs, including the nine new POPs, with Switzerland and Norway highlighting the need for NIPs to facilitate synergies with other conventions. IPEN called for enhanced institutional mechanisms to support civil society's participation in increasing transparency and accountability.

On Friday, plenary considered a draft decision that was adopted with two amendments, namely: to request the Secretariat to provide assistance to developing countries "with any difficulties they may encounter"; and to include reference to financial and technical assistance to developing countries for reviewing and updating NIPs.

Final Decision: In the decision on NIPs (UNEP/POPS/COP.5/CRP.7), the COP, *inter alia*:

- welcomes the additional NIPs transmitted by parties;
- encourages parties to use the existing guidance when developing, reviewing or updating their implementation plans

and to provide the Secretariat with comments on how to improve the usefulness of the guidance;

- 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 might be required to assist parties; and
- invites parties and others in a position to do so to provide the additional funding required for developing the additional guidance.

LISTING CHEMICALS IN ANNEXES A, B OR C OF THE CONVENTION: 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) were presented in plenary on Tuesday, and POPRC Chair Reiner Arndt (Germany) introduced the 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 POPRC6.

Endosulfan: POPRC's recommendation to list endosulfan in Annex A of the Convention was discussed in a contact group, chaired by Hala Saif Al-Ease (Qatar), on Tuesday and Wednesday, in a drafting group on Wednesday, and in plenary on Tuesday, Thursday and Friday.

In the plenary discussion, Switzerland supported adding endosulfan to Annex A with "restrained" allowance of exemptions, and noted that voting was an option if consensus could not be achieved. The Republic of Korea supported listing endosulfan and said decisions could be taken by general agreement.

Several countries, including Japan, Oman, Saudi Arabia and the US, emphasized the importance of consensus-based decision making in POPRC, and China warned that voting on future recommendations could damage the credibility of POPRC and even the COP.

India emphasized the need for consensus-based decision-making in POPRC, highlighted the need for data on non-POPs alternatives to endosulfan, and called for financial assistance for implementation of current obligations prior to listing of new chemicals.

The EU emphasized the 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. Lebanon, Oman, Argentina, Morocco, Jordan, Qatar and Kuwait expressed support for listing in Annex A, while the African Group and Indonesia supported listing in Annex A with specific exemptions for certain crop-pest complexes.

GRULAC supported listing in Annex A, emphasizing that financial and technical assistance are essential for implementation, and Cuba said the financial implications of listing needed to be clarified before it could support listing.

Samoa called for suspending the proposal to list endosulfan until further cost-effective and sustainable alternatives could be identified.

Thanal, the Inuit Circumpolar Council, the Pesticide Action Network and the UN Food and Agriculture Organization (FAO) welcomed the proposed listing, noting the severe health effects of endosulfan on farmers and indigenous peoples, while the International Stewardship Center emphasized that the proposed alternatives to endosulfan are not affordable, and said listing

would be detrimental to farmers. The Indian Chemical Council emphasized that there was insufficient scientific evidence to list endosulfan in Annex A.

On Thursday, plenary discussion on endosulfan focused on the link between listing and costs associated with implementation. Cuba suggested including a preambular paragraph in the draft decision explicitly linking listing to provision of financial and technical assistance for developing countries, and Norway suggested this concern be reflected instead in decisions on financial resources. Switzerland, supported by the EU, noted that listing endosulfan would open access to GEF funding.

On Friday in plenary, Cuba requested that its concerns about technical and financial assistance be included in the meeting report and supported adopting the draft decision. China emphasized that endosulfan sulfate should not be listed in Annex A since it is not intentionally produced, and proposed moving references to this metabolite to a footnote. Delegates agreed to delete references to endosulfan sulfate, with the EU's clarification that the footnote should be visible in the amendment to Annex A.

India supported listing endosulfan in Annex A, noting the six-year window for phase-out plus the five-year extension, and underscored the importance of assessing alternatives and financial and technical assistance for developing countries. COP5 adopted the decision with amendments.

On Friday, delegates considered the draft decision on the work programme on endosulfan (UNEP/POPS/COP.5/CRP.20/Rev.1). President Blaha noted the budget group had approved the addition of a preambular paragraph proposed by India highlighting the need for identification of suitable, cost-effective, and safe alternatives, and delegates adopted the decision.

Final Decisions: In the final decision on the listing of technical endosulfan and its related isomers (UNEP/POPS/COP.5/CRP.19), the COP, *inter alia*, decides to list technical endosulfan and its isomers in Annex A with exemptions for specified crop-pest complexes.

In the decision on the work programme on endosulfan (UNEP/POPS/COP.5/CRP.20/Rev.1), the COP, *inter alia*, decides to undertake a work programme to support development and deployment of alternatives to endosulfan; and invites parties and observers to provide technical and financial support for those activities. Annexed to the decision are the elements of the work programme.

Work Programme on new POPs: Delegates considered the POPRC's recommendations on the elimination of bromodiphenyl ethers (BDEs) from the waste stream and risk reduction for PFOS (UNEP/POPS/COP.5/15) in plenary on Tuesday, Thursday and Friday, and in the contact group on endosulfan and new POPs on Tuesday and Wednesday.

Japan, supported by the US, called for time for expert consideration of the feasibility of the 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.

Canada emphasized that any decision on disposal of waste containing BDEs should reflect the flexibility required by parties to best meet their national circumstances, and POPRC Chair Arndt emphasized that the recommendations are written so that countries in a position to do so can take action voluntarily.

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. Mexico noted the need for tracking of import and export of POPs-containing products in many developing countries, and the Arab Group emphasized the importance of determining modalities for cooperation among countries. IPEN urged parties to implement the recommendations on PFOS risk reduction and recycling of articles containing BDEs.

On Thursday, delegates considered the draft decision on the work programme for BDEs and PFOS (UNEP/POPS/COP.5/CRP.21).

Kenya, supported by Fiji, Ghana, Mexico, Bolivia and Norway, proposed the insertion of language requesting parties to ensure that waste materials containing BDEs are not exported except for the purpose of environmentally sound disposal in the importing country. The EU and Canada requested time to consult on this addition, and the matter was deferred.

On Friday, the plenary considered this proposal submitted by the Arab and African Groups and supported by GRULAC.

Noting that several developed countries were not comfortable with the addition, as it might preclude certain recycling and export operations, Switzerland proposed compromise language inviting the Basel Convention to consider the recommendation regarding export of waste containing BDEs and to report on possible action to COP6. This proposal was supported by Australia and the EU, with Australia characterizing the compromise as dealing with the issue "operationally" rather than "aspirationally."

Late Friday evening, the African Group introduced a modified proposal, which the EU and Switzerland opposed, with the EU explaining that the concepts of BDE recycling are not fully understood and developed countries may be unable to abide by the provision.

After lengthy discussion, Joint Executive Secretary Willis proposed alternative language encouraging parties to take steps to ensure that waste materials containing BDEs are not exported to developing countries and countries with economies in transition. After additional discussion, with Canada noting that paragraph 1(d) of Article 6 does not differentiate between developed and developing countries, parties adopted the decision.

Final Decision: In the final decision on the work programme on BDEs and PFOS (UNEP/POPS/COP.5/CRP.21), the COP, *inter alia*:

- encourages parties to ensure that waste materials containing BDEs listed in Annex A are not exported to developing countries and countries with economies in transition, consistent with provision of the Stockholm Convention, including Article 6, paragraph 1(d), and the relevant provisions of the Basel Convention, and encourages parties to take appropriate steps to facilitate this;
- encourages parties and stakeholders to implement the POPRC's recommendations;
- invites parties to submit information on their experiences with implementation; and
- requests the POPRC to develop terms of reference for a technical paper on the identification and assessment of alternatives to PFOS in open applications and to present subsequent recommendations to COP6 and requests the

Secretariat to commission a technical paper based on the terms of reference (ToR) for POPRC8, and to develop recommendations for COP6 on this basis.

Operation of the POPRC: On Thursday, delegates considered the draft decision on the operation of the POPRC (UNEP/POPS/COP.5/CRP.8), including the decision text and an annex amending the ToR of the POPRC. Canada preferred omitting reference to wastes-related recommendations. Delegates agreed to the deletion and adopted the draft decision, and the annex on the POPRC's ToR.

