

SECOND MEETING OF THE *AD HOC* OEWG TO REVIEW AND ASSESS MEASURES TO ADDRESS THE GLOBAL ISSUE OF MERCURY: 6-10 OCTOBER 2008

The Second Meeting of the *Ad hoc* Open-ended Working Group (OEWG) to Review and Assess Measures to Address the Global Issue of Mercury begins today at UNEP Headquarters in Nairobi, Kenya.

During the OEWG delegates will review and assess options for enhanced voluntary measures and new or existing international legal instruments to address mercury and consider the report on activities under the UNEP Mercury Programme. Delegates are expected to consider the broad elements needed to address the mercury issue globally. Delegates will also consider the balance and/or combination of legally-based and voluntary or partnership components of a package to deliver these elements, and in what overarching framework those legally-based and voluntary components could best be organized.

The outcomes of the OEWG will be considered by UNEP Governing Council/Global Ministerial Environment Forum (GC/GMEF) at its twenty-fifth session, which will convene in February 2009. The OEWG's mandate, as set out in Governing Council Decision 24/3, requires the OEWG to develop options for addressing mercury and prepare a final report reflecting all views expressed, presenting options and any consensus recommendations. Should consensus recommendations not be reached, delegates will put forward to the GC/GMEF a small range of clearly identified alternative options, explaining the implications of each option.

A BRIEF HISTORY OF THE GLOBAL ISSUE OF MERCURY

Mercury is a heavy metal that is widespread and persistent in the environment. It is a naturally occurring element and can be released into the air and water through weathering of rock containing mercury ore or through human activities such as industrial processes, mining, deforestation, waste incineration and burning of fossil fuels. Mercury can also be released from a number of products that contain mercury, including dental amalgam, electrical applications (e.g. switches and fluorescent lamps), laboratory and medical instruments (e.g. clinical thermometers and barometers), batteries, seed dressings, antiseptic and antibacterial creams and skin-lightening creams.

Mercury exposure can affect fetal neurological development and has been linked to lowered fertility, brain and nerve damage and heart disease in adults who have high levels of mercury in their blood.

21ST SESSION OF THE UNEP GOVERNING

COUNCIL/GMEF: The UNEP GC/GMEF discussed the need for a global assessment of mercury at its 21st session in February 2001 in Nairobi, Kenya. Decision 21/5 called for the initiation of a process to undertake a global assessment of mercury and its compounds, and requested that the results of the assessment be reported to the 22nd session of the Governing Council. It also decided to consider whether there is a need for assessments of other heavy metals of concern. The decision included a clause underlining the need to take preventive actions to protect human health and the environment, mindful of the precautionary approach.

22ND SESSION OF THE UNEP GOVERNING

COUNCIL/GMEF: At its 22nd session in February 2003 in Nairobi, the UNEP GC/GMEF considered UNEP's Global Mercury Assessment report and in Decision 22/4 V noted sufficient evidence to warrant immediate national action to protect human health and the environment from releases of mercury and its compounds, facilitated by technical assistance and capacity building from UNEP, governments and relevant international organizations. The decision requested the Executive Director to consult and cooperate with other intergovernmental organizations in order to avoid duplication. The Executive Director was also requested to invite submission of governments' views on medium- and long-term actions on mercury, and to compile and synthesize these views for presentation at the Governing Council's 23rd session, with a view to developing "a legally binding instrument, a non-legally binding instrument, or other measures or actions."

23RD SESSION OF THE UNEP GOVERNING

COUNCIL/GMEF: UNEP GC-23/GMEF took place from 21-25 February 2005, in Nairobi. Delegates once again discussed the issue of mercury and adopted Decision 23/9 IV, which requested the Executive Director to further develop UNEP's Mercury Programme by initiating, preparing and disseminating a report summarizing supply, trade and demand information on mercury. The decision requested that governments, the private sector and international organizations take immediate actions to reduce the risks posed on a global scale by mercury in products and production processes, and also requested the Executive Director to present a report on progress in the implementation

of the decision as it relates to mercury to GC-24/GMEF. It concluded that further long-term international action was required to reduce such risks and decided to assess the need for further action on mercury, including the possibility of a legally-binding instrument, partnerships, and other actions at GC-24/GMEF.

IFCS-V: The fifth session of the Intergovernmental Forum on Chemical Safety (IFCS-V) was held in Budapest, Hungary, from 25-29 September 2006. IFCS-V adopted the Budapest Statement on Mercury, Lead and Cadmium, which, *inter alia*: urged IFCS participants to initiate and intensify actions, as appropriate, to address the excess supply of mercury on a global scale through a variety of possible measures, such as an export prohibition, prevention of excess mercury from re-entering the global market, and a global phase-out of mercury primary production; invited the UNEP GC to initiate and strengthen voluntary actions at the global level for mercury, lead and cadmium, including partnerships and other activities; prioritized considering further measures to address risks to human health and the environment from mercury, lead and cadmium, as well as considering a range of options including the possibility of establishing a legally-binding instrument, as well as partnerships; and called upon countries to support these activities.

