

FOURTH MEETING OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE TO PREPARE A GLOBAL LEGALLY BINDING INSTRUMENT ON MERCURY: 27 JUNE-2 JULY 2012

The fourth session of the Intergovernmental Negotiating Committee to Prepare a Global Legally Binding Instrument on Mercury (INC4) will meet from Wednesday, 27 June, to Tuesday, 2 July 2012, in Punta del Este, Uruguay and continue to negotiate the text of a treaty to regulate mercury use at a global scale. INC4 is the fourth of five meetings that are scheduled to convene prior to the 27th session of the United Nations Environment Programme Governing Council/Global Ministerial Environment Forum (UNEP GC-27/GMEF), to be held in 2013, where the negotiations are expected to conclude with the adoption of an international treaty.

During the week, delegates will negotiate on the basis of a text compiled by the Secretariat with a view to finishing substantive discussions on key items, to allow for conclusion of negotiations at INC5.

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 mercury-containing products, 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.

Since 2001, the UNEP GC/GMEF has regularly discussed the need to protect human health and the environment from the releases of mercury and its compounds.

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 ranged from starting a negotiating process for 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. The UNEP Executive Director was requested to prepare a report on mercury emissions and strengthen the UNEP mercury partnerships. An *ad hoc* open-ended working group (OEWG) of government and stakeholder representatives was established to review and assess options for enhanced voluntary measures and new or existing international legal instruments for addressing the global challenges posed by mercury.

Decision 24/3 IV includes the following priorities: to reduce atmospheric mercury emissions from human sources; to find environmentally sound solutions for the management of waste containing mercury and mercury compounds; to reduce global mercury demand related to use in products and production processes; to reduce the global mercury supply, including considering curbing primary mining and taking into account a hierarchy of sources; to find environmentally sound storage solutions for mercury; to address the remediation of existing contaminated sites affecting human and environmental health; and to increase knowledge on areas such as inventories, human and environmental exposure, environmental monitoring and socio-economic impacts.

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. 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 for which effective substitutes exist; and funding available through the Global Environment Facility and the Strategic Approach to International Chemicals Management.

SECOND MEETING OF THE OEWG ON MERCURY:

The second meeting of the OEWG on Mercury convened in Nairobi, Kenya, from 6-10 October 2008. The OEWG discussed a future mercury framework including: elements to be addressed by a mercury framework; the type of framework to be used; and the capacity-building, financial and technical support required to deliver on identified elements. Delegates agreed on one legally binding option and three voluntary options for consideration by the UNEP GC.

25TH SESSION OF THE UNEP GOVERNING

COUNCIL/GMEF: UNEP GC-25/GMEF took place from 16-20 February 2009 in Nairobi, Kenya. Decision GC 25/5 agreed 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. It also requested the Executive Director to convene one OEWG meeting in 2009, and an intergovernmental negotiating committee (INC) commencing its deliberations in 2010 with the goal of completing its work by GC-27/GMEF in 2013. Agreement could not be reached on “leaving the door open” to consider other heavy metals, but the decision does recognize that the mandate of the INC may be supplemented by future GC decisions.

AD HOC OEWG TO PREPARE FOR THE INC ON

MERCURY: This meeting convened from 19-23 October 2009 in Bangkok, Thailand. The OEWG agreed to recommend rules of procedure to the INC, as well as intersessional work for the Secretariat to prepare documentation for the INC, including options for the structure of the instrument and a description of options for substantive provisions.

FIRST SESSION OF THE INC TO PREPARE A GLOBAL LEGALLY BINDING INSTRUMENT ON

MERCURY: INC1 convened from 7-11 June 2010 in Stockholm, Sweden. Delegates exchanged views on key elements of a convention, including: objectives; structure of the instrument; capacity building and technical and financial assistance; compliance; issues of supply, demand, trade, waste and storage; atmospheric emissions of mercury; and awareness raising and information exchange. The key outcome of INC1 was

a request to the Secretariat to draft “elements of a comprehensive and suitable approach” to a legally binding instrument, which would serve as a basis for negotiation at INC2.

SECOND SESSION OF THE INC TO PREPARE A GLOBAL LEGALLY BINDING INSTRUMENT ON

MERCURY: This meeting convened from 24-28 January 2011 in Chiba, Japan. INC2 marked the first opportunity for delegates to start negotiations on text of potential elements for the mercury instrument, contained in a paper prepared by the Secretariat. INC2 achieved a first full reading of the paper and mandated the Secretariat to prepare a new draft text for further negotiation at INC3.

THIRD SESSION OF THE INC TO PREPARE A GLOBAL LEGALLY BINDING INSTRUMENT ON

MERCURY: This meeting convened from 31 October – 4 November 2011 in Nairobi, Kenya. INC3 completed a comprehensive review of the text of the draft instrument and requested the Secretariat to compile a revised draft text based on the plenary negotiations, the reports of the INC3 contact groups, and the work of the Legal Group.

INTERSESSIONAL HIGHLIGHTS

EXPERT MEETING ON FINANCIAL RESOURCES:

Following a request by INC3, the Co-Chairs of the contact group on financial resources and technical and implementation assistance, Adel Shafei Osman (Egypt) and Johanna Lissinger Peitz (Sweden), prepared a proposal for articles 15 and 16 of the draft text on those two issues. A meeting of experts was held in Inárcs, Hungary, from 11-13 April 2012. The advice given by experts at this meeting provided the background for the conceptual approach to financial resources, and technical assistance for the mercury instrument and possible text for articles 15 and 16 submitted by the Co-Chairs to INC4 (UNEP(DTIE)/Hg/INC.4/4).

REGIONAL CONSULTATIONS: Regional consultations in preparation for INC4 were held in Pretoria, South Africa, from 8-10 May 2012 for the African Group; Kuala Lumpur, Malaysia, from 15-17 May 2012 for the Asia and Pacific Group; Brasilia, Brazil, from 21-25 May 2012 for the Latin America and the Caribbean Group; and in Lodz, Poland, from 29-30 May 2012 for the Central and Eastern Europe Group.

RIO +20 CONFERENCE: The UN Conference on Sustainable Development (Rio +20) took place in Rio de Janeiro, Brazil, from 20-22 June 2012. It adopted a paragraph referring to the negotiation of an instrument on mercury stating that countries “welcome the ongoing negotiating process on a global legally binding instrument on mercury to address the risks to human health and the environment and call for a successful outcome of the negotiations.”