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**United Nations
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Ad Hoc Open-ended Working Group on Mercury

Second meeting

Nairobi, Kenya

6–10 October 2008

Item 3 of the provisional agenda*

**Review and assessment of options for enhanced voluntary measures
and new or existing international legal instruments**

**Information, based on experience with existing legally binding and
voluntary arrangements, on how sustainable technology transfer and
support could be facilitated for global mercury control actions**

Background

1. The Governing Council of the United Nations Environment Programme (UNEP), in its decision 24/3 IV on chemicals management, established an ad hoc open-ended working group of Governments, regional economic integration organizations and stakeholder representatives to review and assess options for enhanced voluntary measures and new or existing international legal instruments for tackling the global challenges presented by mercury.
2. At its first meeting, the Ad Hoc Open-Ended Working Group on Mercury requested the secretariat to undertake intersessional work in a number of areas in preparation for its second meeting.
3. The secretariat was requested to provide information, based on experience with existing legally binding and voluntary arrangements, on how sustainable technology transfer and support could be facilitated for global mercury control actions.
4. The secretariat called for information from the secretariats of the Global Environment Fund, the Multilateral Fund for the implementation of the Montreal Protocol, the Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention on Transboundary Movements of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the United Nations Framework Convention on Climate Change. A formal response was received from the Multilateral Fund for the Implementation of the Montreal Protocol, which is presented verbatim in paragraphs 5–8 below. Information on technology transfer and support activities under other existing arrangements has been summarized from available sources of information. A number of programmes established under voluntary mechanisms are also highlighted.

* UNEP(DTIE)/Hg/OEWG.2/1.

I. Experience with sustainable technology transfer and support

A. Multilateral Fund for the Implementation of the Montreal Protocol

5. The Multilateral Fund has supported developing countries in complying with the control schedules on ozone-depleting substances under the Montreal Protocol. While there are many areas where the experience accumulated under the Multilateral Fund could be transferred to other MEAs in achieving their goals, the discussion below is more targeted at the goals that the global mercury programme has to achieve. This relates in particular to the request for information on processes that would enable the transfer of technology and the technical capacity created thereby to be sustainable.

6. In the view of the Secretariat of the Multilateral Fund, it is important to create or reinforce an institution in each developing country to support any global programme. An institution so created would become the anchoring point of the global programme in the country. This has proven successful in the implementation of the Montreal Protocol in developing countries, and could also provide a model for supporting and implementing the global mercury programme. The institution could start by setting up and maintaining an inventory of the use, supply and demand for mercury as well as the technologies for which mercury is being used in each country, and also monitor the trade in mercury-related commodities and products in and out of the country. This would assist in establishing a baseline for mercury use and the type of technology being applied in the country, and provide a continuous monitoring of such uses and opportunities for technology upgrade.

7. Another experience which has proven to be very important in the control and eventual reduction of ozone depleting substances is the role of government policy. This could be especially effective in influencing market performance through government policies. Such policies could take the form of taxes and levies on mercury and mercury related products so as to render them less attractive to the market compared with alternatives. Such practices have been used by many governments in developing countries to assist the phase-out of ozone-depleting substances.

8. Technical capacities and institutions of this nature, once created, will remain in the country and could be sustained by the government or other sources to support not only the implementation of the mercury programme but also any other similar programmes for which such a capacity could become useful in the future.

B. Basel Convention

9. The Basel Convention has developed an extensive collection of guidelines on the environmentally sound management of hazardous waste. Topics for which guidelines already exist or are being developed include persistent organic pollutants, metals and plastics, metals and metal compounds, used tyres and mercury. In addition, over the past two years activities have been undertaken on a number of technical activities on subjects such as electrical and electronic wastes (e-wastes), persistent organic pollutant wastes, obsolete stocks of pesticides and mercury- and asbestos-containing wastes. In addition to the preparation of guidelines on environmentally sound management these activities have included support for the development of national inventories, development of national action plans for the management of wastes and development and implementation of regional strategies.