On Friday in plenary, delegates heard regional group nominations for the POPRC, including Kenya, Sudan, Madagascar and Cameroon for the African Group; the Former Yugoslav Republic of Macedonia for Central and Eastern Europe; India, Indonesia, the Republic of Korea and Kuwait for Asia and the Pacific; Cuba and Brazil for GRULAC; and France and Norway for the Western Europe and Others Group, with another nomination to be decided by the group and forwarded to the Secretariat. Delegates agreed to the country nominations, with names of specific individuals to be provided to the Secretariat

Final Decision: In the final decision on the operation of the POPRC (UNEP/POPS/COP.5/CRP.8), the COP, *inter alia*:

- welcomes the entry into force of the amendments listing nine new POPs in Annexes A, B, and C;
- adopts: the amendments to the Committee's ToR; and the list of parties invited to nominate POPRC members for terms commencing in May 2012; and
- endorses the publication of the handbook and pocket guide on POPRC's work.

INFORMATION EXCHANGE: On Wednesday in plenary, the Secretariat introduced documents on the clearing-house mechanism and POPs-free products (UNEP/POPS/COP.5/19, UNEP/POPS/COP.5/INF/34 and 50). While many countries supported the Secretariat's reports, the African Group underscored that the clearing-house mechanism should be built on the existing activities undertaken by the Chemical Information Exchange Network (CIEN), whereas the US questioned the viability of integrating the clearing-house mechanism and the CIEN. IPEN urged parties to define the responsibilities of stakeholders and beneficiaries.

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.5/CRP.18), the COP, *inter alia*:

- takes note of the progress made in the implementation of the clearing-house mechanism and requests the Secretariat to complete an evaluation of its first phase for the period 2008-2011 by the end of 2011;
- requests the Secretariat to use the social network and online collaboration website to collect the input required from parties, partners and interested stakeholders and to complete the guidance document for the development of the clearing-house mechanism regional and national nodes;
- encourages parties and other stakeholders to use the clearing-house mechanism and its tools when implementing projects;
- requests the Secretariat to continue to work with the secretariats of the Basel and Rotterdam Conventions to complete the development of the clearing-house mechanism so that it serves all three conventions;

- decides that all new phases in the development of the clearing-house mechanism functions relating to the Stockholm Convention should be implemented as part of the development of the clearing-house mechanism serving all three conventions, and that further work plans and progress reports should be presented for consideration by the COP as joint activities of the three conventions; and
- invites the Secretariat, parties, governments and any other interested stakeholders, in implementing their clearing-house mechanism projects, to build upon and link to such existing information exchange initiatives and tools as the CIEN and national pollutant release and transfer registers.

TECHNICAL ASSISTANCE: The items on technical assistance were taken up in plenary on Monday, and in a contact group on technical assistance and financial resources co-chaired by Mohammed Khashashneh (Jordan) and Johanna Lissinger Peitz (Sweden). The contact group met from Tuesday to Friday and considered guidance on technical assistance and regional centres.

Guidance on technical assistance: Technical assistance was discussed on the basis of documents prepared by the Secretariat (UNEP/POPS/COP.5/20 and UNEP/POPS/COP.5/INF/39-43). Several developing country parties emphasized technology transfer, and in the contact group participants discussed a proposal to compile a list of technologies needed by developing country parties along with a list of technologies available for transfer from developed country parties. Concerns were raised as to the usefulness and cost implications of such a compilation. Discussions also focused on the need to evaluate the effectiveness of technical assistance programmes.

In plenary on Friday, President Blaha introduced the draft decision on guidance on technical assistance and delegates adopted the draft decision without amendment.

Final Decision: In the decision (UNEP/POPS/COP.5/CRP.32), the COP:

- invites developing country parties and parties with economies in transition to provide information to the Secretariat on technical assistance and technology transfer needs and the barriers and obstacles in that regard;
- invites developed country parties to provide information to the Secretariat on the technical assistance and technologies that are available to be transferred to developing country parties and parties with economies in transition, together with the barriers and obstacles to responding to those needs;
- invites parties and others to share agro-ecological knowledge, experience, strategies and practices that could be relevant as alternatives to persistent organic pollutants;
- encourages the GEF and parties in a position to do so to provide the funds necessary to facilitate the provision of technical assistance and technology transfer to developing country parties and parties with economies in transition;
- invites parties and relevant international and NGOs, including regional centres, to provide information to the Secretariat by 31 March 2012 on their experiences in implementing the guidance on technical assistance and transfer of environmentally sound technologies;
- requests the Secretariat to submit a progress report to COP6 on the application of that guidance, which should include analysis of obstacles and barriers to accessing technical

- assistance and technology transfer and recommendations on how to overcome them;
- invites the Stockholm Convention regional centres to develop and regularly update a list of technologies available to be transferred to developing country parties and parties with economies in transition; and,
- requests the Secretariat to continue to implement its technical assistance programme taking into account the guidance on technical assistance and transfer of environmentally sound technologies set out in the annex to decision SC-1/15.

Regional and subregional centres: The Stockholm Convention regional and subregional centres for capacity building and transfer of environmentally sound technologies were discussed on the basis of documents prepared by the Secretariat that reported on regional centres' activities, notably those activities of the four centres not endorsed at COP4 and those of three newly nominated centres (UNEP/POPS/COP.5/21, UNEP/POPS/COP.5/INF/37 and INF/38). The contact group, co-chaired by Mohammed Khashashneh (Jordan) and Johanna Lissinger Peitz (Sweden), reviewed the submitted information and solicited a compilation from the Secretariat in the same format as that used in reviewing nominated centres at COP4 according to the evaluation criteria set out in Annex II of Decision SC-2/9.

Some participants underscored the need to limit the number of regional and subregional centres to a "reasonable" number and the importance of regional balance. Some delegates also highlighted concerns at the low level of activity of some centres. Contact group members noted that centres will be reviewed by the COP four years after their endorsement, and discussed the need for a methodology for this review. The Stockholm Convention Regional Centres in Latin America and the Caribbean also presented their networking efforts.

Participants systematically reviewed the information available on nominated centres, supplemented by clarifications from representatives of those centres. Delegates agreed to endorse all nominated regional and subregional centres, with a provision that the endorsement for the nominated centre in the Russian Federation would become effective upon deposit of the Russian Federation's instruments of ratification. The compromise that led to the endorsement also included expressing concern in the decision at the low level of activity in some centres. The contact group also discussed whether to invite further nominations, agreeing to refer to Decision SC-3/12 that outlines the ToR for the selection of centres.

On Friday in plenary, President Blaha introduced the draft decision on regional centres and delegates adopted the draft decision with a minor textual amendment.

Final Decision: In the decision on regional and subregional centres for capacity building and transfer of technology (UNEP/POPS/COP.5/CRP.33), the COP:

- welcomes the joint proposal on specific areas of expertise and the network established by the Stockholm Convention Regional Centres in Latin America and the Caribbean (outlined in Annexes II and III to the decision), and encourages those centres to continue to strengthen cooperation and coordination between them;
- takes note of the workplans and activity of the Stockholm Convention regional and subregional centres and the

- nominated centres and expresses concern that some nominated centres have reported a low level of activity;
- requests the endorsed regional and subregional centres to submit workplans and activity reports for consideration at COP6;
- reminds those centres endorsed at COP4 that COP6 will evaluate the performance and sustainability of each centre as part of the reconsideration of their status in accordance with the criteria in Annex II to Decision SC-2/9;
- requests the Secretariat to develop a methodology for this evaluation, which should include a quantitative analysis;
- endorses for four years seven nominated centres listed in Annex I to the decision, namely those in Algeria, Senegal, Kenya, South Africa, Iran, India and the Russian Federation, with the latter endorsement scheduled to enter into force upon deposit of the Russian Federation's instrument of ratification;
- decides to evaluate the newly endorsed centres at COP7;
- requests the financial mechanism, and invites parties and observers and other financial institutions in a position to do so, to provide financial support to enable the regional centres to implement their workplans; and,
- requests the Secretariat to prepare for consideration by COP6 a report on the activities of the Stockholm Convention regional and subregional centres.

