

## SECOND MEETING OF THE *AD HOC* OEWG TO REVIEW AND ASSESS MEASURES TO ADDRESS THE GLOBAL ISSUE OF MERCURY: 6-10 OCTOBER 2008

The Second Meeting of the *Ad hoc* Open-ended Working Group (OEWG) to Review and Assess Measures to Address the Global Issue of Mercury begins today at UNEP Headquarters in Nairobi, Kenya.

During the OEWG delegates will review and assess options for enhanced voluntary measures and new or existing international legal instruments to address mercury and consider the report on activities under the UNEP Mercury Programme. Delegates are expected to consider the broad elements needed to address the mercury issue globally. Delegates will also consider the balance and/or combination of legally-based and voluntary or partnership components of a package to deliver these elements, and in what overarching framework those legally-based and voluntary components could best be organized.

The outcomes of the OEWG will be considered by UNEP Governing Council/Global Ministerial Environment Forum (GC/GMEF) at its twenty-fifth session, which will convene in February 2009. The OEWG's mandate, as set out in Governing Council Decision 24/3, requires the OEWG to develop options for addressing mercury and prepare a final report reflecting all views expressed, presenting options and any consensus recommendations. Should consensus recommendations not be reached, delegates will put forward to the GC/GMEF a small range of clearly identified alternative options, explaining the implications of each option.

### 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 products that contain mercury, 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.

### 21ST SESSION OF THE UNEP GOVERNING

**COUNCIL/GMEF:** The UNEP GC/GMEF discussed the need for a global assessment of mercury at its 21st session in February 2001 in Nairobi, Kenya. Decision 21/5 called for the initiation of a process to undertake a global assessment of mercury and its compounds, and requested that the results of the assessment be reported to the 22nd session of the Governing Council. It also decided to consider whether there is a need for assessments of other heavy metals of concern. The decision included a clause underlining the need to take preventive actions to protect human health and the environment, mindful of the precautionary approach.

### 22ND SESSION OF THE UNEP GOVERNING

**COUNCIL/GMEF:** At its 22nd session in February 2003 in Nairobi, the UNEP GC/GMEF considered UNEP's Global Mercury Assessment report and in Decision 22/4 V noted sufficient evidence to warrant immediate national action to protect human health and the environment from releases of mercury and its compounds, facilitated by technical assistance and capacity building from UNEP, governments and relevant international organizations. The decision requested the Executive Director to consult and cooperate with other intergovernmental organizations in order to avoid duplication. The Executive Director was also requested to invite submission of governments' views on medium- and long-term actions on mercury, and to compile and synthesize these views for presentation at the Governing Council's 23rd session, with a view to developing "a legally binding instrument, a non-legally binding instrument, or other measures or actions."

### 23RD SESSION OF THE UNEP GOVERNING

**COUNCIL/GMEF:** UNEP GC-23/GMEF took place from 21-25 February 2005, in Nairobi. Delegates once again discussed the issue of mercury and adopted Decision 23/9 IV, which requested the Executive Director to further develop UNEP's Mercury Programme by initiating, preparing and disseminating a report summarizing supply, trade and demand information on mercury. The decision requested that governments, the private sector and international organizations take immediate actions to reduce the risks posed on a global scale by mercury in products and production processes, and also requested the Executive Director to present a report on progress in the implementation

of the decision as it relates to mercury to GC-24/GMEF. It concluded that further long-term international action was required to reduce such risks and decided to assess the need for further action on mercury, including the possibility of a legally-binding instrument, partnerships, and other actions at GC-24/GMEF.

**IFCS-V:** The fifth session of the Intergovernmental Forum on Chemical Safety (IFCS-V) was held in Budapest, Hungary, from 25-29 September 2006. IFCS-V adopted the Budapest Statement on Mercury, Lead and Cadmium, which, *inter alia*: urged IFCS participants to initiate and intensify actions, as appropriate, to address the excess supply of mercury on a global scale through a variety of possible measures, such as an export prohibition, prevention of excess mercury from re-entering the global market, and a global phase-out of mercury primary production; invited the UNEP GC to initiate and strengthen voluntary actions at the global level for mercury, lead and cadmium, including partnerships and other activities; prioritized considering further measures to address risks to human health and the environment from mercury, lead and cadmium, as well as considering a range of options including the possibility of establishing a legally-binding instrument, as well as partnerships; and called upon countries to support these activities.

**INTERNATIONAL MERCURY CONFERENCE:** The European Commission convened an International Mercury Conference in Brussels, Belgium, from 26-27 October 2006. Delegates discussed actions needed at the local, national, regional and global levels to reduce health and environmental risks related to the use of mercury, with a view to providing input to GC-24/GMEF and relevant chemicals agreements. Options discussed included: development of a legally-binding international agreement on mercury; inclusion of mercury in existing legally-binding agreements; and voluntary and other measures.

