

Commentaries

The Elaboration of the 'Stockholm Convention' on Persistent Organic Pollutants (POPs): A Negotiation Process Fraught with Obstacles and Opportunities*

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Abstract. The conclusion in December 2000 of the negotiations for the 'Stockholm Convention' can clearly be labeled as a success. The Convention text was negotiated in merely five sessions of the Intergovernmental Negotiating Committee (INC) and accomplished after its fifth session despite the fact that numerous controversial issues, such as the inclusion of new substances under the ambit of the Convention, the acknowledgement of the precautionary principle or – clearly most controversial – the financing mechanisms, remained to be resolved. This paper attempts to provide a somewhat impressionistic account of the negotiations leading to the conclusion of the 'Stockholm Convention' as experienced by the members of the Swiss delegation participating in the negotiations of the INC. Besides a brief overview on the 'history' of the negotiations, it will focus on some issues of special interest – and controversy – to the negotiators, and finally attempt to provide an outlook on the future of the work performed by the INC and the implementation of the Convention. Issues of special interest are environmental policy issues, capacity building and financing, trade-related issues, precautionary principles, and technical and scientific issues.

Keywords: Capacity building; capacity financing; dangerous substances; environmental policy; persistent organic pollutants (POPs); POPs; precautionary principles; Stockholm Convention; trade-related issues

Introduction

The conclusion in December 2000 of the negotiations for the 'Stockholm Convention' can clearly be labeled as a success. The Convention text was negotiated in merely five sessions of the Intergovernmental Negotiating Committee (INC) and accomplished after its fifth session despite the fact that numerous controversial issues, such as the inclusion of new substances under the ambit of the Convention, the acknowledgement of the precautionary principle or – clearly most controversial – the financing mechanisms, remained to be resolved when the participants met for their final 6-day meeting in Johannesburg in early December last year. The

successful conclusion, despite such difficult issues to be resolved, demonstrated three things, namely: the negotiators came well-prepared and equipped with the necessary mandates and flexibility to arrive at a consensus; secondly, the bureau under the very competent Presidency of John Buccini (Canada) and the secretariat once again provided their leadership and assistance in the same professional and dedicated way as they had over the course of the previous 4 INCs, and – finally – the international community wanted to demonstrate its clearly expressed commitment to agree on a global legal framework for the reduction and elimination of the twelve POPs, and that – only days after the failed attempt to conclude the negotiations on the Kyoto-Protocol – it was capable of mustering the political will to further enhance the international environmental architecture. On 22 May 2001, the Stockholm convention and seven resolutions were adopted. The day after that, the Stockholm convention was signed by 91 countries and the European Commission.

This paper attempts to provide a somewhat impressionistic account of the negotiations leading to the conclusion of the 'Stockholm Convention' as experienced by the members of the Swiss delegation participating in the negotiations of the INC. Besides a brief overview on the 'history' of the negotiations, it will focus on some issues of special interest – and controversy – to the negotiators, and finally attempt to provide an outlook on the future of the work performed by the INC and the implementation of the Convention.

1 History of the POPs Negotiations

Prior to 1992, international action on chemicals primarily involved developing tools for information exchange and risk assessment. For example, in 1985, the Food and Agriculture Organization of the United Nations (FAO) established an International Code of Conduct for the Distribution and Use of Pesticides and, in 1987, the United Nations Environment Program (UNEP) created a set of London Guidelines for the Exchange of Information on Chemicals in International Trade. In 1992, the UN Conference on Environment and Development (UNCED) adopted Agenda 21. Chapter 19 of Agenda 21 deals with the "Environmentally Sound

* according to earth negotiations bulletin

Management of Toxic Chemicals Including Prevention of Illegal International Traffic in Toxic and Dangerous Products". In March 1995, the UNEP Governing Council (GC) adopted Decision 18/32 inviting the IOMC, the IFCS and the International Program on Chemical Safety (IPCS) to initiate an assessment process regarding an initial list of 12 POPs. In response to this invitation, the IFCS convened an Ad Hoc Working Group on POPs, which developed a work plan for assessing these substances. The assessments included available information on the chemistry, sources, toxicity, environmental dispersion and socioeconomic impacts of the 12 POPs.