FINANCIAL RESOURCES: The items on financial resources were taken up briefly in plenary on Monday and Tuesday, and discussed extensively in a contact group on technical assistance and financial resources co-chaired by Mohammed Khashashneh (Jordan) and Johanna Lissinger Peitz (Sweden). The contact group met from Tuesday to Friday and considered effectiveness of the implementation of the memorandum of understanding (MoU) between the COP and the GEF Council, the review of the financial mechanism, needs assessment, facilitating work with regard to financial resources and mechanisms, and additional guidance to the financial mechanism.

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.5/23), and on a GEF report to COP5 (UNEP/POPS/COP.5/24 and UNEP/POPS/COP.5/INF/20). Participants discussed the need for the GEF report to COP to include: information on the adequacy and sustainability of funding for activities relevant to the implementation of the Convention (paragraph 3(b)); and, in case of any project proposals included in a work programme that are not approved by the Council, the reasons for not being approved (paragraph 9(d)). Following consultations, participants agreed to retain a reference only to paragraph 9(d).

In plenary on Friday, President Blaha introduced the draft decision on the effectiveness of the implementation of the MoU between the COP and GEF, and delegates adopted it without amendment.

Final Decision: In the decision (UNEP/POPS/COP.5/CRP.27), the COP:

- takes note of the Secretariat's report on the effectiveness of the MoU's implementation;
- welcomes the GEF report to COP5;
- recalls the GEF Council shall provide regular reports to the

COP, including information pursuant to paragraph 9(d) of the MoU;

- welcomes the continuing cooperation between the Stockholm Convention and GEF Secretariats; and,
- requests the Secretariat, in consultation with the GEF Secretariat, to prepare a report on the effectiveness of the MoU's implementation for consideration by COP6.

Review of the financial mechanism: The contact group discussed the draft ToR for the third review of the financial mechanism to be considered at COP6 (UNEP/POPS/COP.5/25). After a brief consideration, participants agreed to adopt the draft ToR without amendment.

Final Decision: In the decision (UNEP/POPS/COP.5/CRP.28), the COP adopts the ToR for the third review of the financial mechanism and requests the Secretariat to compile relevant information for consideration at COP6. The annex to the decision sets out the ToR for the review, including performance criteria to be taken into account in assessing the effectiveness of the financial mechanism.

Needs assessment: The contact group discussed the draft ToR for the needs assessment (UNEP/POPS/COP.5/22). Participants underscored the importance of improving on the needs assessment prepared for COP4, with many highlighting the importance of standardized reports that clearly distinguish among baseline and incremental resource estimates. Developing country delegates also emphasized the need to reflect needs for the 2010-2014 period, both as information to be used in the third review of the financial mechanism and for inclusion in the needs assessment for the 2015-2019 period. In their discussion of the ToR for the needs assessment, participants relied on the recommendations of those expert consultants prepared for COP4.

On Friday in plenary, President Blaha introduced the draft decision on the ToR for the needs assessment and delegates adopted it without amendment.

Final Decision: In the final decision (UNEP/POPS/COP.5/CRP.35), the COP, *inter alia*:

- invites developed country parties, other parties and other sources, including relevant funding institutions and the private sector, to provide by 31 December 2011, further information to the Secretariat on ways in which they can support the Convention;
- requests the Secretariat to prepare, on the basis of this submitted information, a report for COP6's consideration reviewing the availability of additional financial resources and ways and means of mobilizing and channeling those resources in support of the Convention's objective;
- invites parties and others to provide the relevant information required to undertake the assessment of funding needs for COP6 consideration;
- decides to undertake the assessment of funding needs every four years starting at COP6 as an input to the negotiations on the GEF replenishment;
- requests parties to use a format set forth in Annex II in developing new or amending existing implementation plans and in assessing and reporting on resources needs, including an executive summary containing critical substantive and financial issues contained in their NIPs and in their submissions on funding needs;

- invites parties, the GEF, and relevant IGOs and NGOs to provide the Secretariat information on their views and experiences in applying the methodology used to undertake the needs assessment, including information on priority setting in national implementation plans as appropriate, for the continuous improvement of the methodology; and,
- takes note of the increasing number of submitted NIPs and the obligation of those parties for whom amendments for the nine new POPs have entered into force to update their NIPs.

The COP also requests that the needs assessment include updated information for the period 2010-2014, where available, and that any updated information be used as input to the third review of the financial mechanism; and underlines that ongoing needs identified in previous assessments of baseline and agreed full incremental costs needed by developing country parties and parties with economies in transition to implement the Convention should be included in the 2015-2019 needs assessment.

In the decision, the COP also requests the Secretariat: to develop an information collection form and guidance on how to complete the form to be used by parties when compiling information; and to provide assistance to parties, upon request, to facilitate their assessment of the resources they used during the period 2010-2014 and the funding they need to implement the Convention during the period 2015-2019.

The adopted decision contains three annexes. The first includes the adopted ToR for the assessment of funding needed by developing country parties and parties with economies in transition to implement the Convention over the period 2015-2019. The second annex outlines an adopted format that parties are requested to use to facilitate their assessment of and reporting on the funding used during the period 2010-2014 and their funding needs for 2015-2019, and guidance relevant to its use by parties. The Secretariat is requested to make available to parties Annex III, which includes a list of guidance documents pertaining to the assessment of funding needs, including such matters as determining baselines and incremental resource estimates, and guidance on matching funds and other sources of voluntary funding.

Facilitating work with regard to financial resources and mechanisms: This issue was discussed on the basis of a report from the Secretariat arising from a COP4 decision that outlines 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*. In these discussions, many participants referred to the ongoing consultative process on financing chemicals and wastes (UNEP/POPS/COP.5/INF/48), scheduled to meet again in early May 2011, with China expressing its dissatisfaction with progress made in those consultations.

In the contact group deliberations, discussions were structured according to the logic that form must follow function. The group considered a list, submitted by China, of main functions of the proposed financial mechanism committee, which included, *inter alia*, reviewing the effectiveness of the financial mechanism, making practical recommendations to improve the mechanism's effectiveness and solve the problem of increasingly sharp contradiction between demand and supply of funds, and drafting

relevant reports to lay the basis for decisions to be adopted by COP. Several contact group participants underscored that these functions were already being served by the *status quo*.

Positions remained split between some developing country parties which supported the establishment of a subsidiary financial mechanism committee, and the EU and others who favored maintaining the *status quo*. The contact group drafted a decision to continue the discussion at COP6.

In plenary on Friday, President Blaha introduced the draft decision on the issue and parties adopted it without amendment.

Final Decision: In the decision (UNEP/POPS/COP.5/CRP.39), the COP:

- recognizes the importance of the need to improve the efficiency of the COP's work with regard to financial resources and mechanisms;
- recalls decision SC-4/29 on facilitating work with regard to financial resources and mechanisms;
- decides to continue the discussion on exploring options for facilitating work with regard to financial resources and mechanisms, including the option of a financial mechanism committee;
- requests the Executive Secretary to undertake consultations with the COP Bureau with the objective of supporting discussions on finance-related issues during regular COP meetings;
- recalls that the consultative process on financing options on chemicals and wastes was first announced by UNEP's Executive Director at COP4; and,
- requests the Executive Secretary to take into account the outcomes of this consultative process in his consultations on ways and means to improve the efficiency of the work of the COP with regard to financial resources and mechanisms.

Guidance to the financial mechanism: This issue was considered on the basis of a Secretariat document, including a proposal to consolidate COP guidance to the financial mechanism (UNEP/POPS/COP.5/26). Participants agreed to postpone the consolidation of guidance until COP6 so as to coincide with the GEF replenishment process.

The contact group also considered additional guidance to the financial mechanism, including that arising from outcomes on other issues being considered at COP5, including on DDT and endosulfan. On endosulfan, the contact group considered text, proposed by Switzerland and Cuba, to recognize that financial and technical support is required to facilitate the replacement of the use of endosulfan in developing countries.

In plenary on Friday, President Blaha introduced the draft decision on additional guidance to the financial mechanism, drawing attention to the inclusion of a paragraph on endosulfan. The COP adopted this draft decision with minor amendments.

Final Decision: In the decision (UNEP/POPS/COP.5/CRP.34), the COP requests:

- the Secretariat to prepare consolidated guidance to the financial mechanism for consideration by COP6 and decides to update the consolidated guidance every four years starting at COP6 as an input to the negotiations on the GEF replenishment;
- the financial mechanism to support the activities for the newly listed chemicals and to invite other international financial institutions to do so;

- the financial mechanism to provide funding to parties to enable them to implement BAT and BEP to support the reduction or elimination of unintentional releases of POPs; and
- the financial mechanism, when providing financial support, to give priority to countries that have not yet received funding for the implementation of activities contained in their NIPs. In the decision, the COP recognizes that financial and technical support is required to facilitate the replacement of the use of endosulfan in developing countries.