10. Much of the technical assistance of the Basel Convention is delivered through its regional centers, which serve as focal points for activities within the regions.

11. Based on the experiences of the Basel Convention, the development of technically feasible guidelines on various aspects of mercury could provide a good means of delivering the information necessary to manage mercury in an environmentally sound manner. The development of such guidelines could take a significant period of time, however. Further, a major challenge experienced in providing the technical assistance required by developing countries to implement such guidelines in the context of the Basel Convention has been securing the necessary funding.

C. Stockholm Convention

12. Parties to the Stockholm Convention are required to develop national implementation plans setting out the steps that they will take to implement the Convention.

13. According to the decision on technical assistance taken by the Conference of the Parties to the Stockholm Convention at its first meeting (decision SC-1/15), technical assistance to be provided by developed country Parties, and other Parties in accordance with their capabilities, should include, as

appropriate and as mutually agreed, technical assistance and transfer of environmentally sound technologies for capacity-building relevant to the implementation of Parties' obligations under the Convention. Potential sources of technical assistance identified include intergovernmental organizations, developed countries through bilateral development agencies, non-governmental organizations, civil society, research institutes and universities.

14. The objectives of the technical assistance programme of the Stockholm Convention are:

(a) To render timely and appropriate technical assistance in response to requests from developing country Parties and Parties with economies in transition with the objective of enabling them to implement their obligations under the Convention;

(b) To facilitate the implementation of Convention obligations, in particular the priorities set out in the national implementation plans of the developing country Parties and Parties with economies in transition.

15. To assist with the delivery of technical assistance, the secretariat of the Stockholm Convention has recently established a clearing-house mechanism for the exchange of information on persistent organic pollutants, including sound measures for and valuable experiences in implementing the Convention. The clearing-house mechanism will assist in the provision of information, allowing informed decisions to be taken by countries and other stakeholders on how to reduce or eliminate the release of persistent organic pollutants into the environment. In its second phase, the clearing-house mechanism will consolidate a global network of information providers, users and institutions seeking to share information and expertise on persistent organic pollutants.

16. Other objectives of the Stockholm Convention technical assistance programme are to minimize duplication of efforts and to ensure timely delivery of adequate capacity-building and technology transfer utilizing regional and subregional centres. As of 29 June 2008 12 such centres had been nominated by their regional groups. The process of evaluating the nominated centres and getting those centres that are selected operational is under way. As part of the process a meeting between the Secretariat and the nominated centres was held from 17 to 19 June 2008.

17. The delivery of technical assistance under the Stockholm Convention has been facilitated by access to a financial mechanism. The Global Environment Facility is, on a provisional basis, the principal entity charged with administering the mechanism and has provided assistance to countries for projects to implement the Stockholm Convention, particularly with respect to the development of national implementation plans. There is an effort under way in the context of the fourth replenishment of the Global Environment Facility (2006 – 2010) to move beyond the foundational capacity-building that was the focus during the third replenishment to investment actions that respond to the priorities identified in Parties' national implementation plans. Funding under the fourth replenishment is also aimed at promoting demonstrations of management practices and technologies for the management and destruction of persistent organic pollutants. A large number of projects are at various stages of development and implementation in such areas as disease vector control mechanisms to minimize or eliminate the use of persistent organic pollutants; regional BAT/BEP forums and industry initiatives on PCB management, removal and destruction; and obsolete pesticide destruction technologies.

D. Rotterdam Convention

18. The Rotterdam Convention is primarily an information sharing and regulatory-based instrument, while the Stockholm Convention and the Montreal Protocol which feature control measures seeking to phase-out and prevent the unintentional release of specific chemicals. The focus of technical assistance under the Rotterdam Convention therefore differs from the focus of such assistance under the latter two instruments.

19. The Rotterdam Convention applies to international trade in specified chemicals among Parties. It does not directly restrict or prevent such trade, other than to the extent that Parties generally may allow exports of chemicals covered by the Convention only to countries that have expressed prior informed consent. If mercury were made subject to the prior informed consent procedure of the Rotterdam Convention the Convention's information exchange procedures could contribute to increased knowledge about both the hazards and risks related to mercury uses in products and processes as well as those arising from industrial uses of mercury.