In June 1996, the Ad Hoc Working Group convened a meeting of experts in Manila, the Philippines, and concluded that sufficient information existed to demonstrate the need for international action to minimize the risks from the 12 POPs, including a global, legally-binding instrument. The meeting forwarded a recommendation to the UNEP GC and the World Health Assembly (WHA) that immediate international action be taken. In February 1997, the UNEP GC adopted Decision 19/13C endorsing the conclusions and recommendations of the IFCS. The GC requested that UNEP, together with relevant international organizations, prepare for and convene an intergovernmental negotiating committee (INC) with a mandate to develop an international, legally-binding instrument for implementing international action by the end of 2000, beginning with the 12 specified POPs.

INC-1: The first session of the Intergovernmental Negotiating Committee (INC-1) was held from 29 June to 3 July 1998, in Montreal, Canada. INC-1 elected bureau members, considered its programme of work, as well as possible elements for inclusion in an international, legally-binding instrument, and established the Implementation Aspects Group (IAG) to address technical assistance and financial resources. INC-1 also established the Criteria Expert Group (CEG) as an open-ended technical working group mandated to elaborate proposals for science-based criteria, and to develop a procedure for identifying additional POPs as candidates for future international action, to be presented to the INC at or before its fourth session. INC-1 directed the CEG to incorporate criteria pertaining to persistence, bioaccumulation, toxicity and exposure in different regions, taking into account the potential for regional and global transport, including dispersion mechanisms for the atmosphere and the hydrosphere, migratory species and the need to reflect possible influences of marine transport and tropical climates. **CEG-1:** The first session of the Criteria Expert Group (CEG-1) was held from 26-30 October 1998, in Bangkok, Thailand. CEG's programme of work included the development of science-based criteria for identifying additional POPs as candidates for future international action. At CEG-1, delegates also considered the development of a procedure for identifying additional POPs, including the information required at different stages of the procedure, and who would nominate, screen and evaluate a substance as a future POPs candidate.

INC-2: INC-2 was held from 25-29 January 1999, in Nairobi, Kenya. Main topics were measures to reduce or

eliminate releases of POPs into the environment; national implementation plans; information exchange; public information, awareness and education; and research, development and monitoring. The IAG held general discussions on possible capacity-building activities requiring technical assistance and financial resources. **CEG-2:** The second session of the Criteria Expert Group (CEG-2) met from 14-18 June 1999, in Vienna, Austria. Main topics were the development of scientific criteria and a procedure for adding additional POPs to the initial list of 12. The CEG succeeded in completing its work in two sessions.

INC-3: INC-3 met from 6-11 September 1999, in Geneva, Switzerland. Advances were made on language for articles on measures to reduce or eliminate releases, national implementation plans, the listing of substances in annexes, and information exchange. **INC-4:** INC-4 met from 20 to 25 March 2000, in Bonn, Germany. Contentious issues revolved around measures to reduce or eliminate releases, technical assistance, and financial resources and mechanisms. While INC-4 succeeded in drafting articles on technical assistance and financial resources and mechanisms, the text was still heavily bracketed, and control measures (Article D) or elimination, as well as language with respect to by-products differed between the developed and developing country positions.

INC-4 also addressed and made progress on articles regarding: national implementation plans; listing of substances; information exchange; public information, awareness and education; and research, development and monitoring.