Parties also request the financial mechanism, and invite parties and observers and other financial institutions in a position to do so, to provide financial support: for country-driven training and capacity-building activities related to activities of the PEN; to enable regional centres to implement their workplans; and for the development and deployment of products, methods and strategies as alternatives to DDT.

The COP also encourages the GEF and parties in a position to do so to provide funds necessary to facilitate the technical assistance and technology transfer to developing country parties and parties with economies in transition.

Further, the COP requests the financial mechanism, and invites other donors, to provide financial support to permit further step-by-step capacity enhancement, including through strategic partnerships, to: enable the collection of data on all indicators stipulated in the effectiveness evaluation framework; and to sustain the new monitoring initiatives.

REPORTING: On Wednesday in plenary the Secretariat introduced the documents (UNEP/POPS/COP.5/29 and UNEP/POPS/COP.5/INF/23-24). Many parties emphasized the needs to draw lessons from other reporting processes, and to streamline the online reporting tool. On Friday, delegates considered and adopted the draft decision with minor amendments.

Final Decision: In the final decision on reporting (UNEP/POPS/COP.5/CRP.16), the COP, *inter alia*:

- welcomes the reports submitted by parties pursuant to Article 15 reporting;
- takes note of the Secretariat's report on progress in eliminating PCBs;
- urges parties that have not yet done so to submit their national reports pursuant to Article 15 no later than 31 July 2011;
- decides that each party shall submit its third national report pursuant to Article 15 to the Secretariat by 31 August 2014 for consideration by COP7;
- requests the Secretariat to prepare a report for consideration by COP7; and
- requests the Secretariat to update the reporting format to include the nine newly listed chemicals listed in Annexes A, B and C for consideration by COP6, and to further improve the electronic system for reporting.

EFFECTIVENESS EVALUATION: This issue was taken up in plenary on Wednesday and Thursday and also in an informal group coordinated by Bettina Hitzfeld (Switzerland).

On Wednesday in plenary, the Secretariat introduced the documents related to the Global Monitoring Plan (GMP) for effectiveness evaluation (UNEP/POPS/COP.5/30 and UNEP/POPS/COP.5/INF/25-29). Several parties commended the work of UNEP, GEF and WHO in building capacity for effectiveness evaluation, particularly in the survey of POPs in human milk. The EU welcomed the report on climate change and POPs.

The African Group, with Mexico, underscored the need for technical and financial assistance for establishing and equipping laboratories for the analysis of data in developing countries. The Republic of Korea offered to hold an Asian regional workshop on analytical technology and information exchange.

On the overall considerations of effectiveness evaluation, the EU stated that since the Convention is currently without a compliance mechanism, it lacks a modality to ensure reporting, and concluded that it was therefore premature to establish an effectiveness evaluation committee. Canada, supported by the US, said effectiveness evaluation formed a crucial backbone of the Convention and stated that the lack of a compliance mechanism made effectiveness evaluation all the more important. Colombia suggested a revision of the evaluation framework, incorporating indicators for the implementation of related articles. An informal group, chaired by Bettina Hitzfeld, was then convened to consider the issue and discuss a draft decision on this matter, and on Friday the draft decision was presented to, and agreed by, plenary.

Delegates also considered briefly a draft decision on the GMP for effectiveness evaluation and adopted it without amendment.

Final Decisions: In the decision on the GMP for effectiveness evaluation (UNEP/POPS/COP.5/CRP.11), the COP, *inter alia*:

- requests the Secretariat to continue to support the continuing process of revising and updating guidance to the GMP, subject to the availability of resources;
- takes note of the study on the impacts of climate change on POPs and of the report on impacts of and policy options for climate change and POPs;
- requests the Secretariat, within available resources, to continue to support training and capacity-building activities to assist countries in implementing the GMP for subsequent effectiveness evaluations;
- encourages parties to engage actively in the implementation of the GMP and the effectiveness evaluation, in particular: monitoring the core media of air and human breast milk or human blood and, if in a position to do so, to initiate monitoring of PFOS in surface water in support of future evaluations; and
- requests the financial mechanism of the Convention and invites other donors to provide sufficient financial support to permit further step-by-step capacity enhancement, including through strategic partnerships, to sustain the new monitoring initiatives, which provided data for the first monitoring report.

In the decision on effectiveness evaluation (UNEP/POPS/COP.5/CRP.17), the COP, *inter alia*:

- takes note of the reports of the meetings of the *ad hoc* working group on effectiveness evaluation and requests the Secretariat to collect and compile the information outlined in that proposed framework and to use the elements and indicators set forth therein to prepare a report for consideration by COP6;
- invites parties and others to submit comments on the proposed framework before 30 October 2011; and
- emphasizes the need for parties to step up their efforts to ensure the timely and accurate completion of national reports under Article 15 of the Convention.

NON-COMPLIANCE: This item was taken up in plenary on Monday, with the Secretariat introducing the document (UNEP/POPS/COP.5/6). President Blaha noted the need for high-level political agreement on the establishment of a compliance mechanism. Delegates agreed to task Barry Reville (Australia) with facilitating informal consultations on the issue.

Reporting to plenary on his informal facilitation of discussions on compliance on Tuesday, Reville said some countries still harbored concerns about the lack of financial and technical assistance to developing country parties to achieve compliance. The EU, Japan, Switzerland and Canada proposed that the Chair's text from COP4, although not ideal, could be used as a basis for discussion.

Revisiting this issue on Wednesday, President Blaha called on delegates to identify a compromise or defer consideration of non-compliance to COP6. The EU, with Canada and the Center for International Environmental Law, called for the adoption of the Chair's text from COP4 "as it stands," with Canada noting that if this was not possible, the original notes from the work done at COP1 as well as the Chair's text from COP4 should be used as a basis for discussions at COP6. The African Group supported the use of the Chair's text from COP4 as a basis for discussion. GRULAC called for a trust fund to be established to assist developing countries and countries with economies in transition in meeting compliance obligations.

China stressed that the deep-seated problems surrounding the establishment of a compliance mechanism need to be addressed, and, with Indonesia, called for adequate financial and technical assistance to be made available for developing countries' compliance obligations. India underscored the need for negotiations on a compliance mechanism to proceed in tandem with the provision of financial resources, and recommended continuing consideration in the intersessional period. In response, the EU stressed that the Convention has a financial mechanism, that the consultative process on financing chemicals and waste is currently taking place, and that a compliance mechanism would be beneficial to all parties. The US emphasized that the proposed compliance mechanism would be facilitative, not punitive, and would assist parties in complying with treaty obligations.

President Blaha proposed to adopt a decision ensuring negotiations continue at COP6, and delegates agreed to consult regionally on this proposal.

On Thursday, President Blaha introduced a draft decision on resuming negotiations on compliance at COP6, noting that the proposal stresses intersessional work to address major issues. China requested clarification on what the proposed policy dialogue would entail and President Blaha explained the policy dialogue would see the Bureau facilitate bilateral talks between parties; and stressed that if the draft decision is adopted, parties would be committing to adopting a compliance mechanism at COP6.

In plenary on Friday, President Blaha reintroduced the draft decision, and China and Iran noted they could not commit to adopt a compliance mechanism at COP6. Australia proposed compromise language "with a view to resolve the outstanding issues in a way to facilitate adoption of a compliance mechanism" at COP6. China added "possible adoption" and the decision was adopted.

Final Decision: In the decision on procedures and mechanisms on compliance with the Stockholm Convention (UNEP/POPS/COP.5/CRP.12), the COP, *inter alia*:

- decides to consider further at COP6 the adoption of the procedures and institutional mechanisms on non-compliance and that the draft text contained in the annex to decision SC-4/33, shall be the basis for its further work; and
- invites the Bureau to facilitate a policy dialogue among parties to consult on major issues and a way forward for the adoption of the procedures and institutional mechanisms under Article 17 (non-compliance) by COP6.

ENHANCING COOPERATION AND COORDINATION AMONG THE BASEL, ROTTERDAM AND STOCKHOLM CONVENTIONS.

