

MERCURY INC4 HIGHLIGHTS: FRIDAY, 29 JUNE 2012

The Fourth Session of the Intergovernmental Negotiating Committee to Prepare a Global Legally-binding Instrument on Mercury (INC4) met in Plenary in the morning to hear reports from contact groups, and to discuss how to regulate mercury in products and processes. Contact groups met throughout the day and into the night on compliance matters, emissions and releases, products and processes, financial resources and technical assistance, and Section J (Awareness raising, research and monitoring, and communication of information). A “Swiss break” was also held in the evening to allow for delegates to interact informally and seek solutions to outstanding issues.

PLENARY

PREPARATION OF A GLOBAL LEGALLY BINDING INSTRUMENT ON MERCURY:

Emissions and releases: Contact group Co-Chair Cuna reported that the group considered a non-paper integrating various submissions on the issue, but since several parties requested the inclusion of other key issues, a revised non-paper would be available for consideration by the contact group in the afternoon.

Storage, wastes and contaminated sites: Contact group Co-Chair Daniel reported that the outstanding issue in discussions of both storage and wastes was on the necessity of guidance or requirements for action to be taken. She requested delegates to meet informally to try to resolve this issue, contained in a non-paper, and said that if no resolution is reached, the issue should be taken up at INC5. She noted that the group “for the moment” agreed to use the Basel Convention’s definitions of wastes. Expressing hope that this matter would be an “early harvest” for the Committee, Chair Lugris called on members of the contact group to meet informally to seek a solution.

Financial resources and technical assistance: Contact group Co-Chair Ferreira reported that: the group had gone through a preliminary discussion on technical assistance, many delegates had requested a separate article on technology transfer, and the group would meet again in the afternoon.

Products and processes: JAPAN introduced its joint submission with Jamaica and the Russian Federation (CRP.1), which summarizes intersessional work and combines “positive list” and “negative list” approaches to dealing with products and processes. The INC agreed to base discussions on this submission, and also consider the document on transitional arrangements presented by the Secretariat (UNEP(DTIE)/Hg/INC.4/6).

SWITZERLAND introduced its submission with Norway (CRP.15), and together with the AFRICAN GROUP, IPEN, and SAFEMINDS supported a “negative list” approach, whereby mercury use in specific products and processes would be allowed under a general ban.

The US and CANADA said a “positive list” approach that targets only the major mercury uses is more effective. The ASIA-PACIFIC GROUP said many countries in the region prefer the positive-list approach, with a grace period, called for clarification of the definition of “new” products, and supported the phasing-out of mercury in chlor-alkali production.

The AFRICAN GROUP presented its submission on products and processes (CRP.3) and emphasized, *inter alia*, the need to ensure mercury-added products are not exported to Africa. The WORLD ALLIANCE ON MERCURY-FREE DENTISTRY supported the African Group’s proposal and highlighted the importance of alternatives, consumer education and protecting children.

The EU said the instrument should not include exemptions, and, with the PHILIPPINES, said any allowable use exemptions should be restricted in number and time and subject to a robust review and control mechanism.

JAPAN strongly supported a general ban on mercury in industrial processes, while CHINA stressed the need for flexibility and awareness of China’s realities. He warned that while other countries are on a fast train to leaving behind mercury products and processes, China is still “on an ox-driven cart.” He highlighted China’s aim to halve mercury in vinyl chloride monomer (VCM) production, and with Sri Lanka, said control measures should exclude ingredients used in traditional medicines.

The REPUBLIC OF KOREA supported a “hybrid approach” based on a positive list and said transitional arrangements would help prevent non-compliance.

GRULAC and NEW ZEALAND called for a gradual phase-out as alternatives are developed and made available, with NEW ZEALAND calling for a practicable, workable import and export regime that is not burdensome and is adaptable to national approaches. JAMAICA called for a comprehensive regime applicable to all parties, but highlighted the need to clearly define the scope of products addressed and include a review mechanism to keep up with changes in products and processes.

Several developing countries emphasized the need for special consideration for countries with lower capacity to adopt mercury-free processes.

WHO presented the organization’s views on the use of mercury in dental amalgam and thimerosal in vaccines, and with the INTERNATIONAL PEDIATRIC ASSOCIATION, noted

that alternatives to multiviral vaccines entail higher costs and refrigeration, and are not viable alternatives for many developing countries. Stating that thimerosal is a “sinking ship” and calling access to “non-toxic vaccines” a human right, the COALITION FOR MERCURY-FREE DRUGS called on the INC to take action to ensure that the most vulnerable are not exposed to mercury poisoning. The WORLD DENTAL FEDERATION and the INTERNATIONAL FEDERATION FOR DENTAL RESEARCH supported the reduction of dental amalgam use, provided that individual country circumstances are taken into consideration.