2 Focus on Issues of Special Interest

2.1 Environmental policy issues, capacity building and financing

The challenges posed by the release into the environment of dangerous chemicals has been recognized by the international community for many years. Too grave were their adverse effects on human health and the environment to leave this problem area unregulated by the international community. A variety of effects on the reproductive or the immune system of marine mammals have been reported and associated with levels of POPs in their tissues, such as the reproductive failure and population collapse in common seals in the Wadden Sea or abnormally formed genitalia in polar bears in the arctic. Some POPs are present in the Arctic at levels similar or even above those found in heavily industrialized areas. Indigenous peoples from the Arctic who consume large amounts of fish or sea mammals are more at risk from adverse effects. Babies born to women who had higher levels of PCB in their breast milk were reported to have undesirable effects on their immune system and on postnatal growth. While cross-border pollution from identifiable chemical sources brought about the first regional agreements for the control of transboundary pollution¹, it

¹ E.g. the 1998 Aarhus Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution adopted under the auspices of the UN Economic Commission for Europe (UN-ECE)

was the gravity of the harmful effects on humans and the environment by the persistent organic pollutants which generated the need by the international community to embark on the negotiations of a POPs convention. In particular, the long-range transport of the POPs throughout the entire global biosphere, as well as the realization that neither national nor regional arrangements would be adequate to provide an instrument for the mitigation and control of the POPs, provided a compelling reason to take action on a global basis. Moreover, the outcome of the 1992 UN Conference on Environment and Development (UNCED) and the provisions of the relevant chapters of the Agenda 21 on Chemicals (chapter 19 of Agenda 21) and Human Health (chapter 6 of Agenda 21) combined to provide ever more conclusive scientific and empirical findings on the long-range transport, and their negative health effects added to the international resolve to create an effective instrument.

The debate on which persistent organic substances were to be covered by the new convention started long before the actual negotiations had started and involved interest groups representing environmental, industry and health concerns. During this process, many additional substances with POP characteristics were in discussion as candidates for a convention. Chlordecone, hexachlorocyclohexane, hexabromobiphenyl, PAHs, short-chain chlorinated paraffins and pentachlorophenol were among them. Four of these substances are now covered by the UN-ECE LRTAP Protocol.

The substances to be covered by the global convention were finally limited to the so-called 'Dirty Dozen', and comprised the well-known eight pesticides², two industrial chemicals³ and four by-products⁴.

At the same time, it was agreed at an early stage of the negotiations that the Convention had to be designed in a dynamic way, which would allow for the subsequent inclusion of additional POPs under the Convention. The realization of this objective proved to be particularly delicate as various countries were reluctant to agree to procedures for the insertion of new substances without the guarantee of sufficient safeguards to assure that economic interests would be safeguarded and that the impact of environmental concerns could be balanced. It became evident at a very early stage of the negotiations that a crucial issue for the definition of the procedures to add new substances would be the way in which the precautionary principle was to be referred to in the Convention. The result was a rather elaborate and lengthy procedure for the inclusion of new substances which assigns distinct roles and responsibilities to three 'actors', namely the countries proposing the addition of a new POP, the Persistent Organic Pollutants Review Committee (PRC) as well as the Conference of the Parties

(CoP)⁵. In view of the conflict-ridden nature of the debate in the INC throughout the negotiations, the consensus at which the parties finally arrived can be regarded as an optimal result, even if the practicability of its applications remains to be tested. Much will depend on the way the first requests for inclusion of new substances will be processed, in particular by the CoP, as the initial cases are likely to exercise model character for the handling of subsequent requests. While it is possible that the procedure for adding new substances could be rather lengthy and cumbersome in its practical application, this would clearly be against the spirit of the Convention. After all, it is an underlying concern of the drafters that the Stockholm convention should be a dynamic legal instrument and this unequivocal political mandate should be kept in mind by the State Parties when implementing it.