This issue was discussed on Tuesday in plenary and thereafter in a contact group that met from Tuesday to Friday. On Tuesday in plenary, Joint Executive Secretary Willis and the Secretariat introduced documents on enhancing synergies (UNEP/POPS/COP.5/32, UNEP/POPS/COP.5/32/Add.1-6, UNEP/POPS/COP.5/INF/14-17, and INF/46) entailing joint activities, joint managerial functions, joint services, synchronization of budget cycles, joint audits, and review arrangements. A contact group chaired by Osvaldo Álvarez (Chile) met throughout the week and discussed a draft decision prepared by the Secretariat.

On Tuesday, Chair Álvarez proposed the group focus on joint services, joint activities, joint managerial functions, and review of arrangements, as contained in UNEP/POPS/COP.5/CRP.2, and participants considered the list of proposed cross-cutting and joint activities with clarifications provided by the Basel and Rotterdam Convention secretariats. On Wednesday, the contact group revised the workplan of the clearing-house mechanism for the three conventions, debating over a proposal made by a developing country party underscoring that joint activities under the three conventions should not detract resources from activities otherwise necessary to implement the three conventions.

On Thursday, participants considered the review arrangements (UNEP/POPS/COP.5/CRP.32/Add.6), focusing on preliminary performance indicators of achievement of joint activities related to regional centres, the clearing-house mechanism, public awareness, outreach and publications, reporting, and overall management. On Thursday afternoon, the contact group met together with the budget group to consider the joint managerial functions and their budgetary implications. On Friday, the contact group further discussed the joint managerial functions and the agenda items for future synergistic meetings, taking into account the role of review.

On Friday, delegates adopted a package of decisions on synergies without amendment. And Switzerland invited parties to convene COP6 and the back-to-back extraordinary meetings of the three conventions in Geneva.

Final Decision: In the final decision on synergies (UNEP/POPS/COP.5/CRP.30, and UNEP/POPS/COP.5/CRP.30/Add.1-4), the COP, *inter alia*:

- welcomes the establishment of the Executive Secretary of the three conventions, but regrets that the position was not appointed with the urgency requested in decision SC.Ex-1.1;
- authorizes the Executive Secretary to determine the staffing levels, numbers and structure of the secretariats in a flexible manner within a budget ceiling, and requests him to propose,

in consultation with the Bureau, the organization of the secretariats by 31 December 2011, to be implemented by 31 December 2012;

- decides that the COPs of the three conventions should be held in a coordinated manner and requests the Executive Secretary to schedule such meetings in a way that facilitates such coordination;
- approves the proposed cross-cutting and joint activities for inclusion in the programmes of work of the three secretariats for 2012-13 (annexed to the decision) and requests the Secretariat to also pursue further cooperation and coordination in activities in the programme of work but not listed in the annex that can be undertaken in a cost neutral manner; and
- decides subject to the submission of the reports on the review and taking into account comments made by parties on the matter, to convene in 2013, with and at the same venue and back-to-back to the COP of one of the conventions, an extraordinary joint meeting of the COPs, with the main focus on: draft decisions on the review arrangements; the proposal for the organization for the secretariats; draft proposals for joint activities for 2014-2015; budget related to joint activities and possible necessary amendments to the budget of the three conventions for the biennium 2014-2015; and the outcome of the UNEP Executive Director's Consultative Process on Financing for Chemicals and Wastes.

The following are included as annexes to the decision: detailed ToRs for the preparation of the report by the secretariats of the three conventions; ToRs for the preparation of the report by the evaluation units of UNEP and FAO; modification of the organization of the joint services of the three conventions; and a joint workplan for the development of a clearing-house mechanism for the three conventions for 2012-13. An annex to the decision lists proposed cross-cutting and joint activities, including partnerships with other multilateral environmental agreements, supporting the work and coordination between the scientific bodies of the conventions, and joint outreach and public awareness, including Safe Planet activities.

PROGRAMME OF WORK AND ADOPTION OF THE BUDGET

Plenary considered the programme of work and adoption of the budget on Monday. A contact group, chaired by Kerstin Stendahl (Finland), met from Tuesday to Friday to further discuss the budget and programme of work, the financial rules, and draft decisions with budgetary implications. On Monday, the Secretariat introduced the activities undertaken by the Secretariat in 2009-2010 (UNEP/POPS/COP.5/33); the financial and staffing situation (UNEP/POPS/COP.5/34 and UNEP/POPS/COP.5/INF/33); and three budget scenarios to be considered for the biennium 2012-2013 (UNEP/POPS/COP.5/35 and Add.1), namely the Executive Secretary's assessment of the required rate of growth (9.5%), zero nominal growth, and 10% nominal growth. Noting the global financial situation, the Secretariat emphasized that the zero nominal growth budget scenario could lead to reduction of activities.

Switzerland stressed that activities addressing new POPs should be prioritized and expressed disappointment with the current lack of financial support from other donors. He proposed that 50% of the Swiss host contribution be reallocated into the Convention's voluntary trust fund, which can be targeted towards

participants' travel support and joint activities in the context of the synergies process. Japan supported the zero nominal growth scenario. The EU questioned the dependence of the PEN and Global Alliance for alternatives to DDT on Stockholm Convention accounts, and emphasized the need for greater strategic direction of the synergies process to improve efficiency.

Argentina supported budgeting for activities on new chemicals, efficiency and regional centres, and emphasized the need for new and adequate financial resources to enable developing countries to meet new commitments. Mexico noted any budgetary increase should support activities on effective implementation, efficiency and NIPs, and underscored that synergies should involve zero budgetary growth. Chile, with the EU and Indonesia, stressed that discussions on synergies among the three conventions and the budget should not be held in parallel. President Blaha noted this request and clarified that the plenary will forward all agreed decisions with budgetary implications to the budget group.

On Tuesday, the contact group discussed, *inter alia*, the budget scenarios and the Swiss request to reallocate part of its 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. On Wednesday, the group considered the text of the budget decision, and initiated discussion on the budget's baseline. On Thursday, the group discussed draft decisions with budgetary implications, deliberating on which budget scenario to adopt, and considered the resultant implications of the Swiss proposal to reallocate its contributions. They further debated the most appropriate areas to make budget cuts if necessary, with one party stating a preference for cuts within the new POPs activities.

On Friday in plenary, delegates discussed the draft decision on financial rules. Iran suggested deletion of a reference to a deadline for the payment of assessed contributions, contained in the rule on contributions. The EU noted that this was language taken from the original financial rules. Canada called for caution when making additions or proposing deletions to the text contained in the financial rules, as the amendments were the product of a delicate compromise. After bilateral talks with Finland, Iran withdrew his request.

Chair Stendahl introduced the work of the contact group, announcing the total core budget for the biennium 2012-2013 as US\$11,853,339, and the budget for activities to be funded through the Special Voluntary Fund as US\$8,947,340. She highlighted that as the host country contribution was to be reallocated, with 75% going into the General Trust Fund and 25% going into the Voluntary Fund for the biennium 2012-2013, parties' assessed contributions would increase by an average of 6.2%. She also informed delegates of the amendments made to the financial rules, in a bid to align the Convention's financial rules to those of other processes.

Delegates adopted both decisions, without amendment.

Final Decisions: Two decisions were adopted under this item, on financing and budget for the biennium 2012-2013 (UNEP/POPS/COP.5/CRP.36 and Add.1), and on amendments to the financial rules for the COP, its subsidiary bodies and the Secretariat (UNEP/POPS/COP.5/CRP.37).

In the decision on financing and budget for the biennium 2012-2013, the COP, *inter alia*:

- approves the programme of activities and operational budget for the biennium 2012-2013 of US\$5,787,568 for 2012 and US\$6,066,761 for 2013;
- notes Switzerland's intention to reallocate its contribution between the Special Trust Fund and the General Trust Fund;
- invites Switzerland to include in its contribution to the Special Trust Fund support for, among other things, the participation of developing country parties, in particular least developed countries and small island developing states, and parties with economies in transition in meetings of the Convention and for joint activities among the Basel, Rotterdam and Stockholm Conventions;
- notes that for the period 2012-2013, 75% of the annual contribution of CHF2 million will be allocated to the General Trust Fund and will include Switzerland's assessed contribution, while 25% will be allocated to the Special Trust Fund;
- notes that for the period 2014-2015 and beyond, CHF1 million will be allocated annually as a contribution to the General Trust Fund, including the Swiss assessed contribution, and CHF1 million to the Special Trust Fund;
- decides on an exceptional basis not to approve a staffing table but instead to note the indicative staffing table for the Secretariat for the biennium 2012-2013 that has been used for costing purposes to set the overall budget, and authorizes the Executive Secretary to determine the staffing levels, numbers and structure of the Secretariat in a flexible manner;
- decides, with regard to contributions due from 1 January 2010 onwards that any party, except small island developing states or least developed countries, whose contributions are in arrears for two or more years shall not be eligible to become a member of the Bureau of the COP or a member of its subsidiary bodies; and
- requests the Secretariat to enhance efficiency in the use of financial and human resources in accordance with the priorities set by the COP and to report on the outcome of the efforts in that regard.

