

## MERCURY INC 1 HIGHLIGHTS: MONDAY, 7 JUNE 2010

INC 1 convened for its first day on Monday, 7 June 2010. During the morning, delegates heard opening statements and addressed organizational matters. In the afternoon, delegates heard general statements on the preparation of a legally-binding instrument.

### OPENING OF THE MEETING

Per Baaken, UNEP Chemicals, welcomed participants and noted that the start of negotiations, long anticipated by many, had finally arrived. Angela Cropper, Deputy Executive Director, UNEP, welcomed participants, and thanked the Government of Sweden and the Nordic Council of Ministers for hosting INC 1. Highlighting the significance of INC 1's location, Cropper noted that 38 years ago this week the UN Conference on the Human Environment convened in Stockholm, and said the global community had since made significant progress in addressing global challenges posed by use of hazardous chemicals. Noting the effects of mercury poisoning on human health and the environment, and particularly on sensitive groups in the population, Cropper called on participants to move forward with the challenging ambition to eliminate man-made releases of mercury.

Andreas Carlgren, Minister for the Environment, Sweden, on behalf of the Nordic Council of Ministers, said Nordic countries are cooperating to address mercury pollution, and only coordinated action would make it possible to control the problem. He proposed a general ban on all use of mercury and highlighted the importance of financial support and research. He reiterated the Council's continued support to the process in reaching a legally-binding instrument on mercury.

### ORGANIZATIONAL MATTERS

On the work of the *Ad-hoc* Open-Ended Working Group (OEWG) to Prepare for the Intergovernmental Negotiating Committee on Mercury held in October 2009, Per Bakken, noted the preliminary nomination of INC Bureau members. Delegates elected Fernando Lugris (Uruguay) as INC Chair by acclamation.

In his opening remarks, Chair Lugris called for transparency and consensus-building in the meeting's decision-making processes. The following were elected to the Bureau by acclamation: Oumar Diaoure Cissé and Abiola Olanipekun (Africa); Yingxian Xia and Mohammed Kashashneh (Asia and the Pacific); Katerina Sebkova and Vladimir Lenev (Central and Eastern Europe); Gillian Guthrie and Fernando Lugris (Latin America and the Caribbean); Nina Cromnier and John Thompson (Western Europe and Others). Nina Cromnier was elected Rapporteur.

The Secretariat introduced the draft rules of procedure (UNEP(DTIE)/Hg/INC.1/3) and listed several editorial amendments. Mexico drew attention to a translation-related error, and the meeting adopted the amended document by acclamation. The Committee adopted the provisional agenda (UNEP(DTIE)/Hg/INC.1/1) without amendment.

### PREPARATION OF A GLOBAL LEGALLY BINDING INSTRUMENT ON MERCURY

Chair Lugris proposed a structure for the week's work, expressing hope that INC 1 will, *inter alia*: identify and discuss options for the instrument's structure; explore in a preliminary fashion each issue in paragraph 27 of UNEP Governing Council Decision 25/5; identify provisions which require further consideration and those which are less controversial; and identify areas which may require intersessional work by the Secretariat.

The Secretariat introduced a negotiation tracking tool (UNEP(DTIE)/Hg/INC.1/6), explaining that it is currently an empty matrix, which could be used to track the Committee's progress relating to obligations, financial and technical assistance, capacity building, and compliance. MEXICO emphasized the need for goals and indicators for compliance with commitment for financial and technical assistance, and requested the Secretariat to adjust the matrix accordingly.

Nigeria, on behalf of the AFRICAN GROUP, hoped that the legally-binding instrument on mercury would be broad in scope and would include issues concerning technology transfer, low-cost solutions for mercury alternatives for developing countries and countries with economies in transition, as well as emphasizing the extended producer responsibility approach to decrease the economic desirability of mercury use.

Spain, for the EU MEMBER STATES, noted that compliance will be important in creating a secure environment for the negotiations, and welcomed broad participation for greater confidence building. The European Commission, for the EU, reiterated their commitment to obtain a legally-binding instrument on mercury, but noted that due to the absence of "formal authorization to negotiate," the EU and its member states would be unable to engage in negotiations that would affect the bloc's common law on mercury.

Chile for GRULAC highlighted importance of: capacity building and transfer of technology; transparency, inclusiveness, participation of all the countries; access to documentation; reaching agreement by consensus; and avoiding overlapping meetings. The Russian Federation, for CENTRAL and EASTERN EUROPE, said this instrument would protect human health and the environment.

Egypt, for the ARAB GROUP, said that the new agreement should enable the governments to take trade measures to control mercury pollution on an equal basis, taking into account

the interests of all countries. GRULAC, the ARAB GROUP, URUGUAY, BRAZIL, INDONESIA, COLOMBIA, IRAN and CHINA highlighted the principle of common but differentiated responsibilities, and the importance of a financial mechanism. Japan, for ASIA AND THE PACIFIC, noted the region's position would be presented later. URUGUAY offered to host INC 4. BRAZIL committed to actively participate in the negotiations, and offered to host INC 5.

JAPAN expressed strong support for a legally-binding instrument on mercury, offered to host INC 2, and suggested naming the instrument "Minamata Convention on Mercury." CHINA reaffirmed his government's support for international action to control mercury, and highlighted need for data and information. SWITZERLAND committed to support the INC process, and offered to host INC 5. INDONESIA said the instrument should only apply to mercury, and said capacity building and technology transfer should be prioritized.

NEW ZEALAND recommended focusing on human activities that contribute to mercury, and highlighted the importance of designing the instrument to complement others, particularly the Basel Convention. BANGLADESH emphasized that least-developed countries should be exempted or given a grace period for compliance, and underscored the need to avoid the financial assistance problems of other conventions.