A further contentious issue, which – as was to be expected from previous international environmental negotiations – caused considerable controversy throughout the negotiations, was the question of financing and technical assistance. The 'Group of 77 and China'⁶ initially requested the establishment of a separate financing mechanism, 'custom designed' for the financing of the POPs Convention implementation. This proposal received strong opposition from the donor countries, as it would have required separate and, hence, costly new structures. Moreover, a distinct POPs financing mechanism as demanded by the G 77 would have complicated a coordinated approach with related, existing international instruments in the field of health and the environ-

⁵ The relevant provisions can be found in Article 8 of the Stockholm Convention, which contains the procedure for the inclusion of new POPs into Annexes A (elimination), B (restriction) or C (unintentional production) of the Convention. In short, the provision works as follows:

5.1 A party may submit a proposal to the Secretariat for listing a chemical in Annexes A, B and/or C, containing the information specified in Annex D

5.2 The Secretariat shall verify the information specified in Annex D and shall forward a proposal on a listing to the Persistent Organic Pollutants Review Committee [PRC]. The PRC may then either conclude that it is satisfied or not satisfied that the screening criteria have been fulfilled. In the latter case, the proposal shall be set aside. In such a case, any party may resubmit a proposal to the PRC for additional consideration. If the PRC again sets the proposal aside, any party may challenge the PRC's decision with the CoP. The CoP may then decide, that the proposal should nevertheless proceed

5.3 Where the screening criteria have been fulfilled, or the CoP has decided that the proposal should proceed despite the contrary recommendations of the PRC, the PRC shall then prepare a draft **risk profile** (see Annex E)

5.4 On the basis of the risk profile, the PRC may either decide:

5.4.1 That global action is warranted and that the proposal shall proceed (note: lack of full scientific certainty shall not prevent the proposal from proceeding). The PRC shall then prepare a **risk management evaluation**; or

5.4.2 that the proposal should not proceed, and that the proposal shall be set aside

5.5 If a proposal is set aside, any party may request the CoP to consider instructing the PRC to reconsider the request. If the PRC again sets the proposal aside, the party may request the CoP to consider the matter at its next session. If the CoP decides that the proposal should nevertheless proceed, the PRC shall then prepare the risk management evaluation

5.6 The PRC shall then – based on the risk profile and the risk management evaluation – recommend whether the chemical should be considered by the CoP for listing in Annexes. Note: The CoP shall take due account of the recommendations of the PRC, including any scientific uncertainty, and shall take its decision in a precautionary manner

⁶ In the context of the United Nations negotiating processes in the social and economic field, the developing countries, including China, do traditionally coordinate their positions within the framework of the so called 'Group of 77 and China'. In this text, this grouping will henceforth be referred to as the 'G 77'

² These eight pesticides are: Aldrin, chlorane, DDT, dieldrin, endrin, heptachlor, mirex and toxaphene

³ The industrial chemicals covered by the POPs-Convention are hexachlorobenzene (HCB) and polychlorinated biphenyls (PCBs)

⁴ These include dioxins and furans

ment, such as the 'Rotterdam Convention'⁷ or the 'Basel Convention'⁸. The donor countries therefore made it clear throughout the entire negotiating process that the Global Environment Facility (GEF)⁹ would need to assume a central role in the financing of activities under the POPs Convention. It was only after the Executive Board of the GEF approved the creation of an operational program for POPs¹⁰, at its semi-annual meeting in October 2000, that the developing countries agreed to the designation of the GEF as the central financial mechanism. A proposal put forward by the Canadian delegation at INC-4 to create a so called 'Capacity Assistance Network'¹¹ was intended to provide part of a package to offer the developing countries support in their capacity-building efforts while enticing them to accept the GEF as the main financing mechanism. It was, however, the decision by the GEF to open the POPs financing window, which led to the compromise on the financing mechanism.

2.2 Trade related issues

The clash of interests seen during the negotiations, at times marked, made it clear that the Convention will have different economic effects on individual member states. In Switzerland, as far as chemicals on the market are concerned, the use of POPs already became strictly limited in 1971, and it was completely prohibited in 1986, through the Ordinance relating to Environmentally Hazardous Substances. However, this favourable, initial situation enjoyed by Switzerland was not shared by a number of other states in the JUSCANNZ group (JUSCANNZ = Japan, USA, Switzerland, Canada, Australia, Norway, New Zealand, and Iceland, Korea). Therefore, it was quite difficult, if not impossible, to reach a common position within the group as regards trade bans with non-party states, strong restrictions on import and export, and relations with the rules set by the different legal instruments under the WTO.