The annex (UNEP/POPS/COP.5/CRP.36/Add.1) contains, among other things, the programme budget for the 2012-2013 biennium, the programme of work for 2012-2013 funded by the General Trust Fund, the indicative scale of assessment for the General Trust Fund for the biennium 2012-2013, and an indicative staffing table for the Secretariat.

The amendments to the financial rules for the COP, its subsidiary bodies and the Convention Secretariat (UNEP/POPS/COP.5/CRP.37) contain the decision and two annexes. In the decision, the COP decides to amend the financial rules for its operation, its subsidiary bodies and the Convention Secretariat. The financial rules are contained in an annex to the decision and include rules on scope, financial period, budget, funds, contributions, accounts and audit, administrative support costs, and amendments. The procedure for the allocation of funding from the voluntary Special Trust Fund for facilitating the participation of parties in meetings of the COP is also contained in the annex.

OTHER MATTERS

On Wednesday, the Secretariat introduced notes on official communications with parties and observers (UNEP/POPS/COP.5/28) and NGOs seeking accreditation to COP

meetings (UNEP/POPS/COP.5/INF/31). Delegates requested the Secretariat to prepare a draft decision on official communications, and on Thursday delegates considered and adopted the draft decision without amendment.

Final Decision: In the decision on official communications (UNEP/POPS/COP.5/CRP.22), the COP: urges parties that have not already done so to nominate official contact points; invites parties and non-parties that have not already done so to confirm their existing, or nominate new, national focal points; requests the Secretariat to send to the UN permanent missions in Geneva a copy of all official communication; and takes note of the list of NGOs that have not attended a previous COP but have registered to attend the current meeting.

CLOSING PLENARY

On Friday afternoon in plenary, the Secretariat reported that, following the Bureau's examination of parties' credentials, 127 parties could be considered present and participating in COP5, and that the eight parties that had submitted inadequate or no information would be treated as observers for the remainder of the meeting.

Delegates elected the new Bureau members for COP6 including: Osvaldo Álvarez (Chile), Gillian Guthrie (Jamaica); Stella Uchenna Mojekwu (Nigeria); Farah Bouqartacha (Morocco); Nassereddin Heidari (Iran); Hala Sultan Saif Al-Easa (Qatar); Karel Blaha (Czech Republic); Aleksandar Vesic (Serbia); Francious Legnume (EU); and Anne Daniel (Canada). Osvaldo Álvarez was elected as COP6 President.

Plenary was suspended at 6:00 pm, as work on the contact group on synergies was still negotiating decisions on joint activities, and informal negotiations were necessary on the decisions on DDT (UNEP/POPS/COP.5/CRP.38) and the work programme on new POPs, specifically in relation to BDEs (UNEP/POPS/COP.5/CRP.21).

At 7:45 pm plenary reconvened and delegates engaged in lengthy debate on DDT, eventually reaching agreement. They then considered the work programme on new POPs and a reference to the export of BDE-containing products. After lengthy debate a compromise was agreed. Delegates then briefly considered the decision on synergies (UNEP/POPS/COP.5/CRP.30/Add.4) and adopted it without amendment.

At 11:30 pm, President Blaha introduced the report of the meeting (UNEP/POPS/COP.5/L.1 and UNEP/POPS/COP.5/L.1/Add.1), which was adopted with minor textual amendments. The Secretariat announced that the COP6 will be held from 6-10 May 2013 in Geneva, Switzerland.

Late on Friday night the EU thanked President Blaha and noted the listing of endosulfan was a great achievement, but that the lack of progress on non-compliance was disappointing. She also announced the EU's plans to nominate three more chemicals to the Convention: hexachlorobutadiene, pentachlorophenol and chlorinated naphthalenes.

The Pesticide Action Network paid tribute to those who have suffered from endosulfan poisoning and congratulated delegates on their "historic and wise" decision to phase out the chemical.

President Blaha thanked delegates for their work and gavelled the meeting to a close at 12:10 am on Saturday morning.

A BRIEF ANALYSIS OF COP5

What makes an effective Convention? As the Stockholm Convention on Persistent Organic Pollutants (POPs) celebrated the 10th anniversary of its adoption, this question was on the minds of many participants at the fifth meeting of the Conference of the Parties (COP5), who acknowledged the achievements of the Convention but also struggled with ongoing challenges and new responsibilities arising from implementation.

In the last decade, the Convention has grown rapidly: in 2009 its scope was expanded to include 21 chemicals, and a wide array of programmes and institutions have been established to facilitate parties' implementation of obligations. COP5 had before it a broad reaching agenda, which included proposals to establish new subsidiary committees on effectiveness evaluation and finance, reviews of ongoing policies, such as continued use of DDT for disease vector control, and a recommendation to list the pesticide endosulfan. Effectiveness was an implicit concern as delegates tackled these varied agenda items, with some raising concerns that the Convention may be growing too big and too fast. There are explicit provisions for effectiveness evaluation in the Convention's text, and these offer one approach to understanding and assessing the Convention's success, but the question of the Convention's effectiveness warrants a more comprehensive examination. This brief analysis of COP5 considers the Convention's effectiveness from three perspectives: Is Stockholm meeting its objectives? Are its institutions effective? Does the Convention have discernable broader impacts?

PROTECTING HUMAN HEALTH AND THE ENVIRONMENT

The objective of the Stockholm Convention is to protect human health and the environment from POPs, and Article 16 (effectiveness evaluation) of the Convention takes a three pronged-approach to assessing progress.

The first establishes the Global Monitoring Plan (GMP), aiming to obtain comparable monitoring data of POPs in core environmental media—air and human breast milk—across geographical regions. The first monitoring reports were released in 2009, establishing baselines, and offering a means of assessing progress on the ground. Parties at COP5 requested the financial mechanism to sustain this initiative. This approach ensures that over the long run changes in POPs concentrations in humans and in the environment can be tracked; providing one means of measuring the actual impact of the Convention on protecting human health and the environment from exposure to POPs.

Article 16 also calls for assessing effectiveness based on parties' national reports on the implementation of measures aimed at reducing or eliminating POPs releases. In order to track progress using information contained in national reports, COP4 established an *ad hoc* working group on effectiveness evaluation. The working group prepared a potential framework, including indicators, for effectiveness evaluation.

Collecting usable and applicable information for national reports is crucial, and some COP5 delegates deplored the fact that the *ad hoc* working group was not reconvened to aid in refining indicators and reviewing submitted data through an open and transparent process. Others disagreed, citing the cost implications of convening yet another committee and highlighting the futility of applying the framework when only

71 of 172 parties submitted national reports in the 2006-2009 reporting cycle. Instead, COP5 tasked the Secretariat with collecting this information for consideration at COP6, along with soliciting additional input into the proposed framework.

In stressing the poor compliance with reporting obligations, delegates reinforced the link to what is envisioned under the Convention as the third prong of effectiveness evaluation: non-compliance procedures. Article 17 of the Convention calls on parties to develop and approve non-compliance procedures and institutional mechanisms as soon as practicable. COP1 convened an open-ended *ad hoc* working group on the issue, which also met following COP2. Since COP3, parties have struggled to achieve progress on this thorny issue. At COP5, an informal facilitative process was entrusted with trying to bridge the high-level policy differences on the question. While several parties indicated their willingness to adopt the Chair's text from COP4 which, in their words, "left everyone equally unhappy," this was unacceptable to China and Iran in particular, who argued that financial and technical assistance for compliance is currently insufficient. Even decision text committing parties to agree on a compliance mechanism at COP6 was unattainable. This impasse prompted some to wonder how effectiveness evaluation might ever be fully implemented without a compliance mechanism and to reflect upon an alternate means of assessing effectiveness, focusing instead on its institutional operations.