20. The programme of technical assistance currently in place for the Rotterdam Convention was developed in response to needs identified by Parties and builds on previously undertaken technical assistance activities, in particular the development of national plans or strategies for the implementation

of the Rotterdam Convention and the needs and priorities identified therein. The goal has been to develop activities that are tailored to the specific needs of individual countries or small groups of countries with a focus on those actions which are deemed necessary for Parties to implement the Convention fully.

21. The approach taken in delivering this programme of work marks a move away from regionally-based training to activities targeted at individual countries or small groups of countries relating to specific aspects of the Convention. It places a greater responsibility on Governments to define their technical assistance needs and to be proactive in seeking assistance to meet those needs.

22. The lack of, or weak, infrastructure for the regulation or management of industrial chemicals was identified as one of the key needs to be addressed for developing countries and countries with economies in transition. As part of the proposed programme of work for the regional and national delivery of technical assistance for the 2009-2010 biennium, a new area of work for the Secretariat has been elaborated that will focus on the legal, regulatory and administrative infrastructures and frameworks required to support national multi-sectoral industrial chemicals management programmes. The secretariat is proposing ways of assisting Parties to address cross-cutting needs associated with foundational chemicals management.

E. United Nations Framework Convention on Climate Change

23. The secretariat of the United Nations Framework Convention on Climate Change, in the context of the Convention's technology subprogramme, is devising options for implementing commitments under the Convention and its Kyoto Protocol on the development and transfer of climate-friendly technologies. Under the subprogramme it is responsible for supporting the deliberations of the Subsidiary Body for Scientific and Technological Advice on this issue by, for example, organizing roundtables and other specialist meetings on technology and preparing documentation, including technical papers.

24. A website for the technology subprogramme has as its principal goal improving the flow of, access to and quality of information relating to the development and transfer of environmentally sound technologies under article 4.5 of the Convention and of contributing to a more efficient use of available resources by providing a synergy with other ongoing efforts. It provides up-to-date information about technology transfer, allows direct access to databases, publications and case studies and promotes the exchange of views on different technology transfer issues. A survey on the effectiveness of the use of this technology transfer clearing-house was carried out in 2003 and published in 2004. The survey showed that a clear majority of survey respondents found the information available on the clearing-house to be either good or excellent, although they also felt that there was a need to improve descriptions and the overall organization of the website, to improve the overall usability and organization of information, and improve the site's search engines. It should be noted that at the time of the survey the website had had limited use, mainly by developed countries, and may not have been reaching all of its desired target audiences.

25. The 2008–2009 programme of work for the Convention's Expert Group on Technology Transfer includes the development of performance indicators for monitoring and evaluating effectiveness; consideration of existing and potential new finance resources; seeking opportunities for cooperation with, and support from, other organizations; developing a regional training programme; and promoting national and other research and innovation.

26. The Convention's Clean Development Mechanism allows emission-reduction (or emission-removal) projects in developing countries to earn certified emission reduction credits, each equivalent to one tonne of CO₂. These credits can be traded and sold and used by industrialized countries to meet a part of their emission reduction targets under the Kyoto Protocol. The mechanism stimulates sustainable development and emission reductions while giving industrialized countries some flexibility in how they meet their emission reduction limitation targets.

27. Operational since the beginning of 2006, the mechanism has already registered more than 1,000 projects and is anticipated to produce certified emission reduction credits amounting to more than 2.7 billion tonnes of CO₂ equivalent in the first commitment period of the Kyoto Protocol (2008–2012).

F. UNIDO Cleaner Production programme and UNEP national cleaner production centres

28. The Cleaner Production programme of the United Nations Industrial Development Organization (UNIDO) aims at building national cleaner production capacities, fostering dialogue between industry and government and enhancing investments in the transfer and development of environmentally sound technologies. Through this programme, UNIDO is bridging the gap between competitive industrial production and environmental concerns. Cleaner production is more than just a technical solution. It has a widespread application at all decision-making levels in industry, with the chief focus on adoption of cleaner technologies and techniques within the industrial sector. Costly end-of-pipe pollution control systems are gradually replaced with a strategy that reduces and avoids pollution and waste throughout the entire production cycle, from efficient use of raw materials, energy and water to the final product.