For a long time, it remained an open question whether not only the production and use of POPs, but also their import and export, should be forbidden. In this connection, doubts were often expressed relating to compatibility with the WTO-agreements. However, there was agreement that such kinds of trade-related measures should not be taken if unnecessary, or if used in an arbitrary, discriminating way; and that they should not be protective. Therefore, from the point of view of the Swiss delegation, possible regulations on import

and export, necessary for the protection of human health and the environment from the danger of the toxic effects of POPs are 'least trade distorting', and therefore basically WTO consistent. In addition, during the negotiations, there was never a serious argument that the agreed trade restrictions do contravene the WTO rules. It is the view of the authors that the reservations expressed were merely simple tactics. The differing positions of the negotiators balanced in the result that only measures that do not restrict trade unnecessarily are in the spirit of the Convention and therefore licit. The authors therefore maintain that a general export ban – applying irrespective to parties to the Convention and to non parties – on substances for which no Party to the Convention still had a request for a country-specific exemption for use¹², is not inconsistent with existing trade agreements. In addition, no hierarchical difference should be created between the WTO trade rules and the POPs Convention. The reference in the preamble to the mutual support between this Convention and other international agreements in the field of trade and the environment, which was negotiated in the last round of talks, could be seen as a step forward in the debate of mutual supportiveness and deference between the trade and environmental regime.

2.3 Precautionary principle

The 'precautionary manner' explicitly mentioned in Article 8, paragraph 9 of the Convention, for including further substances in Annexes A, B and C, differs from the approach of the WTO. The WTO only explicitly provides for precautionary measures to be taken under the Agreement on Sanitary and Phytosanitary Measures (SPS). However, it was not a matter of the relationship with the WTO, but rather a question of whether a precautionary principle should be included in the operational part of the Convention and, if so, what this precautionary principle should be. As was to be anticipated, this issue turned out to be rather contentious. There was a clear divide between a group of anglophone countries, namely the USA, New Zealand, and Australia, on the one hand, and the majority of European countries on the other. The divergence stems from a different interpretation of the precautionary principle, which can most visibly be seen in the terminology: while the 'anglophone' group refers to the 'precautionary approach', the European position is reflected by the term 'precautionary principle'¹³. Regardless of the label, the concept of precaution is nowadays

⁷ Rotterdam Convention

⁸ Basel Convention on the control of transboundary movement of hazardous wastes and their disposals

⁹ Launched in 1991 as an experimental facility, GEF was restructured after the Earth Summit in Rio de Janeiro to serve the environmental interests of people in all parts of the world. The facility that emerged after restructuring was more strategic, effective, transparent, and participatory. In 1994, 34 nations pledged \$2 billion in support of GEF's mission; in 1998, 36 nations pledged \$2.75 billion to protect the global environment and promote sustainable development. GEF brings together 166 member governments, leading development institutions, the scientific community, and a wide spectrum of private sector and non-governmental organizations on behalf of a common global environmental agenda

¹⁰ This arrangement formed the basis for the subsequent establishment a separate POPs financing window. This new window will be filled in the context of the third replenishment of the GEF, which is currently under negotiations which should be concluded in the first half of 2002

¹¹ This 'mechanism' was not entirely inadvertently bestowed with the acronym CAN by its proponents

¹² Article 4 allows a party to have specific exemptions listed in Annex A (Elimination) or Annex B (Restriction)