INSTITUTIONAL EFFECTIVENESS

This sticking point on compliance contrasts with the performance of several of the institutions established under the Convention. For example, since its entry into force, the Convention's expert group on best available technologies (BAT) and best environmental practices (BEP) to reduce or eliminate the unintentional production of POPs has developed cutting edge guidelines on BAT/BEP to aid implementation at the national level. Further, a recent assessment indicates that implementation of BAT/BEP often provides climate co-benefits, notably in reducing greenhouse gas emissions through increased efficiency.

Another institutional arrangement that warrants scrutiny of its effectiveness is the financial mechanism. The Convention provides for regular review of the mechanism, with the next slated for completion by COP6. Parties have struggled to assess and meet the needs of developing countries in order to implement the Convention. Some parties still call for replacing or supplementing the Global Environment Facility (GEF), the Convention's interim mechanism, with a stand-alone fund akin to the Montreal Protocol's Multilateral Fund, which would allow for direct COP oversight. Yet, as the GEF is reforming many of its POPs practices and as parties are engaging in ongoing consultations on financing chemicals and wastes, it is likely that COP6 will provide a forum for a more in-depth review of the Convention's financial mechanism.

In assessing effectiveness from an institutional perspective, many point to the success of the POPs Review Committee (POPRC). The POPRC was established to provide a scientific review of whether a substance nominated for listing under the Convention is likely, as a result of its long-range environmental transport, to lead to significant adverse human health and/or environmental effects, and warrants a global ban. This 31-member committee is also entrusted with reviewing the socio-economic considerations for listing under the Convention,

a point at which experts can also assess the effectiveness and affordability of available alternatives and address the need for exemptions for continued use. The first opportunity to assess the POPRC's effectiveness arose at COP4 in 2009, when parties followed the Committee's recommendation to list nine new chemicals. However, the POPRC's work was called into question at COP5 when delegates from India raised several procedural and substantive concerns on the POPRC's recommendation to list endosulfan under the Convention. In particular, some participants called into question the POPRC's decision to resort to voting when consensus could not be reached during its deliberations.

The critical tenor of interventions at the outset of COP5 prompted speculation that the COP may need to resort to a vote in order for endosulfan to be listed. This scenario was opposed by a wide range of parties who, early in the week, reiterated their commitment to consensus-based decision-making, raising fears in some circles of a stalemate on the issue. To the surprise of many seasoned delegates, by the close of COP5, parties did agree, by consensus, to list endosulfan with limited exemptions. As this high-stakes issue was discussed, the work of the POPRC was supported and defended by many stakeholders, but the POPRC's work alone cannot explain this outcome. As veterans of the POPs process discussed this outcome, many highlighted the carefully orchestrated diplomacy that brought it about. They also underscored the significance of the late-night compromise to explicitly recognize, in the guidance to the financial mechanism, that financial and technical support is required to facilitate the replacement of endosulfan in developing countries.

STOCKHOLM—AN EFFECTIVE AWARENESS RAISER

We can also gain a greater understanding of the Stockholm Convention on its tenth anniversary by considering its impact on broader developments relating to global chemicals management. NGOs in particular highlighted another key to the decision to list endosulfan: the increased global awareness of chemicals challenges. The campaign waged by civil society activists to ban endosulfan underscored the far-reaching impact of a global forum on chemicals. Some NGOs argued that discussions in the POPRC helped mobilize grassroots efforts, particularly in India, to change the tide on the issue. A few even argued that the proposed global ban of this pesticide facilitated domestic pressure on governments to consider domestic phase-outs, noting that since the POPRC's initial review of endosulfan, close to 20 countries have banned the substance. Some concerned parties countered this interpretation, underscoring that their decision to ban endosulfan was the result of careful national assessments, not the Convention.

There are also indications that the Stockholm Convention is shaping actions in other forums. For example, the Convention lists DDT for restriction with acceptable uses for disease vector control in accordance with WHO recommendations and guidelines. As COP5 reviewed the continued authorization for DDT use, WHO presented results of a recently completed assessment of the risks arising from DDT use in indoor residual spraying, and highlighted its revised guidelines on the safe use of DDT. It is, of course, challenging to ascribe clear causal links in this context, but some participants posited that WHO may not have undertaken such a study were it not for the Convention's periodic review of the continued exemptions for DDT use in combating malaria.

More broadly, public outreach activities are an important component of the Convention's work, and through the UN Safe Planet Campaign, the chemicals and waste-related conventions have cooperated in raising awareness among a diverse range of stakeholders. This effort reaches beyond the realm of international chemicals treaties to other environmental regimes; for example, the Safe Planet Campaign held events in parallel to the Cancun Climate Conference in 2010.

FUTURE EFFECTIVENESS

The Safe Planet Campaign is just one example of the broader efforts at synergies among the Stockholm, Rotterdam and Basel Conventions. This nascent effort at synergies, which took shape at COP5 as the new Joint Executive Secretary, Jim Willis, took office, will be closely scrutinized in terms of the effectiveness it brings to these Conventions. The promise of synergies could facilitate the continued growth of the Convention as it makes it more efficient and allows it to streamline and reduce the administrative burden and ensure more resources can be directed to on-the-ground implementation.

As delegates left the conference rooms in Geneva, many were satisfied with COP5's achievements and optimistic about the Convention's effectiveness in facilitating global cooperation towards achieving a POPs-free world. In their closing statement, Pesticide Action Network reminded delegates of those who have suffered most directly from endosulfan, lauding the decision as "brave and historic." Several delegates suggested the consensus outcome was indicative of the spirit of goodwill and trust that reigned throughout the week, and they expressed confidence that developing country concerns regarding the financial and technical implications of listing new POPs may be on track for resolution.

Indeed, financial resources are an aspect of effectiveness likely to feature in COP6 discussions. The updated needs assessment, coupled with the third review of the financial mechanism, may draw greater attention to the extent to which financial resources are being leveraged to help developing country parties implement their obligations—a matter closely tied to the ongoing compliance discussions. The question will be, as the Convention nears the tenth anniversary of entry into force in 2014, whether the necessary breakthrough on compliance will enable a full assessment of the Convention's success in protecting human health and the environment from POPs.

UPCOMING MEETINGS

GEF Central America Expanded Constituency Workshop (ECW): The ECW, will bring together GEF focal points from Central American countries, focal points from the main Conventions (Biodiversity, Desertification, Climate Change and POPs), representatives from civil society and representatives from GEF agencies. The purpose of the meeting is to keep these stakeholders abreast of GEF strategies, policies and procedures and to encourage coordination. **dates:** 2-4 May 2011 **location:** Panama City, Panama **contact:** GEF Secretariat **phone:** +1-202-473-0508 **fax:** +1-202-522-3240/3245 **email:** secretariat@thegef.org **www:** <http://www.thegef.org/>

CSD 19: This policy-year session will negotiate policy options related to the thematic cluster for the CSD 18-19 cycle: transport, chemicals, waste management, mining and the Ten-

Year Framework of Programmes on Sustainable Consumption and Production Patterns. **dates:** 2-13 May 2011 **location:** UN Headquarters, New York **contact:** UN Division for Sustainable Development **phone:** +1-212-963-8102 **fax:** +1-212-963-4260 **email:** dsd@un.org **www:** http://www.un.org/esa/dsd/csd/csd_csd19.shtml

Fourth Meeting of the Consultative Process on Financing Options for Chemicals and Wastes: This meeting will continue the consideration of the need for mainstreaming of sound management of chemicals and hazardous wastes. It will also continue consideration of: industry involvement, including public-private partnerships and the use of economic instruments at the national and international levels; a new trust fund similar to the Multilateral Fund; and establishing safe chemicals and wastes management as a new focal area, expanding the existing persistent organic pollutants focal area under the Global Environment Facility (GEF) or establishing a new trust fund under the GEF. **dates:** 4-5 May 2011 **location:** New York, USA **phone:** +254-20-7624011 **fax:** +254-20-7624300 **email:** delc@unep.org **www:** http://www.unep.org/dec/Chemical_Financing/index.asp

