

The Working Group Meeting in 2021 Session 2
Acid Deposition Monitoring Network in East Asia
18-20 August 2021, Virtual Meeting

ANNEX 3

Note to the Secretariat for the Acid Deposition Monitoring Network in East Asia Concerning Japan's proposal submitted at the Working Group in 2021 Session 1

Prepared by The Law Division of UNEP (June 2021)

The Working Group Meeting in 2021 Session 1 (WG2021-1) of the Acid Deposition Monitoring Network in East Asia (EANET) was organized virtually between 20-22 April 2021. One of the purposes of WG2021-1 was to consider the expanded scope of the EANET Instrument ("Instrument"). At that meeting, Japan presented its proposal for a draft text that would supplement the EANET Instrument and expand its scope in order to address air pollution. Comments were requested on Japan's proposal.

The Law Division of UNEP subsequently conducted consultations with those Offices of UNEP as well as the Secretariats of the Multilateral Environment Agreements ("MEAs) that are responsible for ozone action, chemicals, and waste on whether Japan's proposal would be a duplication of any existing work currently being undertaken by UNEP or the MEAs. Specifically, the Law Division requested a review of Tables 1 and 2 of Japan's proposal, bearing in mind that any activities under Japan's proposal, if approved and adopted by the Inter-governmental Meeting of EANET, would focus on East Asia and the thirteen countries who have signed the EANET Instrument. Set out below are the responses of the relevant UNEP Offices and Secretariats.

The Montreal Protocol on Substances that Deplete the Ozone Layer (the Montreal Protocol)

As Japan's proposal deals with air pollution, the "Ozone" in Table 1 must be referring to surface ozone or tropospheric ozone, a pollutant formed after the reaction of other pollutants, for example, NOX from car exhaust and sunlight. Thus, it would be advisable to put "surface" or "tropospheric" before "ozone" to avoid any confusion with "stratospheric ozone" that falls under the purview of the Vienna Convention and the Montreal Protocol.

HFCs are listed in Table 1. HFCs are not strictly "air pollutants" as they are not reactive in the troposphere and non-toxic. HFCs are highly global warming, though. HFCs are controlled under the Kigali Amendment, and activities (in Article 5 countries only) related to their phase-down will be covered under the Multilateral Fund for the Implementation of the Montreal Protocol. Those activities would include capacity building, technology transfer, industry conversion, awareness-raising, and communication. If any HFCs related activities are carried out under the EANET (it does not seem like it from Table 1), they should not duplicate what is already being carried out under the Montreal Protocol and its Multilateral Fund. Consequently, it may be advisable to delete HFCs from the table.

Minamata Convention on Mercury

Mercury is marked as non-applicable in all the activities listed in Table 1 of the proposal. Since mercury does not seem to be a target substance of the proposed expanded scope of EANET, the Secretariat of the Minamata Convention does not see duplication of any existing work under the Convention.

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal; the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; and the Stockholm Convention on Persistent Organic Pollutants.

Table 1 indicates that POPs (covered by Stockholm Convention) and mercury (covered to some extent by the Rotterdam Convention and the Minamata Convention) are not covered by existing activities and would not be covered by extended activities. It does not appear either that wastes (covered by the Basel Convention) fall within the scope of the proposal. Should substances and wastes addressed in the Basel, Rotterdam, and Stockholm Conventions become covered, there would be some overlap between activities.

The UNEP Special Programme on Institutional Strengthening for the Chemicals Cluster

The Special Programme's objective is to support country-driven institutional strengthening at the national level, to increase sustainable public institutional strengthening for the sound management of chemicals and wastes, and to facilitate and enable the implementation of the Basel, Rotterdam, and Stockholm Conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management (SAICM).

In terms of possible overlaps on activities, Special Programme activities are formulated by the countries themselves based on their national needs and priorities, so there is no standard type of intervention. That said, Special Programme projects do frequently incorporate capacity-building activities such as training workshops for a variety of stakeholders and sometimes involve chemicals inventories or profiles, depending on the identified needs in the country concerned.

The Special Programme's Terms of Reference require its Secretariat to avoid duplication and proliferation of funding mechanisms. To that end, countries are required to disclose information on issues of duplication in order for the Secretariat to assess this issue when appraising project applications.

The Special Programme recommends that EANET consult with Kakuko Nagatani-Yoshida, who is the Regional Subprogramme Coordinator for Chemicals and Waste in Bangkok.

Strategic Approach to International Chemicals Management (SAICM).

The proposal by Japan does not include any of the SAICM Emerging Policy and Issues of Concern, and therefore there is no duplication.

The Special Programme on Institutional Strengthening (SPIS).

The SPIS targets institutional strengthening rather than capacity building per se and does not specifically target air pollution. That some institutional strengthening projects may include elements of capacity building and may benefit a country's ability to monitor air quality is possible. However, this is not a source of concern for the listed activities in Tables 1 or 2.

UNEP's work on air quality is largely focused on pollution and health and emissions reduction through sustainable mobility, and as such, there is no duplication.

Conclusion

UNEP and its MEAs would be interested in the results of a regional effort to better understand and quantify air pollution contaminants.