

MERCURY INC4 HIGHLIGHTS: WEDNESDAY, 27 JUNE 2012

The Fourth Session of the Intergovernmental Negotiating Committee to Prepare a Global Legally Binding Instrument on Mercury (INC4) opened on Wednesday, 27 June 2012 at the Conrad Resort in Punta del Este, Uruguay, to continue negotiations on a treaty to regulate mercury use at a global scale. Plenary meetings were held in the morning and afternoon, with contact groups meeting in the afternoon and evening to finalize their consideration of items outstanding from INC3, including artisanal small-scale gold mining (ASGM), wastes and storage, and information and awareness raising.

OPENING CEREMONY

Following a short cartoon on mercury and a performance by a children's choir, Fernando Lugris, INC Chair, Uruguay, opened the meeting, underscoring that mercury is a global problem warranting a global solution adapted to everyone's reality. Monique Barbut, CEO of the Global Environment Facility (GEF), detailed several GEF mercury projects, noted that the INC negotiations will conclude as the negotiations for the GEF's 6th replenishment are underway, and called on the INC to consider conveying a message to the GEF on resources needed for a mercury convention. Achim Steiner, Executive Director of UNEP, speaking via a video-message, called on negotiators to move beyond initial positions and "reach across the table." Luis Almagro, Minister of Foreign Affairs, Uruguay, called on participants to take big strides towards the fifth and final session of the INC so as to establish a sound, dynamic regime to protect the environment and human health from mercury risks. A video was projected on the risks of ASGM and best practices promoted by UNEP in small gold-producing communities around the world.

PLENARY

ORGANIZATIONAL MATTERS: Participants adopted the agenda and organization of work for the meeting (UNEP(DTIE)/Hg/INC.4/1 and 4/2).

GENERAL STATEMENTS: Guatemala, for the LATIN AMERICA AND CARIBBEAN GROUP (GRULAC), expressed support for a treaty that includes, *inter alia*: the common but differentiated responsibilities (CBDR) and polluter pays principles; both binding and voluntary approaches; a realistic approach so that control measures come with means to implement them, including through viable alternatives to mercury use; and an appropriate financial mechanism to enable compliance by all developing countries.

The European Union (EU) said it would present for consideration proposals on atmospheric emissions, storage and waste, and compliance.

Japan, for the ASIA-PACIFIC GROUP, called for an instrument that is both effective and practical, and which embraces both voluntary and mandatory approaches to reflect the different capacities of countries, and in particular developing countries and small island developing states (SIDS).

Zambia, on behalf of the AFRICAN GROUP, *inter alia*: supported retaining text on health aspects (Article 20bis); called for better international efforts to control exports of mercury-containing wastes to prevent Africa from becoming a "dumping ground;" and supported mandatory obligations for specific reduction targets.

The Russian Federation, on behalf of the EASTERN EUROPEAN GROUP, welcomed the results of intersessional work and expressed hope that these would be taken as a basis for discussion at INC4.

Iraq, on behalf of the ARAB GROUP, said oil and gas cannot be considered a significant source of mercury emissions and called for discussion on this point to be finalized at INC4.

The US said air emissions from all sources must be reduced if the convention is to achieve participants' shared objectives.

MEXICO emphasized the need for clarity on means of implementation and, with CHILE, supported inclusion of explicit references to human health.

SWITZERLAND emphasized the need for countries to move beyond initial expectations by looking for creative solutions that can accommodate all interests, while keeping collective ambition high. INDONESIA underscored the importance of finalizing the text on ASGM. JORDAN emphasized the need to seek creative solutions and flexibility on remaining issues.

CHINA stressed the importance of the principle of CBDR and highlighted the significance of the financial mechanism to all developing countries, including China.

INDIA called for a coherent yet flexible approach to the different mercury sources that balances the needs of job creation with health and environmental protection. With INDONESIA and CUBA, he called for an independent financial mechanism.

CHILE proposed defining the objective of the treaty at INC4; promoting mercury labeling, and accessible and economically-viable best available techniques and best environmental practices (BAT/BEP), including for storage; as well as flexible control measures.

JAMAICA, supported by CUBA, underscored the need to accommodate the needs of SIDS and least developed countries (LDCs) in different sections of the text.

Stressing that trade in mercury-containing products had nearly tripled since the last INC, the PHILIPPINES called for trade control measures that make traders accountable and require them to include waste disposal in pricing structures.

Noting Colombia is home to one of the most contaminated mercury sites in the world, COLOMBIA urged, *inter alia*, adoption of a strong compliance mechanism, and banning trade with non-parties to encourage ratification.

NIGERIA highlighted its efforts to raise public awareness around mercury, and called for promotion of mercury-free products and take-back schemes for mercury-containing products. SRI LANKA stressed the importance of sound technology transfer and appropriate financial assistance.

WHO drew attention to documents on regulatory perspectives on thimerosal in vaccines, and on informal consultations held in April 2012 to develop further guidance on vaccines. A member of the Chilean legislature discussed a new law seeking to phase out thimerosal in vaccines, which she said embraced a precautionary approach to protect vulnerable groups, and asked WHO not to be an "obstacle to risk-free vaccines." The INTERNATIONAL PEDIATRIC ASSOCIATION called on governments to support allowable-use exemptions for vaccines. SAFEMINDS, underscoring that mercury exposure can have a cumulative impact, supported inclusion of text on health aspects.

