

Taking note further of the discussion paper prepared by the Executive Director for the ministerial consultations at the twenty-fifth session of the Governing Council on the theme: “International environmental governance and United Nations reform – international environmental governance: help or hindrance?”¹⁶ which addresses international environmental governance from a country perspective,

Taking into account decision SS.VII/1 of 15 February 2002 on international environmental governance, which, together with its appendix, is known as the “Cartagena package”, and the management review of environmental governance within the United Nations system prepared by the Joint Inspection Unit,¹⁷

Aware that the consultative process proposed below and the conclusions reached by the Governing Council/Global Ministerial Environment Forum at its eleventh special session will provide input to, among other things, the General Assembly’s follow-up to the measures set out in paragraph 169 of the 2005 World Summit Outcome,¹⁸

1. *Decides* to establish a regionally representative, consultative group of ministers or high-level representatives, inviting each United Nations region to propose between two and four Governments to participate, while remaining open to participation by other interested Governments;

2. *Requests* the group of ministers or high-level representatives to conclude its work and present a set of options for improving international environmental governance to the Governing Council/Global Ministerial Environment Forum at its eleventh special session, with a view to providing inputs to the United Nations General Assembly;

3. *Decides* that the group will have two co-chairs, one from a developing country and one from a developed country, and requests the Executive Director to participate as an adviser to the group;

4. *Urges* the group to begin its work as soon as possible and, at its first meeting, to determine the structure of its work;

5. *Requests* the Executive Director to seek extrabudgetary resources, if required, in order to facilitate the participation in the meetings of the developing countries proposed by the regional groups.

Decision 25/5: Chemicals management, including mercury

The Governing Council,

Recalling its decisions 18/12 of 26 May 1995, 19/13 of 7 February 1997, 20/23 of 4 February 1999, 21/5 of 9 February 2001, SS.VII/3 of 15 February 2002, 22/4 of 7 February 2003, 23/9 of 25 February 2005, SS.IX/1 of 9 February 2006 and 24/3 of 9 February 2007 concerning global policies related to chemicals management and the development of a strategic approach to international chemicals management,

Acknowledging with appreciation the progress achieved to enhance coordination and cooperation within the international chemicals and waste cluster,

Acknowledging the widespread concerns over the serious adverse effects of mercury on human health and the environment and the urgent need for international action,

¹⁶ UNEP/GC.25/16/Add.1.

¹⁷ JIU/REP/2008/3, contained in document UNEP/GC.25/INF/33.

¹⁸ General Assembly resolution 60/1 of 16 September 2005.

Noting that the work set out in the present decision will be carried out within the framework of the programmes of work of the United Nations Environment Programme and its subprogrammes,

Having considered the reports of the Executive Director on chemicals management,

I

Strategic Approach to International Chemicals Management

1. *Welcomes* the progress made to date in implementing the Strategic Approach to International Chemicals Management;
2. *Also welcomes* the important contributions of the United Nations Environment Programme to the implementation of the Strategic Approach process and in particular the efforts to integrate sound management of chemicals into development planning processes for developing countries and countries with economies in transition and the assistance to developing countries and countries with economies in transition in preparing proposals for the Quick Start Programme and their subsequent implementation;
3. *Requests* the Executive Director to strengthen support for implementation of the Strategic Approach and its Secretariat and facilitate more robust efforts in developing countries and countries with economies in transition to ensure the sound management of chemicals, in particular by ensuring that projects and programmes discussed under the Quick Start Programme are processed and implemented in an expeditious manner;
4. *Underlines* the importance of the multi-stakeholder, cross-sectoral and voluntary nature of the Strategic Approach;
5. *Also underlines* the importance of the continuing cooperation between the United Nations Environment Programme and other participating organizations and observers of the Inter-Organization Programme for the Sound Management of Chemicals;
6. *Encourages* the United Nations Environment Programme to play a leading role in assisting the implementation of the Strategic Approach while noting that the important roles of the International Conference on Chemicals Management are set out in paragraph 24 of the Overarching Policy Strategy of the Strategic Approach;
7. *Notes* that the International Conference on Chemicals Management will discuss ways to promote further progress in implementation of the Strategic Approach and approaches for the mid-term and long-term financing of the Strategic Approach;
8. *Urges* Governments, intergovernmental organizations, non-governmental organizations and others in a position to do so to contribute financially and in kind to implementation of the Strategic Approach, including through the Quick Start Programme, the Secretariat and the programme of work of the United Nations Environment Programme;

II

Lead and cadmium

9. *Acknowledges* the progress made on lead and cadmium, including actions taken to finalize the reviews of scientific information on lead and cadmium, in particular the actions taken to fill the data and information gaps, together with the actions to compile an inventory of risk management measures;

