

MERCURY INC4 HIGHLIGHTS: THURSDAY, 28 JUNE 2012

INC4 met in Plenary throughout the day to deal with reports from contact groups, as well as emissions and releases, financial and technical assistance, and compliance matters. Contact groups also met throughout the day to discuss: technical assistance; storage, wastes and contaminated sites; emissions and releases; and research, development and monitoring.

PLENARY

PREPARATION OF A GLOBAL LEGALLY BINDING INSTRUMENT ON MERCURY: Storage, wastes and contaminated sites:

Reporting back to Plenary, contact group Co-Chair Anne Daniel noted that the group had addressed outstanding issues on contaminated sites and made progress on the definitional aspects of wastes. She said that the transboundary movement of mercury-containing waste and storage were yet to be discussed. Delegates agreed to continue discussions in the contact group. In the afternoon, Co-Chair Daniels reported that text on contaminated sites had been finalized (CRP.16) and delegates agreed to forward it to the legal drafting group (LDG), and that the contact group continue considering text on wastes and storage.

ASGM: Contact group Co-Chair Donald Hannah reported on the deliberations on Article 9 (Artisanal small-scale gold mining (ASGM)), noting CRP.10 reflects an agreed text for Article 9 as well elements to be included in national action plans (NAPs) on ASGM (Annex E). He said outstanding issues with brackets refer to: import and export of mercury for use in ASGM; a related provision on imports in the annex; and financial and technical assistance. NIGERIA urged further discussion on whether criteria should be developed to determine when ASGM was “more than insignificant,” noting that the obligation to produce NAPs on ASGM depended on this determination. Delegates referred CRP.10 to the LDG for final refinement.

Information Exchange, Public Information Awareness and Education: Contact group Co-Chair Daniel Ziegerer introduced CRP.9 on Section J, Articles 18-19, noting brackets remain on whether information on the health and safety of humans and the environment could be regarded as confidential according to the national laws of each country. He explained outstanding issues depend on the resolution of related sections on: trade; products and processes; research, development and monitoring; and health aspects. The Committee agreed to forward CRP.9 to the LDG.

Research, Development and Monitoring: Participants addressed this topic (Article 20), agreeing to forward it to the contact group on Section J. The EU said provisions for research and monitoring should build on existing programmes. IPEN stressed that monitoring should address all populations at risk

and consider diets and contaminated sites. WHO suggested avoiding duplication of monitoring methodologies. After the contact group’s lunchtime meeting, Co-Chair Alejandro Rivera reported that the group had reached agreement on all provisions, except for a reference to information on commerce and trade in mercury and mercury-added products that remains bracketed pending resolution of other sections.

Emissions and Releases: INC3 contact group Co-Chair John Roberts (UK) introduced a paper prepared intersessionally on this item with two possible approaches to addressing Articles 10-11 (UNEP(DTIE)/Hg/INC.4/5): “Approach A” would commit parties to taking particular measures to control and/or reduce emissions but allow flexibility to reflect national circumstances, and “Approach B” would commit parties to creating national plans for reducing and controlling releases of mercury. The EU noted its proposal to enact the ideas in the Co-Chairs’ paper, with best available techniques (BAT) as a main element (CRP.4). INDIA said its submission prepared jointly with China (CRP.11), emphasizes the importance of flexibility and common but differentiated responsibilities, and noted that coal-based electricity generation is crucial for development.

The AFRICAN GROUP supported Approach A, said these articles should not be barriers to economic growth and development, and called for new financial resources and technical support for implementation.

Japan, on behalf of the ASIA-PACIFIC GROUP, said many countries in the region prefer Approach A, and called for consideration of elements not included in the Co-Chairs’ paper, including Annex F on “[unintentional] atmospheric emissions.”

JAPAN and SWITZERLAND emphasized focusing on major releases to water and land, while the US said all parties should be required to reduce emissions from all sources. The US added that a flexible approach relies on the use of BAT for new sources and thus does not require closure of existing plants.

IRAQ emphasized the need for assistance to developing countries for implementation of BAT and, supported by SAUDI ARABIA and VENEZUELA, called for exclusion of the oil and gas sectors from control measures.

CANADA called for robust articles outlining actions to reduce atmospheric emissions and stressed the need for a baseline against which to measure reductions. NEW ZEALAND called for flexible, binding commitments for all parties. NORWAY recognized parties’ need for electricity and said BAT is an important means of achieving substantial emissions reductions.

GRULAC highlighted their proposal to combine both articles into one dealing with emissions and releases in an integral manner (CRP.12).

WHO called for a solution that delivers health benefits. IPEN said releases to all media should be addressed. ZERO MERCURY WORKING GROUP said transfers from one media to another must be controlled, and thresholds, if included, need to be developed. The INUIT CIRCUMPOLAR COUNCIL highlighted that Arctic populations are exposed to mercury from global emissions, fish, and, as a result of climate change, releases of mercury from thawing permafrost.

A contact group, co-chaired by John Roberts (UK) and Juan Miguel Cuna (the Philippines), was established. In the afternoon, Co-Chair Roberts reported that the group had discussed common issues that do not depend on the choice of approach, and was unable to agree on whether oil and gas should be included in the list of sources for atmospheric emissions. He explained that the Co-Chairs had drafted a text to serve as the basis of further discussions (CRP.17) in the contact group, which continued to meet in the evening.