**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 that ranged from an immediate negotiating process towards 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. Agreeing on the need to outline priorities in reducing risks from releases of mercury, delegates requested the UNEP Executive Director to prepare a report on mercury emissions and strengthen the UNEP mercury partnerships. It also established an *ad hoc* open-ended working group of government and stakeholder representatives to review and assess options for enhanced voluntary measures and new or existing international legal instruments for addressing the global challenges posed by mercury. The working group, according to Decision 24/3 IV, is to be guided by the following priorities, to:

- reduce atmospheric mercury emissions from human sources;
- find environmentally sound solutions for the management of waste containing mercury and mercury compounds;
- reduce global mercury demand related to use in products and production processes;
- reduce the global mercury supply, including considering curbing primary mining and taking into account a hierarchy of sources;

- find environmentally sound storage solutions for mercury;
- address the remediation of existing contaminated sites affecting public and environmental health;
- and increase knowledge on areas such as inventories, human and environmental exposure, environmental monitoring and socio-economic impacts.

The group will provide a final report to GC-25/GMEF in 2009, which will take a decision on the matter.

**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. The meeting considered a report on the Analysis of Possible Options to Address the Global Challenges to Reduce Risks from Releases of Mercury and available response measures to address strategic objectives. 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 with effective substitutes; and funding available through the Global Environment Facility and the Strategic Approach to International Chemicals Management.

#### INTERSESSIONAL HIGHLIGHTS

**10TH SPECIAL SESSION OF GC/GMEF:** This meeting took place from 20-22 February 2008, in the Principality of Monaco. In an omnibus decision on chemicals management, mercury and waste management (UNEP/GCSS.X/CW/L.2), the GC/GMEF: recalled its recent decisions on chemicals and waste management; acknowledged the reports of the Executive Director on chemicals management and the progress of the OEWG on Mercury; noted the tangible recommendations for developing countries, in particular least developed countries and SIDS, in the Executive Director's report on waste management; decided to consider programme-related matters raised in the Executive Director's reports at GC-25/GMEF; and requested the Executive Director to report on the implementation of decisions 24/3 on chemicals management and 24/5 on waste management at GC-25/GMEF.

**REGIONAL INTERSESSIONAL MEETINGS ON MERCURY:** During the intersessional period, African, Western Asia and Iran, and Asia-Pacific regional consultation meetings on mercury convened. The Western Asia and Iran meeting convened from 16-18 June 2008, in Doha, Qatar, and delegates agreed that the preferred regional approach to addressing mercury was the development of a legally-binding instrument. The African meeting convened in Dar es Saalem, Tanzania, from 18-19 July 2008. At this meeting, delegates agreed on the need for a comprehensive legally-binding instrument, covering the full life-cycle of mercury. During the Asia-Pacific meeting which convened from 8-10 September 2008, a diversity of views were expressed over the need for an international framework to address mercury and the potential for countries to address mercury at the national level. No regional position was formulated.

## MERCURY OEWG HIGHLIGHTS:

### MONDAY, 6 OCTOBER 2008

The Second Meeting of the *Ad hoc* Open-ended Working Group (OEWG) to Review and Assess Measures to Address the Global Issue of Mercury convened for its first day on Monday 6 October, 2008.

In the morning delegates addressed organizational matters and made opening statements. During the afternoon delegates heard reports on intersessional activities from the Secretariat as well as a progress report on atmospheric mercury emissions.

#### OPENING OF THE MEETING

OEWG Chair John Roberts (UK) opened the meeting. Alice Kaudia, Ministry of Environment (Kenya) expressed appreciation for UNEP's efforts in moving the process forward. She outlined Kenya's efforts to reduce mercury emissions, including through limiting emissions from medical waste.

Angela Cropper, Deputy Executive Director, UNEP, noted the divergent views on the need for voluntary measures or a legally-binding instrument to address the issue of mercury. She encouraged delegates to focus on elements of a policy framework for consideration of UNEP Governing Council (GC).

#### ORGANIZATIONAL MATTERS

Chair Roberts introduced the provisional agenda (UNEP(DTIE)/Hg/OEWG.2/1), the scenario note (UNEP(DTIE)/Hg/OEWG.2/2) and the provisional meeting flow (UNEP(DTIE)/Hg/OEWG.2/INF/8). The agenda and organization of work were adopted without amendment. Czech Republic, for the Central and Eastern Europe (CEE) region nominated, and the OEWG elected, Ivana Vrhovac (Croatia) as a member of the OEWG Bureau.

#### REVIEW AND ASSESSMENT OF OPTIONS FOR ENHANCED VOLUNTARY MEASURES AND NEW OR EXISTING INTERNATIONAL LEGAL INSTRUMENTS

CHINA stressed that developing policy frameworks is a long process and said new mechanisms should be avoided where possible. He favored a focus on awareness raising, information exchange, capacity building, technical assistance and financial resources.