10. *Takes note* of the key findings of the 2008 review of scientific information on lead¹⁹ and the 2008 review of scientific information on cadmium²⁰ including that, because they have relatively short residence time in the atmosphere, these metals are mainly transported over local, national or regional distances; and also notes that the export of new and used products containing lead and cadmium, remains a challenge for developing countries and countries with economies in transition which lack the capacity to manage and dispose of the substances in products in an environmentally sound manner;
11. *Notes* that further action is needed to address the challenges posed by lead and cadmium;
12. *Encourages* efforts by Governments and others to reduce risks to human health and the environment of lead and cadmium throughout the whole life cycle of those substances and to take action to promote the use of lead and cadmium-free alternatives, where appropriate, for instance in toys and paint as some products containing lead may cause a risk through normal use;
13. *Acknowledges* the efforts made by Governments and others to phase out lead from gasoline, in particular through the Partnership for Clean Fuels and Vehicles, and urges those Governments that are in a transition phase to phase out lead from gasoline as early as possible;
14. *Requests* the Executive Director to facilitate the above-mentioned work in developing countries and countries with economies in transition, including through the Bali Strategic Plan for Technology Support and Capacity-building, based on requests and subject to available funding;
15. *Takes note* of the United Nations Environment Programme study on the possible effects on human health and the environment in Africa of the trade of products containing lead, cadmium and mercury;²¹
16. *Requests* the Executive Director, in cooperation with Governments and relevant institutions to continue to address the data and information gaps identified in the United Nations Environment Programme reviews of scientific information on cadmium and lead;
17. *Also requests* the Executive Director to finalize the scientific review taking into account the latest available information in line with decisions 24/3 of 9 February 2007 and 23/9 of 25 February 2005 and to report to the Governing Council at its twenty-sixth session with a view to informing discussions on the need for global action in relation to lead and cadmium;

III

Mercury

18. *Recalls* the findings of the 2002 global mercury assessment published by the United Nations Environment Programme and the Inter-Organization Programme for the Sound Management of Chemicals that mercury is a chemical of global concern owing to its long-range atmospheric transport, its persistence in the environment once anthropogenically introduced, its ability to bioaccumulate in ecosystems and its significant negative effects on human health and the environment;
19. *Acknowledges* the progress made within the United Nations Environment Programme mercury programme in providing information and data on mercury and a forum for the consideration of globally coordinated actions;

¹⁹ UNEP/GC.25/INF/23.

²⁰ UNEP/GC.25/INF/24.

²¹ UNEP/GC.25/INF/23/Add.1.

20. *Commends* the Executive Director and members of the United Nations Environment Programme Global Mercury Partnership for their progress in developing and implementing the Partnership as a vehicle for immediate action on mercury; welcomes the progress made by the Partnership in creating an overarching framework for immediate action in the priority areas identified in decision 24/3, section IV and endorses the continued involvement of the United Nations Environment Programme in the Partnership;

21. *Notes with appreciation* the final report of the Ad Hoc Open-ended Working Group on Mercury, which reflects all views expressed, presents options and sets out, as a basis for further discussion of actions, the elements of a comprehensive mercury framework contained in the appendix to that report;²²

22. *Acknowledges* the need to manage mercury in an efficient, effective and coherent manner, taking into account the Governing Council decisions on international environmental governance and the principle of common but differentiated responsibilities, as set out in Principle 7 of the Rio Declaration on Environment and Development, in addition to the other relevant Rio Declaration principles;²³

23. *Also acknowledges* that some legal obligations arising out of a new global legally binding instrument will require capacity-building and technical and financial assistance in order to be effectively implemented by developing countries and countries with economies in transition;

24. *Requests* the Executive Director to undertake specific actions to continue to facilitate close cooperation and coordination among the United Nations Environment Programme mercury programme and the Global Mercury Partnership and Governments, mercury-related activities under the Strategic Approach to International Chemicals Management and its Quick Start Programme, convention secretariats, including those of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, intergovernmental organizations, non-governmental organizations and the private sector;

25. *Agrees* to further international action consisting of the elaboration of a legally binding instrument on mercury, which could include both binding and voluntary approaches, together with interim activities, to reduce risks to human health and the environment;

26. *Requests* the Executive Director to convene an intergovernmental negotiating committee with the mandate to prepare a global legally binding instrument on mercury, commencing its work in 2010 with the goal of completing it prior to the twenty-seventh regular session of the Governing Council/Global Ministerial Environment Forum, in 2013;

27. *Agrees* that the intergovernmental negotiating committee, taking into account, among other things, the principles of the Rio Declaration on Environment and Development, is to develop a comprehensive and suitable approach to mercury, including provisions:

- (a) To specify the objectives of the instrument;
- (b) To reduce the supply of mercury and enhance the capacity for its environmentally sound storage;
- (c) To reduce the demand for mercury in products and processes;
- (d) To reduce international trade in mercury;
- (e) To reduce atmospheric emissions of mercury;

²² Final report of the Ad Hoc Open-ended Working Group on Mercury to the Governing Council of the United Nations Environment Programme (UNEP/GC.25/5/Add.1, annex).

²³ *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex I.