29. The UNIDO Cleaner Production programme represents an innovative approach which increases competitiveness, facilitates market access and strengthens the productive capacity of developing economies, taking into consideration the two other dimensions of sustainable development: environmental compliance and social development. The cleaner production concept has been adopted and promoted by other organizations as well. For example, development assistance organizations in Norway, Switzerland and the United States of America have promoted cleaner production activities around the world. UNIDO works with these organizations to create synergies.

30. Cleaner production can only be sustained if capacity is in place to adopt and adjust it to local conditions. To make the Cleaner Production programme a reality and promote the application of cleaner production by enterprises in developing and transition countries, UNIDO, in cooperation with UNEP started, in 1994, to set up national cleaner production centres (NCPCs) and national cleaner production programmes (NCPPs). Since then, 37 NCPCs and NCPPs have been established and others are in the planning stage. UNIDO manages the NCPC and NCPP network and works with other organizations, such as UNEP, to provide cutting edge experience and strategic direction.

G. Bali Strategic Plan for Technology Support and Capacity-building

31. The Bali Strategic Plan for Technology Support and Capacity-building sent a message from Governments that they wanted UNEP to be a more responsive and accessible partner and to deliver its support in a more coordinated way. A report on achievements under the Bali Strategic Plan and the strategy for implementation in 2008–2009 was provided to the UNEP Governing Council at its 24th session (UNEP/GC/24/3/Add.1).

32. The focus of activities during 2006 included the development of environmental law, compliance with and enforcement of multilateral environmental agreements, environmentally sound technologies, sustainable consumption and production and chemicals and waste management. Processes were established to deliver support activities more effectively, including the establishment of the South-South coordination unit, a partnership with the United Nations Development Programme and increased involvement in the United Nations Development Group.

33. It has been stated, in an independent review of UNEP, that the Bali Strategic Plan requires UNEP to shift its focus towards addressing country-driven needs more than it has in the past. The implementation plan for 2008–2009 sets out a strategy to position UNEP to deliver outcomes related to the Bali Strategic Plan. Financing for this is divided between voluntary financial mechanisms and the Environment Fund, with more than 50 per cent of the Environment Fund resources allocated to outputs that are a direct contribution to achieving the objectives of the Bali Strategic Plan during 2008–2009.

34. While progress has been made toward implementing the Bali Strategic Plan, more work is needed before UNEP can implement technology support and capacity-building activities effectively and efficiently and respond to country needs in a more timely fashion. Reports on the implementation of the Bali Strategic Plan are being made on an annual basis to the Committee of Permanent Representatives to UNEP in Nairobi.

H. UNEP Global Mercury Partnership

35. The UNEP Global Mercury Partnership provides a structure within which technology transfer, support and information sharing may be provided, consistent with the overall goal of the protection of human health and the global environment from the release of mercury and its compounds by minimizing, and where feasible ultimately eliminating, global anthropogenic releases of mercury to air,

water and land. As yet, limited experience with technology transfer has been gained through the partnership.

I. Partnership for Clean Fuels and Vehicles

36. The Partnership for Clean Fuels and Vehicles assists developing countries to reduce vehicular air pollution through the promotion of lead-free, low sulphur fuels and cleaner vehicle standards and technologies.

37. The Partnership aims to make available key resources and data on vehicles and fuels around the world.

38. Information currently available on the resources and data page of the Partnership's website includes data on vehicle emission standards, vehicle inspection and maintenance and environmental performance of vehicles. With regard to fuels, key data is provided on leaded gasoline phase-outs, sulphur phase-downs, fuel specifications and oxygenates and aromatic hydrocarbons.

II. Suggested action

39. The meeting participants may wish to take note of the information provided in the present document.