France, on behalf of the EU, said a multilateral environmental agreement (MEA) containing both mandatory and discretionary provisions was the most effective way to address the threat posed by mercury. She highlighted the process of cooperation and coordination being undertaken by the Basel, Rotterdam and Stockholm Conventions and said this could be extended to include an instrument on mercury. SWITZERLAND expressed hope that the meeting would develop a common vision of measures required to address mercury, and agree on options for UNEP GC consideration.

Nigeria, on behalf of the AFRICAN GROUP, said the group supports a legally-binding instrument, and stressed the need to agree on the policy elements and define global objectives.

Reporting on the outcomes of the Asia-Pacific regional meeting, JAPAN noted the diverse views of the region, but said all countries present recognized the need for international cooperation to address mercury. He also supported the development of a framework consisting of a legally-binding instrument and voluntary measures.

NORWAY urged that the meeting focus on the principal way forward to minimize pollution and develop building blocks for a mercury regime, and described the benefits of having a harmonized effort in the form of a legally-binding instrument.

NEW ZEALAND said his country had no formal position, recalled the issues that constrained progress in the past, and urged delegates to provide UNEP GC with objectives and the further actions and instruments needed to address mercury.

The US introduced its information document on an expanded voluntary approach (UNEP(DTIE)/Hg/OEWG.2/INF/6), explaining that the paper responds to concerns raised by some delegations on the weaknesses of voluntary measures. He also proposed content for GC-25 consideration, including a dedicated voluntary mercury fund. AUSTRALIA said the document on common elements for a mercury framework (UNEP(DTIE)/Hg/OEWG.2/8) provided a practical way forward for discussion. CANADA underscored its commitment to work actively to ensure progress on the issue of mercury.

VENEZUELA outlined its efforts to address mercury pollution. CUBA and OMAN called for technical assistance to inventory the mercury products in use and identify substitutes. IRAN highlighted its national actions to address mercury and said capacity building and transfer of technology were necessary components of any legally-binding regime. TUNISIA described domestic activities for monitoring mercury contamination. YEMEN supported voluntary or legally-binding approaches. QATAR noted it had hosted several national and regional meetings on mercury, and favored a legally-binding approach.

INDIA said action was required to address mercury at the national, regional and international levels, but stressed the need for more baseline data, prior to moving forward with any binding or non-binding framework on mercury.

INDONESIA noted the challenge his country faced in mitigating the impacts of small-scale gold mines and called for constructive engagement on the issue.

Stating that a legally-binding instrument would lead to fragmentation of the issue of mercury, MEXICO preferred a voluntary approach within the Strategic Approach to International Chemicals Management (SAICM). BRAZIL said a mercury framework should contain fundamental elements including: differentiated commitments between developed and developing countries; a stable and effective financial mechanism; specific provisions for the financing of conversion

and final disposal activities in developing countries; and restrictions on global supply of mercury. The DOMINICAN REPUBLIC advocated legally-binding measures and urged large mining companies, especially in developing countries, to participate in limiting mercury contamination.

Stating that a legally-binding instrument was necessary to effectively address mercury, the EUROPEAN ENVIRONMENT BUREAU supported complementary voluntary measures. INUIT CIRCUMPOLAR COUNCIL stressed the high concentrations of mercury in traditional food sources in the Arctic and urged delegates to take urgent action.

PAKISTAN requested UNEP and donors to assist in creating awareness of mercury's health impacts, and developed countries to transfer technology for mercury waste management to developing countries. SOUTH AFRICA expressed support for a legally-binding instrument but called for strengthening of voluntary measures pending establishment of such instrument.

Croatia on behalf of the CEE, said the region supports voluntary approaches, but that a legally-binding instrument is necessary in the long term.

**REPORT OF INTERSESSIONAL WORK:** The Secretariat introduced the reports produced during the intersessional period. On financial considerations (UNEP(DTIE)/Hg/OEWG.2/3 and 12), he highlighted the possibility of accessing the Global Environment Facility (GEF) resources, the potential to use the Montreal Protocol Multilateral Fund as a model for the development of a fund, and opportunities for funding under the SAICM. Regarding technology transfer and support (UNEP(DTIE)/Hg/OEWG.2/10), he presented the experience of the Montreal Protocol, Basel and Stockholm Conventions and partnership programmes. Referring to implementation options (UNEP(DTIE)/Hg/OEWG.2/4), the Secretariat explained that the report's scope is limited to: a protocol to the Stockholm Convention; a free-standing convention; and voluntary measures. Commenting on the report on the analysis and grouping of response measures (UNEP(DTIE)/Hg/OEWG.2/11), he said the report concludes that there are many measures that can be implemented with net benefits. On the supply of, and demand for, mercury (UNEP(DTIE)/Hg/OEWG.2/6 and Add.1), he said mercury demand can readily be met without primary mercury from Kyrgyzstan. He also introduced a report on mercury containing products and processes and their substitutes (UNEP(DTIE)/Hg/OEWG.2/7 and Add.1).