ZERO MERCURY WORKING GROUP called for, *inter alia*, "ending toxic trade" in mercury and phasing out primary mercury mining. With IPEN, it supported including the precautionary and polluter pays principles in the mercury treaty. IPEN called for addressing mercury releases in all media, not only the atmosphere, and supporting safer alternatives to mercury-containing products.

HUMAN RIGHTS WATCH called for mandatory national implementation plans and inclusion of both environmental and public health strategies.

The INTERNATIONAL FEDERATION FOR ANIMAL HEALTH urged consideration of the implications of the mercury treaty on veterinary vaccination programs, which she said were essential to ensure animal welfare. The GLOBAL INDIGENOUS PEOPLES CAUCUS requested that references to vulnerable populations include the phrase "and Indigenous Peoples".

A number of dental organizations intervened. Some warned that suitable alternatives to dental amalgam are not yet available, while others highlighted the effectiveness and efficiency of alternatives and called for a ban of mercury in dentistry.

PREPARATION OF A GLOBAL LEGALLY BINDING INSTRUMENT ON MERCURY: On Wednesday afternoon, the Secretariat introduced the documents that will serve as the basis for negotiations, and the revised draft text (UNEP(DTIE)/Hg/INC.4/3 Annex I).

ASGM: Chair Lugris introduced Section F on ASGM and re-established a contact group to finalize the draft text, co-chaired by Donald Hannah, New Zealand, and Felipe Ferreira, Brazil.

Wastes and storage: Chair Lugris introduced Section H (storage, wastes and contaminated sites). The EU presented a proposal to clarify aspects of this issue (CRP.6). CHILE suggested that definitions be included in a separate chapter at the beginning of the treaty. IRAQ called for special attention to be paid to the issue of contaminated sites. JAPAN and AUSTRALIA underscored the need for consistency with the Basel Convention, while NORWAY noted that Basel does not have specific requirements for mercury-contaminated sites. SWITZERLAND suggested taking a lifecycle approach to wastes and storage, and called for the contact group to define storage.

The US, with the AFRICAN GROUP, said the guidance on commodity mercury is an outstanding issue and noted the importance of regional cooperation on storage. The AFRICAN GROUP called for the inclusion of mandatory inventory and site characterization requirements, and for awareness raising for local communities. The PHILIPPINES called on the INC to address non-party transfers of mercury. IPEN, with the ZERO MERCURY WORKING GROUP, supported including the polluter pays principle, with IPEN calling on the INC to create

an inventory of contaminated sites. Chair Lugris established a contact group chaired by Anne Daniel, Canada, and Adel Shafey Osman, Egypt.

Information Sharing: Chair Lugris invited comments on Section J, articles 18-19 (information exchange, and public information, awareness and education). The EU, supported by IPEN and ZERO MERCURY WORKING GROUP, favored deleting text qualifying public information, emphasizing that information related to mercury-related health risks should never be confidential, and proposed incorporating text on cooperation with other chemicals-related agreements and the Strategic Approach to International Chemicals Management (SAICM). JAPAN favored retaining text on immediately sharing information on chemical health hazards with the international community, and the AFRICAN GROUP highlighted a broad information sharing approach, with TANZANIA focusing on labeling requirements. A contact group co-chaired by Alejandro Rivera, Mexico, and Daniel Ziegerer, Switzerland, was established.

CONTACT GROUPS

ASGM: The contact group met in the afternoon to develop cleaner text for consideration by the INC. Participants looked at article 9 on ASGM and annex E on elements for national action plans (NAPs) on ASGM, starting with sections in the annex where agreement would be easier to reach. Among other things, participants agreed that ASGM NAPs "shall" include strategies to prevent mercury exposure by vulnerable populations, including children and women of child-bearing age, "especially" pregnant women. They also agreed that parties "shall" take steps to reduce, and where feasible eliminate, mercury use in ASGM. The group continued discussions into the evening.

STORAGE, WASTE AND CONTAMINATED SITES: The contact group addressed contaminated sites, discussing the need to carry out risk assessments on mercury-contaminated sites "where appropriate." The group also debated whether or not the Conference of the Parties (COP) will develop, and/or adopt guidance on principles of contaminated site management. Some countries preferred that the COP adopt specifically defined guidelines, with others preferring open-ended guidelines. One country proposed that the COP "take into account" the list of issues to be included in the guidance. The group also discussed mercury wastes, specifically text referring to the definition and provisions of the Basel Convention, and continued discussions into the night.

AWARENESS RAISING: The contact group met to start streamlining the text on information and awareness raising and continued discussions into the night.

IN THE CORRIDORS

Energy and enthusiasm suffused the first day of INC4, with participants preparing to tackle the penultimate round of negotiations to prepare a global instrument on mercury and bracing for long hours of hard work. Indeed, as three contact groups were challenged to finalize their work by the second day of this six-day meeting, many delegates commented that the unorthodox lunchtime scheduling of the host country reception, attested to the marathon ahead.

One veteran participant said the progress achieved intersessionally placed INC4 much further along the road to achieving its goals than it was at the conclusion of its work in Nairobi. Indeed, while the latter days of INC3 saw many delegates taking hard lines on a range of complex and interconnected issues, delegates found in Punta del Este evidence of a renewed sense of common purpose and signals of movement in key delegations towards more flexibility and compromise within the INC process.