INTERNATIONAL MERCURY CONFERENCE: The European Commission convened an International Mercury Conference in Brussels, Belgium, from 26-27 October 2006. Delegates discussed actions needed at the local, national, regional and global levels to reduce health and environmental risks related to the use of mercury, with a view to providing input to GC-24/GMEF and relevant chemicals agreements. Options discussed included: development of a legally-binding international agreement on mercury; inclusion of mercury in existing legally-binding agreements; and voluntary and other measures.

24TH SESSION OF THE UNEP GOVERNING COUNCIL/GMEF: In February 2007, the GC-24/GMEF discussed the issue of mercury extensively and participants' preferences for international cooperation on mercury that ranged from an immediate negotiating process towards a legally-binding instrument, to incorporating mercury into existing agreements, or concentrating on voluntary actions, especially through partnerships. Delegates agreed in Decision 24/3 IV that a "two-track" approach could be employed to take forward actions on mercury, while keeping open the path to a binding instrument in the future. Agreeing on the need to outline priorities in reducing risks from releases of mercury, delegates requested the UNEP Executive Director to prepare a report on mercury emissions and strengthen the UNEP mercury partnerships. It also established an *ad hoc* open-ended working group of government and stakeholder representatives to review and assess options for enhanced voluntary measures and new or existing international legal instruments for addressing the global challenges posed by mercury. The working group, according to Decision 24/3 IV, is to be guided by the following priorities, to:

- reduce atmospheric mercury emissions from human sources;
- find environmentally sound solutions for the management of waste containing mercury and mercury compounds;
- reduce global mercury demand related to use in products and production processes;
- reduce the global mercury supply, including considering curbing primary mining and taking into account a hierarchy of sources;

- find environmentally sound storage solutions for mercury;
- address the remediation of existing contaminated sites affecting public and environmental health;
- and increase knowledge on areas such as inventories, human and environmental exposure, environmental monitoring and socio-economic impacts.

The group will provide a final report to GC-25/GMEF in 2009, which will take a decision on the matter.

FIRST MEETING OF THE OEWG ON MERCURY: The First Meeting of the OEWG to Review and Assess Measures to Address the Global Issue of Mercury was held from 12-16 November 2007 in Bangkok, Thailand. The OEWG discussed options for enhanced voluntary measures, and new or existing international legal instruments on mercury. The meeting considered a report on the Analysis of Possible Options to Address the Global Challenges to Reduce Risks from Releases of Mercury and available response measures to address strategic objectives. Delegates agreed on seven intersessional tasks to be undertaken by the Secretariat, including analyses of, *inter alia*: financial considerations of a free-standing convention, a new protocol to the Stockholm Convention and voluntary measures; sustainable technology transfer and support; implementation options; organization of response measures; costs and benefits for each of the strategic objectives; meeting demand for mercury if primary production is phased out; major mercury-containing products and processes with effective substitutes; and funding available through the Global Environment Facility and the Strategic Approach to International Chemicals Management.

INTERSESSIONAL HIGHLIGHTS

10TH SPECIAL SESSION OF GC/GMEF: This meeting took place from 20-22 February 2008, in the Principality of Monaco. In an omnibus decision on chemicals management, mercury and waste management (UNEP/GCSS.X/CW/L.2), the GC/GMEF: recalled its recent decisions on chemicals and waste management; acknowledged the reports of the Executive Director on chemicals management and the progress of the OEWG on Mercury; noted the tangible recommendations for developing countries, in particular least developed countries and SIDS, in the Executive Director's report on waste management; decided to consider programme-related matters raised in the Executive Director's reports at GC-25/GMEF; and requested the Executive Director to report on the implementation of decisions 24/3 on chemicals management and 24/5 on waste management at GC-25/GMEF.

REGIONAL INTERSESSIONAL MEETINGS ON MERCURY: During the intersessional period, African, Western Asia and Iran, and Asia-Pacific regional consultation meetings on mercury convened. The Western Asia and Iran meeting convened from 16-18 June 2008, in Doha, Qatar, and delegates agreed that the preferred regional approach to addressing mercury was the development of a legally-binding instrument. The African meeting convened in Dar es Saalem, Tanzania, from 18-19 July 2008. At this meeting, delegates agreed on the need for a comprehensive legally-binding instrument, covering the full life-cycle of mercury. During the Asia-Pacific meeting which convened from 8-10 September 2008, a diversity of views were expressed over the need for an international framework to address mercury and the potential for countries to address mercury at the national level. No regional position was formulated.