SWEDEN reported the outcome of the Nordic Council of Ministers meeting that took place on 4 October 2008 in Nairobi and which considered the social and economic costs of maintaining the status quo of mercury pollution (UNEP(DTIE)/Hg/OEWG.2/INF/7).

The Secretariat introduced a paper on the common elements of a mercury framework (UNEP(DTIE)/Hg/OEWG.2/8), noting that the initiative emerged from a realization that despite 10 years of work on the subject and several GC decisions, the initiatives on mercury lack a coherent policy goal. He said the paper therefore proposed a conceptual framework for the OEWG's consideration and for its possible recommendation to GC-25. The Secretariat explained that the proposed framework follows the traditional structuring of policies comprising an introduction, specific actions and administrative issues; and that it draws from the various measures that were developed at OEWG-1 (UNEP(DTIE)/Hg/OEWG.2/11) and the content in paragraph 19 of GC-24 decision. He stressed that the proposal does not prejudice the nature of the instrument nor does the sequence of elements reflect an order of priority. Chair Roberts suggested and delegates agreed to resume discussion on the paper on Tuesday morning.

#### **REPORT ON ACTIVITIES UNDER THE UNEP MERCURY PROGRAMME**

Jozef Pacyna, Norwegian Institute for Air Research, presented a progress report on atmospheric emissions (UNEP(DTIE)/Hg/OEWG.2/INF/1) on behalf of the Secretariat, prepared pursuant to GC decision 24/3 VI for presentation to GC-25. He highlighted three alternative future scenarios arising from

inaction, limited action based on the technology currently available in the EU and action where all required resources are available.

In the ensuing discussion Pacyna clarified, *inter alia*: how the data used for modeling was validated; the method by which data from the North American Free Trade Agreement's monitoring projects was captured; and that a cost-benefit analysis was undertaken.

JAPAN highlighted the need for country-level emissions data and scenarios. Responding to Panama's comment on the difficulties of using the UNEP Toolkit for Identification and Quantification of Mercury Releases, the Secretariat noted that the toolkit is currently undergoing pilot testing and welcomed feedback on its usefulness.

The Secretariat discussed progress made on the mercury partnership programme and highlighted the development of an overarching framework for the UNEP Global Mercury Partnership.

The UN Institute for Training and Research (UNITAR) and KYRGYZSTAN reported on the mercury supply and storage partnership and discussed a project aimed at addressing emissions from primary mercury mining in Kyrgyzstan.

Reporting on the partnership on mercury air transport and fate research, the ITALIAN NATIONAL RESEARCH COUNCIL INSTITUTE FOR ATMOSPHERIC POLLUTION presented the report, "Mercury, Fate and Transport in the Global Atmosphere: Measurements, Models and Policy Implications" which he said contained key information on mercury emissions.

The US introduced the mercury cell chlor-alkali production partnership and explained that a business plan had been completed and that the next iteration would include a quantitative demand reduction goal. The US also introduced the mercury-containing products partnership, which, he said had established ambitious demand reduction goals. The US highlighted the potential of partnerships to achieve progress in addressing mercury.

JAPAN introduced the partnership on mercury waste management and said plans were underway to hold a meeting of the partners.

The INTERNATIONAL ENERGY AGENCY CLEAN COAL CENTRE highlighted the challenge of addressing mercury emissions from coal combustion and the importance of improving mercury emissions inventories.

UNEP introduced the partnership on mercury management in artisanal and small-scale gold mining (ASM) and said the partnership's objective is to reduce the use of mercury in ASM by 50% by 2017.

The BASEL CONVENTION SECRETARIAT highlighted initiatives related to mercury, including the development of draft guidelines for the environmentally sound management of mercury wastes.

#### **IN THE BREEZEWAYS**

An atmosphere of optimism characterized the first day of the OEWG, as delegates affirmed their commitment to work constructively to ensure an outcome, in the form of options for consideration of the UNEP GC. While opening statements heard several delegations align themselves into voluntary and legally-binding camps, most seemed prepared to consider elements of a policy framework individually, and many remained open to an approach that combined both legal and voluntary measures.

Some participants marveled at this flexibility, in contrast to the entrenched positions of the OEWG's first meeting. While some speculated this was due to the intersessional work of the Secretariat or the need to have concrete outcomes by the end of the week, others suggested that delegates had simply used the intersessional period to thoroughly consider their positions. However some pointed to potential constraints, such as the scope of the elements to be considered and a few countries' reference to the need for more data, technology transfer and finance, which indicated that not everyone may be prepared to move directly into a discussion on the specific elements of a mercury framework.

## MERCURY OEWG HIGHLIGHTS:

### TUESDAY, 7 OCTOBER 2008

The Second Meeting of the *Ad hoc* Open-ended Working Group (OEWG) to Review and Assess Measures to Address the Global Issue of Mercury convened for its second day on Tuesday, 7 October 2008. Throughout the day, delegates considered common elements of a mercury framework, focusing on introductory language and the specific actions to address mercury.