ZERO MERCURY WORKING GROUP called for a ban on products and processes containing mercury. The EUROPEAN LAMP COMPANIES FEDERATION noted that it is possible to limit mercury content in mainstream lamps. SAFEMINDS called for a ban on mercury use in the health sector, particularly in the pharmaceutical and dental industries, and supported a phase-down approach. The INC established a contact group on products and processes and exemptions, co-chaired by Barry Reville (Australia) and David Kapindula (Zambia).

Section J: The INC agreed to send a paper on awareness-raising, research and monitoring, and communication of information (CRP.18) to the LDG. On effectiveness evaluation (Article 23), GUATEMALA, the EU and CANADA expressed support for the provisions contained in Article 23. The EU supported adoption of evaluation criteria and indicators, and called for the INC to take lessons from other MEAs on effectiveness evaluation, citing the Stockholm Convention as a good example. CANADA stressed that research and development are inputs to effectiveness evaluation and should not be viewed as substitutes for action. She also called for synergies between the Stockholm Convention and a future mercury convention. This issue was referred to the contact group on Section J.

CONTACT GROUPS

COMPLIANCE AND IMPLEMENTATION: The contact group began deliberations with a general discussion of the relationship between implementation and compliance, and of the characteristics, objective and purpose of an implementation/compliance mechanism, drawing on lessons learned from other MEAs. There was broad support for a facilitative approach, and for establishing a mechanism in the treaty text. Participants discussed whether provisions on triggers, composition, decision-making and measures were best elaborated in treaty text, in terms of reference, or in rules of procedure. Views diverged on whether it was premature to engage in these discussions prior to finalizing obligations under the treaty. In the evening, Co-Chair Nieto introduced a “non non-paper” that set out issues of convergence as “building blocks” and of divergence as “bullets.” Co-Chair Kuokkanen led participants through an exercise where delegates discussed those elements and the group then moved to identify the elements that could be included in the treaty text by consensus. Negotiations continued into the night.

PRODUCTS AND PROCESSES AND EXEMPTIONS: The products and processes contact group convened in the afternoon and reviewed CRP.1, heard presentations about the operation of the negative list approach, and discussed the experiences of some countries with negative and positive listing approaches. In the evening, the group reconvened to begin work on the convention text and architecture and continued discussions into the night.

SECTION J: The contact group discussed the information that would be considered within a periodic effectiveness evaluation of the treaty, discussing whether financial information and information on compliance and implementation would be considered in the evaluation.

EMISSIONS AND RELEASES: The contact group met to discuss a non-paper compiling the various country submissions on emissions and releases (Non-Paper 3). Participants considered, *inter alia*: whether parties should “reduce” or “control” atmospheric emissions; whether the development of inventories should be mandatory and, if so, subject to financial and technical assistance; whether best available techniques (BAT) should be mandatory for new air emissions sources above a certain threshold, or if some flexibility should be allowed; and whether atmospheric emissions should be dealt with in conjunction with, or separate from, releases to land and water.

FINANCIAL RESOURCES AND TECHNICAL ASSISTANCE: Contact group Co-Chair Ferreira introduced the non-paper, which addresses technical assistance and partnerships, reminding delegates of requests to create a stand-alone paragraph on technology transfer. Some delegates expressed their preference for addressing technology transfer under the broader theme of technical assistance, referring to similar practices under other MEAs. One delegation expressed its reservations about addressing technology transfer at all.

Delegates cleared text recognizing the provision of timely and appropriate technical assistance, but were unable to agree on whether this was “the condition for,” or “is essential to,” the success of the convention.

Discussing the obligation of parties to cooperate on capacity building, and technical assistance, delegates were unable to agree on whether the obligation applied to all parties, or just to developed countries. Views also diverged on whether technology transfer should be “promoted” or “provided,” with some stressing that the provision of technology transfer would raise intellectual property concerns, as the patents to these technologies are usually held by private entities and not governments.

On the means of providing technical assistance, the group discussed the scale of provision through arrangements or delivery mechanisms at the regional, subregional and national level, as well as cooperation and coordination with other MEAs in the field of chemicals and wastes.

IN THE CORRIDORS

Participants continued working in high gear on Thursday, shifting their work from plenary to a myriad of contact group discussions, including standing-room only sessions on emissions and products and processes. Spirits were boosted in an innovative “Swiss Break” – two hours dedicated to tango, food and conversation. Chair Lugris instructed all participants to set aside formal meetings and enjoy themselves during this time, and the reception proved to be a fertile ground for more relaxed discussions on difficult issues.

Many remarked on how hard participants are working, expressing satisfaction with progress thus far. However, China’s comment in plenary about the difference between those countries advancing towards mercury control in “high-speed trains” while others are riding in “ox-driven carts” provides an interesting image of challenges ahead: delegates in groups addressing information and effectiveness evaluation steadily advance in cleaning up text, while those discussing finance and emissions are still trying to identify common ground to ne the scope of this treaty, and some in the compliance group are tugging the reins in an effort to wait for progress in finance. Some delegates emphasized that the work of INC4 will be “end-loaded” and will require sustained energy over the remaining days.