¹³ The 'European' understanding of the 'precautionary principle' is in principle limited to the risk management in circumstances where the 'science' on possible effects – in the case of the Stockholm Convention with regard to the use of certain POPs – is not entirely clear. This approach therefore demands, before the precautionary principle can be invoked, that the scientific data relevant to the risk must be evaluated. In a next step, the potential adverse effects have to be evaluated. Recourse to the precautionary principle can be taken if the risk evaluation cannot be done properly, be it because of the insufficiency of the data, or their inconclusive or imprecise nature [see Communication from the Commission of the European Communities Com (2000) 1 of 01.02. 2000]. On the other hand, the 'Anglophone' position perceives that a 'precautionary approach' can be applied at all stages of judging the effects of a POP, i.e. already at the stage of the initial 'risk assessment', thereby creating the danger that the use of any new substance with possible POPs qualities could be precluded ('zero-risk' approach)

widely recognized in international law. Not only in soft law declarations – where it has made a debut – but in numerous internationally-binding instruments, lately in the Cartagena Protocol on biosafety to the Convention on Biological Diversity, where the principle is referred to¹⁴. Despite this wide recognition, the discussions in the POPs INC proved rather difficult. The USA, New Zealand, Japan, and in particular Australia, all rejected including any reference to the precautionary principle called for by the EU in this procedure, because it was their view that a clear definition of the precautionary principle would first have to be created. Switzerland looked for a compromise (in accordance with the precautionary approach as set forth in Principle 15 of the Rio Declaration¹⁵) in place of the one of 'precautionary principle', and this enabled the opposing positions to be toned down slightly. The discussions continued until late into the last day – and night – of the negotiations, and it was only the insertion of a rather general reference to 'precaution' into the preamble of the Convention and a fairly uncontroversial reference to Principle 15 of the Rio Declaration¹⁶, which allowed a more explicit, albeit pragmatic description of the precautionary principle in Article 8. It was, indeed, only after the exercise of quite considerable pressure on the Australian delegation by such countries and groups as the EU, Norway and Switzerland that a compromise could be found. The INC finally agreed that the Conference of the parties may decide by consensus, and 'in a precautionary manner' whether a substance is to be included in Annex A, B or C. The inclusion of a precautionary approach in Article 8 increases the legal certainty, where it is specified that precautionary measures shall not be used in the risk management evaluation, but only in dealing with unclear results of this evaluation. However, the difficult discussions, in which the heads of the delegation were involved until the final hours of the negotiations, showed that the political debate about the precautionary principle is going to be the cause of much agitation.

2.4 Technical and scientific issues

If we critically examine the measures agreed upon in the Convention to reduce and prevent the inputs of POPs into the environment, weaknesses and deficiencies can certainly be found. The following examples can be cited:

- No country was obliged to make greater restrictions on production, use and trade, than required by its national

legislation at that time. During the negotiations, it already proved to be difficult to collect all the information on current uses in the different countries. Reported current uses were arranged as a table in the form of exceptions, and every country is free to make use of it, by means of an entry in the register. During the negotiations, no attempts were made to challenge the necessity of these uses.

- The reduction targets for undesired by-products of combustion processes and of production processes were merely formulated verbally, in a non-binding form. No quantitative limits were given, and the state of technology to be used in the future was not established. It was impossible to achieve such results in view of the large number of negotiating countries, their different interests and knowledge, the complexity of the subject matter, and the limited time available.
- The range of validity of the Convention was restricted to merely twelve substances. Initial attempts, by the EU, to broaden the scope remained unsuccessful, being nipped in the bud as this did not fall within the mandate of the negotiations.

Nevertheless, it should be mentioned that the negotiating delegations have created a text of the Convention of which one should be proud. What could reasonably be expected of the negotiations was achieved. In concrete terms, the criticism expressed above can be objected to as follows:

- The Convention contains a clear political declaration of the intention to cease the production of, use of and trade in 9 POPs. The entries in the register, which grant parties to the Convention exemption for the use of individual substances on a country basis, create transparency, and exert pressure on those countries to replace the substances. In addition, the exemptions lapse after five years, unless valid grounds for the necessity of an extension are presented. Only in the case of DDT does the Convention reflect the clear intention that the long-term goal is its total phasing out.
- In relation to the measures to reduce and prevent emissions of POPs from production processes and combustion processes, there is a provision that the Conference of the parties will decide upon guidelines on the best available technology. In addition, all parties in the Convention must present plans of measures to be taken, by means of which they will be obliged, at least for new installations, to make obligatory prescriptions on the best available technology. The parties to the Convention are allowed to set emission limits as an instrument to fulfil their obligations.
- Although the measures agreed upon only apply to twelve substances, the Convention will have an influence beyond its narrow range of validity, and reduce the input of other persistent substances to the environment. It obliges the parties to the Convention to assess other substances in terms of their POP properties, for instance by means of the procedures for granting permits, and for notification, and to keep them from being marketed. It