#### **REVIEW AND ASSESSMENT OF OPTIONS FOR ENHANCED VOLUNTARY MEASURES AND NEW OR EXISTING INTERNATIONAL LEGAL INSTRUMENTS**

Chair Roberts opened the morning session and explained that the issues to be decided regarding a future mercury framework include: 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 the elements.

#### **COMMON ELEMENTS OF A MERCURY**

**FRAMEWORK:** Chair Roberts proposed using the elements of a mercury framework document (UNEP(DTIE)/Hg/OEWG.2/8) as a basis for discussions on the issue of elements, and for recommendations to the UNEP GC. NEW ZEALAND, CHINA, the US, the AFRICAN GROUP, SWITZERLAND, NORWAY, the EU, BRAZIL, JAPAN, the CEE and others supported using the document as a starting point. NEW ZEALAND urged agreement on the objectives of the framework.

NIGERIA said negotiating the details of the document was not necessary, suggesting this could be done at GC-25. Recognizing that the document provides a good basis for discussion, the US, joined by CHINA and SENEGAL, opposed submitting the document to UNEP GC-25 without further work by the OEWG.

The Secretariat clarified that the policy framework could be implemented in different ways, including through legally-binding and voluntary measures, and confirmed that the document was independent of delivery modalities. Chair Roberts then suggested delegates consider the document section-by-section.

**Elements that frame the issue:** This section contains an introduction and objectives of the framework. NEW ZEALAND suggested framing the objectives using language taken from the SAICM. The EU, supported by NORWAY, suggested using the objective of the Mercury Partnership Programme. CHINA disagreed, arguing that the reference to the elimination of mercury in the objective was controversial.

The US stressed the need to know the nature of the outcome prior to discussing elements and, supported by SWITZERLAND, JAPAN, BRAZIL and others, said a chapeau reflecting issues not yet decided on, should be added to the recommendations to the GC. NORWAY said an explanation of the intent and status of the document should be included. BRAZIL, supported by JAMAICA, said the principle of common but differentiated responsibilities should be mentioned in the chapeau and JAPAN called for considering prioritizing elements.

Chair Roberts requested the Secretariat to draft a chapeau reflecting the views expressed by various delegations, and during the afternoon session, the Secretariat introduced the draft chapeau (UNEP(DTIE)/Hg/OEWG.2/CRP.5) for discussion. Delegates agreed that the OEWG should recommend that the GC consider adopting the policy framework to address the global challenge posed by mercury.

Regarding the special needs and situations of developing countries, JAMAICA highlighted that this does not reflect the principle of common but differentiated responsibilities. Delegates agreed the principle could be included in the elements.

Regarding the elements of the framework being independent of delivery modalities, delegates agreed that elements may vary with regard to the legally-binding or voluntary nature of the implementation modalities.

The Secretariat agreed to provide a revised draft of the chapeau containing the various agreed amendments on Wednesday.

**Specific actions to address the challenges posed by mercury:** Regarding the actions to address the challenges posed by mercury, CANADA observed that some statements are prescriptive, and thus, refer to delivery modalities. INDONESIA, BANGLADESH and CHINA suggested adding references to public awareness, research and development, and technical assistance and capacity building.

Regarding reducing the supply of mercury, the DOMINICAN REPUBLIC suggested identifying the specific activities to be restricted, reduced or eliminated. INDIA, supported by CHINA, suggested regulating, as opposed to reducing, the supply of mercury. INDIA preferred focusing on demand rather than supply. The NATURAL RESOURCES DEFENSE COUNCIL (NRDC), supported by the BASEL ACTION NETWORK (BAN), said addressing supply was a prerequisite for impacting demand.

PERU explained that his country has a large-scale gold mining industry and mercury is a by-product. He said for Peru, elimination would mean ceasing gold mining and therefore favored regulating supply. INDONESIA opposed the use of language referring to elimination or reduction of mercury produced as a by-product of mining, preferring reference to residual mercury from mining and other extractive industries. NEW ZEALAND noted that the header “reduce the supply of mercury” was language taken from GC decision 24/3 and, with VENEZUELA and NIGERIA, supported retaining it.

MEXICO, supported by JAPAN, CANADA, SWITZERLAND and CHINA, highlighted the importance of recovering mercury from industrial processes and said the supply of mercury from recycling should not be eliminated. JAPAN explained that recovery assists in pollution prevention. INDIA suggested recycling should be undertaken in an environmentally sound manner and that mercury use should be regulated.

CANADA suggested deleting the illustrative list of sources of mercury, stating a hierarchy of sources would be subject to negotiation. The US concurred and suggested the development of best practice guidelines on the capture and reuse of mercury.

Regarding reducing demand for mercury in products and processes, JAMAICA noted that accessibility and affordability of mercury substitutes would influence a mercury phase-out programme.