Compliance and Implementation: The Secretariat presented two options on Article 17, namely, "Option 1" establishing an implementation or compliance committee, and "Option 2" establishing one or more committees to deal with compliance in control measures, as well as financial and technical support obligations.

Supporting Option 1, the EU said equal weight should be given to a compliance committee and a financial mechanism in the text of the convention. JAPAN said the compliance committee should be established promptly, and SWITZERLAND and the US said it should focus on implementation.

Supporting Option 2, CHINA emphasized that the context of a compliance mechanism will determine its effectiveness and, with INDIA, BRAZIL and CUBA, underscored the link between compliance and commitments on financial and technical assistance and technology transfer. ARGENTINA also said it may be premature to discuss compliance before obligations and required financial resources are agreed upon.

CANADA called on delegates to consider the underlying reasons for the establishment of a compliance mechanism. GRULAC, COLOMBIA and CHINA emphasized the need for a facilitative, non-punitive, and non-confrontational approach. Many countries called for discussions on the mechanism to take into account lessons learned from other MEAs, particularly in the chemicals and wastes cluster.

Chair Lugris established a contact group on compliance and implementation co-chaired by Tuomas Kuokkanen (Finland) and Jimena Nieto (Colombia).

Financial Resources and Mechanism, and Technical Assistance: Intersessional Co-Chairs Adel Shafei Osman and Johanna Peitz reported on intersessional work and introduced their proposal for a conceptual approach and possible text for Articles 15-16 (UNEP(DTIE)/Hg/INC.4/4). Delegates agreed to use this text as a basis for discussion.

IRAN introduced a proposal, submitted with several other countries, calling for establishment of a technology transfer mechanism under the convention (CRP.13). GRULAC introduced a proposal (CRP.14) that, *inter alia*, calls for a stand-alone financial mechanism. The AFRICAN GROUP, CHINA, JAMAICA, THE PHILIPPINES, JORDAN and ZERO MERCURY WORKING GROUP also supported a dedicated fund.

JAPAN opposed a stand-alone mechanism, and the US, the EU and NORWAY favored using GEF. JAPAN added that all member states should contribute to the fund, while JAMAICA and NEPAL underscored that SIDS and LDCs would not be in a position to contribute. The US stressed the need to include voluntary contributions from all parties, and, with JORDAN and the ASIA PACIFIC GROUP, highlighted the importance

of mobilizing private sector contributions. The ASIA PACIFIC GROUP also called for resources to be accessible before entry into force.

The US and SWITZERLAND opposed making implementation of obligations conditional upon availability of funding.

ALGERIA called for capacity-building assistance and technology transfer for mercury-producing developing countries to offset the costs of implementation. ZERO MERCURY WORKING GROUP and IPEN urged private sector involvement, citing the polluter pays and extended producer responsibility principles.

A contact group, co-chaired by Felipe Ferreira (Brazil) and Johanna Peitz (Sweden) was established to discuss Articles 15-16, using the Co-Chairs' document as a basis for deliberations (UNEP(DTIE)/Hg/INC.4/4).

Partnerships: The Secretariat introduced article 16bis that provides for the establishment of partnerships by parties, COP guidance, and a partnership framework. This issue was referred to the contact group on finance.

CONTACT GROUPS

STORAGE, WASTES AND CONTAMINATED SITES:

The contact group reconvened in the evening and discussed guidelines, guidance and requirements for the environmentally sound management (ESM) of mercury wastes, and an EU proposal on specific requirements for storage sites and ESM of elemental mercury and mercury compounds that are wastes. Delegates agreed to delete references to "guidance" and retain "guidelines developed under the Basel Convention."

Some delegates objected to the inclusion of text referencing "requirements," saying that these may cause countries without storage sites to be in non-compliance. Others suggested that binding requirements would spur parties to take tangible steps to address mercury storage, and pushed for inclusion of an annex describing specific requirements for action. In the evening, delegates continued discussing outstanding issues on wastes and storage.

Emissions and Releases: The contact group on Section G met during lunch and reconvened in the evening to exchange general views on the Co-Chairs' text presented in Plenary.

Financial Resources and Technical Assistance: The group began consideration of technical assistance and proposed the inclusion of additional elements to the text, including on synergies with other conventions, guidelines for the diversity and specificity of technical assistance related to mercury, and the importance of technology transfer. The group also began consideration of financial resources.

IN THE CORRIDORS

As delegates dug into their second day of work, many commented that the "gentle pressure" exerted by Chair Lugris is paying off as delegates work cooperatively and purposefully to move through INC4's agenda. A few participants cautioned that contact group discussions on seemingly uncontroversial issues were taking considerable time. One delegate noted, "We have seen progress in the group on contaminated sites, but we keep going in circles on storage and wastes." Another emphasized that strong commitment to cooperation will be required to reach compromise on "thornier" issues, such as finance and emissions. Most, however, said it is unrealistic to expect agreement on the most challenging issues before the final round of negotiations at INC5. They expressed both satisfaction with the amount of work completed so early in the meeting and optimism about the days ahead, pointing to several sections of draft text that have already been submitted to the legal group as evidence of progress.