¹⁴For references, see e.g. Pascale Martin-Bidou, *Le principe de précaution en droit international de l'environnement*, in R.G.D.I.P 1999-3, p 631 ff. and Peter H. Sand; *The precautionary principle: Coping with risk*; in *Indian Journal of International Law*, Vol 40/No1, p 1 ff

¹⁵Principle 15 of the Rio Declaration is as follows: "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost effective measures to prevent environmental degradation."

¹⁶The respective provision in preambular paragraph 8 reads: "Acknowledging that precaution underlies the concerns of all the Parties and is embedded within this Convention", while Article 1 defining the objective of the Stockholm Convention refers to the 'precautionary approach' as follows: "Mindful of the precautionary approach as set forth in Principle 15 of the Rio Declaration on Environment and Development, the objective of this Convention is to protect human health and the environment from persistent organic pollutants"

is possible for further substances to be included in the Convention whenever need arises. In the procedure to be used for this purpose, the precautionary principle is to be taken into account as appropriate. The criteria for the inclusion of further substances leave sufficient discretionary powers for scientifically-based decisions to be taken from case to case.

Over and above this, one must accept that the Convention contains further important measures such as those to reduce the release of POPs from stocks and from waste. It even goes as far as the obligation to make efforts to trace POP-containing products that are still in use, and contaminated bottles, and to dispose of them in a way that is environmentally compatible, or to decontaminate them. In this way, the instruments for the successful, precautionary protection of man and the environment from POPs have been created. How useful the measures agreed upon will be, will depend on how well the text of the Convention is implemented, developed and enforced.

2.5 Secretariat

As for the management of all other Conventions, the question of establishing a permanent POP secretariat, and where, will have to be decided sooner or later.

Since the beginning, the POP temporary secretariat is performed by a small number of specialists attached to UNEP-Chemicals in Geneva. This has proven to be very efficient and financially sound, both for the organization and for the State parties. Indeed,

- environmental affairs within the United Nations system are to a large extent assembled in Geneva – apart from the headquarters of UNEP in Nairobi – in the *International Environment House* and its *Geneva Environment Network*,
- practically all countries are represented in Geneva by a Permanent Mission to the UN and other organizations – there are 149 of them;

- some 170 NGOs, hundreds of journalists of the international press, the headquarters of many multinational companies are settled in Geneva, insuring the best possible impact and synergies for the work of any international organisations present in this cosmopolitan, multicultural and open city;
- today Geneva is one of the most sought after centres for conferences, international organizations and diplomatic activities, insuring the presence of the best infrastructure, interpreters and surrounding for the delegates, staff and their families.

The decision about the definitive location of the POP Secretariat will be taken – as usual – at the first Conference of Parties (COP-1). Switzerland has, since the beginning, been a solid supporter of the POP process and has consistently poured voluntary contributions in its budget. It will also finance the COP-1. Any country theoretically can apply for the transfer of the secretariat to one of its cities. Until now, only Bonn (Germany) has done so. This city hosts the UN secretariats for Climate Change and on Desertification.

3 Outlook

The success of the POPs Stockholm Convention created a considerable momentum worldwide for the protection of the environment from dangerous chemicals. This momentum also has to be used during the interim period. During this interim period, a conference of the INC will take place every year, the next in the year 2002. A lot of work has to start in order to implement the convention, especially in developing countries (PCB waste, obsolete pesticide stocks, dioxin emission reduction, and so on). We do not need to wait with the implementation until the Stockholm convention gets into force after 50 ratifications. Lets start now.

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