PAKISTAN said the reference to prohibiting construction of new production facilities should be deleted, as mercury alternatives are not always available. INDIA proposed qualifying the prohibition with words to the effect that “where alternatives are available.” The US, supported by CANADA and AUSTRALIA, and opposed by TANZANIA and NIGERIA, suggested deleting all the examples listed. NIGERIA added that the chapeau should state that examples are illustrative, not exhaustive. The EU proposed a differentiated, sector-by-sector, phase-out programme for mercury.

Regarding reducing international trade in mercury, the EU, NORWAY, NIGERIA, SENEGAL, JAMAICA, TANZANIA and the GAMBIA supported reducing international trade in mercury, noting that trade is a major element in addressing mercury. The US, supported by INDONESIA, suggested deleting reference to “mercury-containing products,” and to focus on elemental mercury. AUSTRALIA preferred deleting reference to trade, but supported the US proposal if the reference to trade was retained.

JAPAN opposed a total ban on mercury trade, but supported restricting mercury trade and operating a prior informed consent (PIC) procedure. While acknowledging that some ideas in the text could be considered, such as the reference to the PIC procedure, CHINA favored dealing with trade under the World Trade Organization (WTO). MAURITIUS, BURKINA FASO

and the GAMBIA said they had limited capacity to manage hazardous wastes in an environmentally sound manner, and SOUTH AFRICA noted that its contamination management technologies were becoming obsolete. Noting that mercury is a global issue, VENEZUELA urged delegates to think beyond their respective national interests. The DOMINICAN REPUBLIC said producers should be held responsible for their residues. PANAMA stressed the right to information on the impacts of mercury. NAMIBIA pointed out that small countries are unable to participate in the WTO process, but can participate in this forum.

SWITZERLAND supported the formulation of language on trade, said trade in mercury products without substitutes should be allowed, and noted that this language did not contravene WTO rules. He highlighted that trade should be part of any future framework that effectively addresses the challenges posed by mercury.

At the request of China, the EU and the Secretariat clarified that international trade is implied in paragraph 22 of decision 24/3 on options for addressing the trade in, and supply of, mercury, with the NRDC concurring that the action on international trade should be read in conjunction with the actions on reducing mercury supply and demand.

The RUSSIAN FEDERATION said trade in mercury and its regulation should be discussed as part of a future regime, noting that international trade issues would need to be considered by all states. INDIA stressed focusing on substitutes for mercury. The BAN said Article 20 of the General Agreement on Tariffs and Trade (GATT) provides for exceptions on substances with health and environmental impacts.

Chair Roberts proposed separating control of trade in elemental mercury from control of trade in mercury-containing products. The NRDC opposed this proposal. The US and SWITZERLAND supported the proposal, with the US, opposed by NORWAY, the EU and NIGERIA, suggesting that the issue of elemental mercury should be discussed as a trade issue, and mercury-containing products should be discussed as a waste issue. CANADA, opposed by JAMAICA, suggested changing the reference to reducing international trade in mercury, to a reference on regulating trade in mercury. Delegates agreed to revisit the discussion on trade on Wednesday.

### **IN THE BREEZEWAYS**

Tuesday saw the beginning of the OEWG’s substantive debate, with deliberation on the common elements of a mercury framework. While some preferred to thin down the content of each action, leaving the elaboration for future negotiation, others quipped that in doing so, the OEWG may be in danger of handing back to the GC, the very list the OEWG was tasked with elaborating. Delegates were somewhat polarized over the most contentious element of trade - which some proposed removing and others asserted was an essential part of any mercury framework. More cynical participants suggested that the issue of trade was considered by some to be a proxy for a legally-binding instrument. Still, the end of the day saw delegates optimistic and speculating that with sufficient bilateral discussions, progress could be made even on the issue of international trade.

## MERCURY OEWG HIGHLIGHTS: WEDNESDAY, 8 OCTOBER 2008

The Second Meeting of the *Ad hoc* Open-ended Working Group (OEWG) to Review and Assess Measures to Address the Global Issue of Mercury convened for its third day on Wednesday, 8 October 2008. During the morning, delegates completed consideration of common elements of a mercury framework, and considered modalities for implementation in the afternoon.

### REVIEW AND ASSESSMENT OF OPTIONS FOR ENHANCED VOLUNTARY MEASURES AND NEW OR EXISTING INTERNATIONAL LEGAL INSTRUMENTS

Chair Roberts opened the morning session and the Secretariat described a proposed structure of the OEWG report and annex to be submitted to the UNEP GC-25, which, he suggested, would include: the mandate from the GC; the revised policy framework; and broad implementation options. Chair Roberts requested the Secretariat to prepare the draft report for Thursday afternoon.

#### COMMON ELEMENTS OF A MERCURY

**FRAMEWORK: Elements that frame this issue:** Chair Roberts introduced the revised chapeau (UNEP(DTIE)/Hg/OEWG.2/CRP.5/Rev.1). BRAZIL suggested a reference to the principle of common but differentiated responsibilities and this was accepted by the OEWG. The OEWG reached agreement on the chapeau.