NORWAY called for substantial emissions reductions using alternative technologies, practices and products, and cited the Stockholm Convention on POPs as a structural example. CANADA noted that the country's population and environment are particularly affected by mercury releases originating outside the country, and emphasized the need to avoid duplications with other instruments. COLOMBIA underscored the needs of developing countries and the importance of funding mechanisms.

AUSTRALIA emphasized the need to find solutions that are science-based and tested against the criteria of effectiveness, efficiency, and practicality. ICELAND encouraged the use of available scientific knowledge to find viable alternatives to mercury.

INDIA said the INC should encourage public-private partnerships to further stimulate the elimination of mercury. JORDAN stressed the need to develop tools for the provision of information on mercury elimination.

The US reminded delegates of the threat of exposure to mercury to the health of women and children, and especially among indigenous peoples. IRAQ noted the challenge of closing old chlor-alkali factories. HAITI called on developed countries to find alternatives that are reliable and affordable.

NIGERIA called for greater involvement of all stakeholders in implementing the Global Mercury Partnership, and with KENYA, CUBA and SOUTH AFRICA, stressed importance of a financial mechanism and technology transfer. SUDAN and KENYA emphasized the importance of means of implementation. The PHILIPPINES reported that his country is developing a strategy to phase out mercury in the ASGM sector, and highlighted the importance of public participation in treaty negotiations.

SOUTH AFRICA said the mercury instrument should be realistic and not duplicate efforts made under other instruments. PANAMA called for cooperation and support from developed countries in addressing mercury pollution. PAKISTAN noted that his country has a high number of people exposed to mercury.

OMAN emphasized the importance of awareness-raising campaigns. TANZANIA noted that approximately 20 million Tanzanians depend on ASGM for their livelihoods and said Tanzania has implemented activities to eliminate the use of mercury. HONDURAS highlighted the difficulties of immediate elimination of mercury amalgams in dentistry.

BURKINA FASO emphasized that while it does not produce mercury, its population is affected by mercury pollution and offered to host INC 3.

The BASEL CONVENTION REGIONAL CENTER (BCRC), Egypt, encouraged the use of expertise and facilities of the BCRCs for training and technology transfer. WHO outlined the organization's activities related to mercury, and noted that 5,600 hospitals have committed to become or are now mercury-free.

ILO noted that the workforce involved in decommissioning mercury establishments will be exposed to mercury and stressed the need to remember these workers during development of the legally-binding instrument. The GLOBAL ENVIRONMENT FACILITY (GEF) noted that the fifth GEF replenishment package includes US\$20 million for pilot projects on mercury.

IPEN emphasized that mercury is more than a series of technical challenges and said complex cultural, social, and labor dynamics must be addressed in developing the instrument.

The ZERO MERCURY GROUP called for, *inter alia*: a ban on elemental mercury; systematic phase-out of mercury-containing products; promotion of the use of non-mercury and lower mercury uses in ASGM; and provision of financial and technical assistance to ensure effective implementation of the treaty.

The GLOBAL NETWORK OF HEALTH PROFESSIONALS urged delegates to formulate a strong instrument including concrete commitments and sufficient resources. The WORLD MEDICAL ASSOCIATION and the SUSTAINABLE DEVELOPMENT POLICY INSTITUTE pledged support for the phase-out of mercury. Highlighting that dental amalgam is 50% mercury, the WORLD ALLIANCE FOR MERCURY FREE DENTISTRY called for the legally-binding instrument to set a date for banning mercury in amalgam. The INTERNATIONAL INDIAN TREATY COUNCIL stressed that many indigenous peoples live in remote communities and that forcing them to avoid mercury-contaminated traditional foods is unacceptable, and violates human rights.

**Objectives of the instrument:** The Secretariat introduced the document on options for substantive provisions that might be included in the mercury instrument (UNEP(DTIE)/Hg/INC.1/5).

GRULAC stressed the need to tackle the conditions governing the instrument, especially the financial mechanism. The EU MEMBER STATES urged consideration of the concept rather than the content. JAPAN emphasized that the objective must be clearly stipulated, avoid ambiguous statements, and should not include reference to a complete elimination of mercury.

CANADA stressed a concise objective with realistic goals and emphasized the need to consider mercury life-cycles. The US and JAMAICA urged a combination of actions and outcomes in the objective. Uganda, for the AFRICAN GROUP, suggested "life-cycle approach" and "ultimate elimination" as key words for inclusion in the objective. CHINA suggested including protection of human health, reduction of mercury releases, capacity building, and technology transfer.

NORWAY and AUSTRALIA favored "minimizing and where feasible ultimately eliminating" anthropogenic mercury releases. INDIA preferred a simple statement of objectives, as opposed to a comprehensive set of actions. INDONESIA supported the objectives to ensure collaborative action at all levels in order to protect human health and the environment from anthropogenic mercury releases. SWITZERLAND favored a brief general discussion and suggested referencing the protection of human health and the environment from anthropogenic mercury releases. IPEN said the objectives should be broad and take into consideration vulnerable groups.

### IN THE CORRIDORS

Relaxed, optimistic and hopeful all describe the attitudes of delegates on the first day of INC 1, a process set to comprise at least five meetings within the next three years. Most suggested INC 1 is primarily about airing views and setting the direction for the negotiation, seeming unconcerned about achieving progress on specific aspects of the instrument during the week.

Some developing countries expressed optimism that the eventual instrument, and even the negotiating period itself, would draw attention to the issue of mercury, allowing them to leverage funds and implement crucial activities.