- (f) To address mercury-containing waste and remediation of contaminated sites;
 - (g) To increase knowledge through awareness-raising and scientific information exchange;
 - (h) To specify arrangements for capacity-building and technical and financial assistance, recognizing that the ability of developing countries and countries with economies in transition to implement some legal obligations effectively under a legally binding instrument is dependent on the availability of capacity-building and technical and adequate financial assistance;
 - (i) To address compliance;
28. *Also agrees* that the intergovernmental negotiating committee, in its deliberations on the instrument that it develops, should consider the following:
- (a) Flexibility in that some provisions could allow countries discretion in the implementation of their commitments;
 - (b) Approaches tailored to the characteristics of specific sectors to allow transition periods and phased implementation for proposed actions, where appropriate;
 - (c) Technical and economic availability of mercury-free alternative products and processes, recognizing the necessity of the trade in essential products for which no suitable alternatives exist and to facilitate the environmentally sound management of mercury;
 - (d) Need to achieve cooperation and coordination and to avoid the unnecessary duplication of proposed actions with relevant provisions contained in other international agreements and processes;
 - (e) Prioritization of the various sources of mercury releases for action, taking into account the necessity for developing countries and countries with economies in transition to achieve sustainable development;
 - (f) Possible co-benefits of conventional pollutant control measures and other environmental benefits;
 - (g) Efficient organization and streamlined secretariat arrangements;
 - (h) Measures to address risks to human health and the environment as a consequence of anthropogenic mercury releases;
 - (i) Any other aspects that the intergovernmental negotiating committee may consider relevant to mercury control;
29. *Requests* in this context the Executive Director, for the purpose of informing the work of the intergovernmental negotiating committee, to conduct a study, in consultation with the countries concerned, on various types of mercury-emitting sources, as well as current and future trends of mercury emissions, with a view to analysing and assessing the costs and the effectiveness of alternative control technologies and measures;
30. *Recognizes* that the mandate of the intergovernmental negotiating committee may be supplemented by further decisions of the Governing Council;
31. *Decides* that participation in the intergovernmental negotiating committee should be open to Member States of the United Nations and its specialized agencies to regional economic integration organizations, and also to relevant intergovernmental and non-governmental organizations, consistent with applicable United Nations rules;
32. *Requests* the Executive Director to convene an ad-hoc open-ended working group, to hold one meeting in the second half of 2009, to prepare for the work of the intergovernmental negotiating committee, in particular to discuss the negotiating priorities, timetable and organization of the intergovernmental negotiating committee;

33. *Also requests* the Executive Director to support developing countries and countries with economies in transition to participate effectively in the work of the ad hoc open-ended working group and the intergovernmental negotiating committee;

34. *Further requests* the Executive Director, coordinating as appropriate with Governments, intergovernmental organizations, stakeholders and the Global Mercury Partnership, subject to the availability of resources and concurrently with the work of the intergovernmental negotiating committee, to continue and enhance, as part of the international action on mercury, the existing work, in the following areas:

- (a) Enhancing capacity for mercury storage;
- (b) Reducing the supply of mercury from, for example, primary mercury mining;
- (c) Conducting awareness-raising and pilot projects in key countries to reduce mercury use in artisanal and small-scale gold mining;
- (d) Reducing mercury use in products and processes and raising awareness of mercury-free alternatives;
- (e) Providing information on best available techniques and best environmental practices and on the conversion of mercury-based processes to non-mercury based processes;
- (f) Enhancing development of national inventories on mercury;
- (g) Raising public awareness and supporting risk communication;
- (h) Providing information on the sound management of mercury;

35. *Urges* Governments, intergovernmental organizations, industry, non-governmental organizations and academic institutions to continue and enhance their support for the activities set out in paragraph 34 of the present decision and for the Global Mercury Partnership through the provision of technical and financial resources, such as by supporting the implementation of country-based projects that tackle mercury risk reduction and risk management;

36. *Requests* the Executive Director, in consultation with Governments, to update the 2008 report entitled “Global Atmospheric Mercury Assessment: Sources, Emissions and Transport,” for consideration by the Governing Council/Global Ministerial Environment Forum at its twenty-seventh session;

37. *Also requests* the Executive Director, as a priority action, to provide the necessary support to the intergovernmental negotiating committee, the United Nations Environment Programme mercury programme and the Global Mercury Partnership as near-term activities to address mercury;

38. *Requests* the Chemicals Branch of the United Nations Environment Programme Division of Technology, Industry and Economics to serve the ad hoc open-ended working group and the intergovernmental negotiating committee as secretariat and to prepare the analytical and summary reports necessary for its work;

IV

Final provisions

39. *Invites* Governments and others in a position to do so to provide extrabudgetary resources to help to support the implementation of the present decision;

40. *Requests* the Executive Director of the United Nations Environment Programme to present a report on progress in the implementation of the present decision to the Governing Council/Global Ministerial Environment Forum at its twenty-sixth and twenty-seventh regular sessions.