**Specific actions to address the challenges posed by mercury:** Regarding reducing or eliminating atmospheric emissions of mercury, the US, supported by NEW ZEALAND and AUSTRALIA, proposed a reference emphasizing multi-pollutant approaches that have co-benefits affecting human health and environmental aspects. SWITZERLAND, supported by the EU and the US, preferred using “considering” rather than “emphasizing.” NEW ZEALAND proposed that the multi-pollutant approaches should also deal with emissions from ASM. BURKINA FASO, supported by the GAMBIA, suggested adding reference to national, sub-regional and regional strategies.

CHINA, supported by INDONESIA, said the goal should be to minimize, not eliminate, emissions from the key sectors identified, stressing that eliminating mercury emissions from coal and other fossil fuel combustion was not feasible. INDIA, PAKISTAN and INDONESIA opposed reference to elimination of unintentional atmospheric emissions of mercury from coal and other sectors. INDIA stressed that developing countries rely on the energy generated from these sources, and that these produce minimal mercury emissions.

Supported by the US and BURKINA FASO, INDIA proposed deleting the action on unintentional emissions, and focusing on the direct use of elemental mercury instead. NIGERIA, supported by NORWAY, ZIMBABWE, the EU, SIERRA CLUB, the GAMBIA and SENEGAL, opposed this proposal. NORWAY stressed reference to emissions is included in the Mercury Partnership Programme. The INTERNATIONAL CLEAN COAL INITIATIVE (ICCI) explained that there are ways to generate clean power from coal, and that control of coal mercury emissions is compatible with the expansion and growth of the power sector.

The US said removing reference to unintentional emissions would give the provision a broader scope. The EU proposed distinguishing between intentional and unintentional mercury emissions, suggesting language to the effect that where feasible, intentional emissions should be eliminated, and unintentional emissions minimized.

Regarding achieving environmentally sound management of mercury-containing wastes, JAMAICA said mercury compounds should be included. Stressing that recovering mercury from waste is essential to restricting entry of mercury into the environment, JAPAN said it was developing a guidance document under the Mercury Partnership Programme. BRAZIL reflected on the challenges faced by developing countries in implementing the Basel Guidelines and requested further assistance. Noting that medical waste is not separated in his country, TOGO suggested adding a reference to separation of medical wastes.

Regarding finding environmentally sound storage solutions for mercury, the US noted it was considering providing development assistance, including in the storage of mercury. JAMAICA highlighted challenges faced by small island developing states (SIDS), including finite land space and restricted storage capacity. JAPAN noted the need to share responsibility for storage among producers, users and other stakeholders.

INDIA asserted that long term storage is neither necessary nor feasible. The EU stressed that the need for secure storage is a consequence of mercury being withdrawn from markets. SWITZERLAND highlighted the interdependence of actions on storage and trade.

The ICCM suggested that reference to storage be replaced with “disposal,” in order to permit future disposal. NRDC disagreed, stating that “disposal” presupposes landfilling, and suggested using “manage” instead.

Regarding remediating existing contaminated sites, CHILE, supported by MEXICO, proposed amending the section to focus on management of contaminated sites, citing the prohibitive cost of remediation. The CEE, supported by the US and

NIGERIA, preferred the existing formulation. INDIA suggested including the need to rehabilitate sites, cap small sites and send contaminated waste to secure landfills.

On increasing knowledge, UGANDA and BRAZIL called attention to the need to “develop” knowledge on mercury, and BURKINA FASO suggested reference to information dissemination, as well as regular follow-up, instead of “monitoring,” of mercury levels. JAMAICA emphasized the special needs of vulnerable groups, SIERRA CLUB called for enhanced collection and sharing of data, and CHILE highlighted the exchange of information and experience.

**Arrangements related to implementation:** Chair Roberts recalled China’s proposal to reflect the cross-cutting nature of implementation arrangements. The EHF, supported by BRAZIL, called for new and additional financial resources. The US drew attention to its proposal for a stand-alone fund.

**Policy guidance and administration:** The Secretariat recalled China’s emphasis on brevity and proposed deleting the sub-points elaborating how the policy guidance or oversight process and administrative support could be undertaken. Delegates agreed to consider an EU addition on the need for cooperation and coordination with the Basel, Stockholm and Rotterdam conventions.

Chair Roberts said a revised document would be circulated on Thursday morning and discussion on the outstanding issue of international trade in mercury would resume Thursday afternoon.

**MODALITIES OF IMPLEMENTATION:** Chair Roberts invited delegates to state the modality favored, and the benefits and disadvantages of the alternatives. He explained legally-binding options included a new MEA, a Stockholm Convention protocol, or a protocol to the Basel, Stockholm or Rotterdam conventions. He said the voluntary measures included the proposed Programmatic Organizational Structure on Mercury (POSM), a SAICM-type agreement, or the existing UNEP mercury programme.