E-environment Day at World Summit on Information Society (WSIS) Forum 2011: This Day is co-organized by the International Telecommunication Union, the Basel Convention Secretariat, UNEP and the World Meteorological Organization. The Day will focus on the role of information and communications technologies for the environment, one of the action lines defined in the WSIS Geneva Plan of Action. The event will include workshops, interactive discussions, publication releases and networking sessions on issues such as energy efficiency, climate monitoring and adaptation, e-waste and the green economy transition. The event will be open to all stakeholders, including governments, the private sector, civil society, and academia, as well as international and regional institutions. **date:** 18 May 2011 **location:** Geneva, Switzerland **contact:** International Telecommunication Union **phone:** +41-22-730-5111 **fax:** +41-22-730-6453 **email:** climate@itu.int **www:** <http://www.wsis.org/forum/environment>

40th GEF Council Meeting: The GEF Council functions as the main governing body of the GEF. Its 32 members meet twice a year, with each representing a group of countries ('constituency') including both donors and recipients of GEF funding. GEF funding is channeled to several focal areas, namely: biological diversity, climate change, international waters, land degradation, ozone layer depletion and persistent organic pollutants. **dates:** 23-26 May 2011 **location:** Washington, DC **contact:** GEF Secretariat **phone:** +1-202-473-0508 **fax:** +1-202-522-3240/3245 **email:** secretariat@thegef.org **www:** <http://www.thegef.org/gef/meetingdocs/97/403>

RECETOX POPs Workshop: The Research Centre for the Toxic Compounds in the Environment in the Czech Republic (RECETOX) will hold a workshop on, among others, the identification of new POPs, evaluation of their properties and fate, mechanisms of toxicity, effects of environmental mixtures and associated risks, and data management, databases, models, and expert systems for interpretation and visualization of data. **dates:** 22-24 May 2011 **location:** Brno, Czech Republic **contact:** Petra Příbylová **phone:** + 420-549-49-5338 **fax:** +420-549-49-2840 **email:** holoubek@recetox.muni.cz **www:** <http://www.recetox.muni.cz/index-en.php?pg=news&aid=117>

Third Latin America and Caribbean Regional Meeting on SAICM: The objective of this regional meeting is to prepare for the first meeting of the Open-ended Working Group of the International Conference on Chemicals Management. **dates:** 2-3 June 2011 **location:** Panama City, Panama **contact:** SAICM Secretariat **phone:** +41-22-917-8532 **fax:** +41-22-797-3460 **email:** saicm@unep.org **www:** <http://www.saicm.org/>

Third Steering Committee Meeting on the Cost of Inaction Initiative on Sound Management of Chemicals and the Fourth Steering Committee Meeting on the Global Chemicals Outlook: The third Steering Committee meeting on the Cost of Inaction Initiative will meet from 15-16 June to review the first draft of the Baseline Assessment Report. The fourth Steering Committee Meeting on the Global Chemicals Outlook will meet from 16-17 June and is expected to review the work conducted to date, examine the potential contribution of the costs of inaction and establish the required arrangements for the drafting of the second pillar. **dates:** 15-17 June 2011 **location:** Geneva, Switzerland **contact:** Ms. Khanam Jauhan **phone:** +41-22-917-8273 **email:** khanam.jauhan@unep.org **www:** <http://www.chem.unep.ch/unepsaicm/mainstreaming/default.htm>

Fifth Meeting of the Conference of the Parties to the Rotterdam Convention (PIC COP5): PIC COP5 will consider the recommendation of the Chemical Review Committee to list endosulfan and azinphos methyl in Annex III to the Convention. **dates:** 20-24 June 2011 **location:** Geneva, Switzerland **contact:** Rotterdam Convention Secretariat **phone:** +41-22-917-8296 **fax:** +41-22-917-8082 **email:** pic@pic.int **www:** <http://www.pic.int/>

Workshop on Education and Training for Measurement and Analysis of POPs: This workshop is tentatively scheduled for July 2011 in Seoul, Republic of Korea. **dates:** 4-8 July 2011 **location:** Seoul, Republic of Korea **contact:** Kyunghee Choi **phone:** +82-32-560-8321 **fax:** +82-32-567-7097 **email:** neirchoi@korea.kr

Regional Workshop on Analytical Technology and Information Warehouse of POPs in Asian Countries: This workshop is tentatively scheduled for July in Seoul, Republic of Korea. **dates:** TBA **location:** Seoul, Republic of Korea **contact:** Kyunghee Choi **phone:** +82-32-560-8321 **fax:** +82-32-567-7097 **email:** neirchoi@korea.kr

Intersessional Ad Hoc Open-Ended Working Group of the International Conference on Chemicals Management (ICCM OEWG): This meeting will act as a preparatory meeting for the Third International Conference on Chemicals Management. **dates:** 29 August - 2 September 2011 **location:** Belgrade, Serbia **contact:** SAICM Secretariat **phone:** +41-22-917-8532 **fax:** +41-22-797-3460 **email:** saicm@unep.org **www:** <http://www.saicm.org>

11th International HCH and Pesticides Forum: The aim of this meeting is to present and discuss the problems connected with obsolete pesticides in the regions of Southern Caucasus and Central Asia region, Central European and EECCA Countries. **dates:** 7-9 September 2011 **location:** Gabala, Azerbaijan **contact:** Rashad Allahverdiyev **phone:** +99412-510-32-35 ext 174 **fax:** +99412-438-53-81 **email:** az.mineco@gmail.com **www:** http://www.recetox.muni.cz/res/file/pdf/11thHCHForum_2ndAnnouncement.pdf

POPRC-7: The seventh meeting of the POPs Review Committee will consider additional chemicals for listing under the Convention and respond to tasks assigned by COP5. This will be a paperless meeting. **dates:** 10-14 October 2011 **location:** Geneva, Switzerland **contact:** Stockholm Convention Secretariat **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** ssc@unep.ch **www:** <http://www.pops.int>

Tenth meeting of the Conference of the Parties to the Basel Convention: This meeting will convened under the theme is "Prevention, minimization and recovery of wastes." **dates:** 17-21 October 2011 **location:** Cartagena, Colombia **contact:** Basel Convention Secretariat **phone:** +41-22-917-8218 **fax:** +41-22-797-3454 **email:** sbc@unep.org **www:** <http://www.basel.int/meetings/meetings.html>

Third Session of the INC to Prepare a Global Legally Binding Instrument on Mercury: This meeting is scheduled to be the third of five Intergovernmental Negotiating Committee (INC) meetings to negotiate a legally binding instrument on mercury. **dates:** 30 October - 4 November 2011 **location:** Ouagadougou, Burkina Faso **contact:** UNEP Mercury Programme **phone:** +41-22-917-8183 **fax:** +41-22-797-3460 **email:** mercury@unep.org **www:** <http://hqweb.unep.org/hazardoussubstances/MercuryNot/MercuryNegotiations/tabid/3320/language/en-US/Default.aspx>

Third Session of the International Conference on Chemicals Management (ICCM3): This meeting is expected to convene in the second quarter of 2012. **date:** TBA **location:** TBA **contact:** SAICM Secretariat **phone:** +41-22-917-8532 **fax:** +41-22-797-3460 **email:** saicm@chemicals.unep.ch **www:** <http://www.saicm.org>

Sixth Meeting of the Conference of the Parties to the Stockholm Convention: The sixth meeting of the Conference of the Parties to the Stockholm Convention is scheduled to take place in 2013. **dates:** 6-10 May 2013 **location:** Geneva, Switzerland **contact:** Stockholm Convention Secretariat **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** ssc@unep.ch **www:** <http://www.pops.int>

GLOSSARY

BAT	Best available techniques
BEP	Best environmental practices
BDEs	Bromodiphenyl ethers
CIEN	Chemical Information Exchange Network
COP	Conference of the Parties
GEF	Global Environment Facility
GMP	Global Monitoring Plan
GRULAC	Latin American and Caribbean Group
IPEN	International POPs Elimination Network
MoU	Memorandum of Understanding
NIP	National Implementation Plan
PCBs	Polychlorinated biphenyls
PEN	PCBs Elimination Network
PFOS	Perfluorooctane sulfonate
PFOSF	Perfluorooctane sulfonyl fluoride
POPs	Persistent organic pollutants
POPRC	Persistent Organic Pollutants Review Committee
ToR	Terms of Reference
WHO	World Health Organization