The EU, NORWAY, SENEGAL and MAURITANIA favored a MEA, citing the benefits of other pollution-related conventions, and an MEA’s potential to: deliver on reduction measures; generate funds for technical capacity; and accommodate both obligatory, mandatory and voluntary actions.

JAPAN called for a combined voluntary and legally-binding instrument, highlighting the shortcomings of employing either option independently. Underscoring its diversity, Japan, for the ASIA-PACIFIC region favored voluntary approaches in the short-term and said a legally-binding agreement could be considered in the long term.

The US presented its POSM proposal (UNEP(DTIE)/Hg/OEWG.2/CRP.6) underscoring its potential for immediate implementation and broad participation, and light structure.

ARGENTINA said it was not in favor of negotiating a new instrument, preferring strengthening current voluntary instruments and extending existing legally-binding instruments to deal with mercury. SWITZERLAND, supported by NIGERIA, expressed preference for a legally-binding, free-standing MEA, which it said would ensure coherence, harmony and transparency, and was the best way to addressing mercury supply.

AUSTRALIA said the need for a legally-binding instrument had not been established and that the elements of a mercury framework agreed by the group could adequately be addressed through a voluntary approach, such as SAICM or the POSM. INDIA highlighted the achievements of current voluntary actions to reduce mercury emissions and identified flexibility and speed of implementation as benefits of a voluntary approach. OMAN preferred a legally-binding approach stating this would assure financial and technological assistance to developing countries. The CEE favored a free-standing convention saying this would

ensure effectiveness and financial support for implementation. The AFRICAN GROUP said international trade in mercury could only be regulated under a legally-binding instrument and stressed the need to address the lifecycle of mercury in all its forms. CHINA said although a legally-binding instrument could be considered in the long-term, at this stage a voluntary approach was most appropriate.

Regarding voluntary approaches, NRDC noted that voluntary approaches can be developed quickly, but argued that effectiveness was more important than speed. He said the assumption that more countries would participate in voluntary, rather than legal measures, was unfounded.

The EEB, joined by URUGUAY, supported a free-standing convention, stressing that it is more effective and will increase the confidence of countries in managing mercury.

Chair Roberts summarized that there was clear preference for a free-standing legally-binding convention, over other legally-binding options. Regarding voluntary approaches, he said POSM, SAICM and a scaled-up UNEP mercury programme had received support, and requested the Secretariat to summarize these.

Chair Roberts then invited an exchange of views on which sections of the mercury framework require a legal underpinning. The Secretariat encouraged delegates to specify which actions required hard or soft approaches.

SWITZERLAND inquired from the proponents of voluntary approaches which elements could be addressed through legal means. The US highlighted that the Rotterdam, Stockholm and Basel conventions could play complementary roles to voluntary measures.

INDIA suggested that any measures to address mercury should focus on intentional releases. The RUSSIAN FEDERATION noted that many delegates favored a split regime and suggested also forwarding this option to the GC. Citing numerous references to the use of the Rotterdam Convention, NRDC observed increased congruence on the need for a legal underpinning to trade measures. The EU outlined several activities that could be covered under a legally-binding instrument, including: banning the establishment of new mining activities; phasing out production; and restricting the sale of mercury derived as a mining by-product. NORWAY explained it would take time to decide which measures should be mandatory and discretionary.

The Secretariat agreed to prepare a summary of potential measures for delegates’ consideration on Thursday afternoon.

### IN THE BREEZEWAYS

The breezeways were abuzz on Wednesday afternoon after plenary, with chatter over what one delegate called “a session of surprises.” The discussion on preferred modalities saw several delegates’ previously intractable positions take on some indicative congruence with several formerly strictly voluntary camps opening the door to potential legal measures and vice versa.

However, some seasoned participants cautioned that the reluctance by delegates to elaborate their preferences of the specific actions to be placed under the binding and non-binding measures, would form the “crux of the non-consensus” in the OEWG. Others, however, reasoned that delegates required more time and would make further progress at the GC. One delegate suggested the future will be heavily influenced by the financial arrangements on offer, proffering that some developing country delegates “just want” secure finance.

Looking to Thursday, some speculated that the Secretariat’s draft recommendations to the GC, reflecting Wednesday’s discussions, are likely to generate new contentions as delegates are faced with “pen on paper” and the opportunity to negotiate.



## MERCURY OEWG HIGHLIGHTS: THURSDAY, 9 OCTOBER 2008

The Second Meeting of the *Ad hoc* Open-ended Working Group (OEWG) to Review and Assess Measures to Address the Global Issue of Mercury convened for its fourth day on Thursday, 9 October 2008. During the morning, delegates discussed capacity building and financing, and, during the morning and afternoon addressed common elements of a mercury framework. Delegates also exchanged initial views on the draft report to the GC.

### REVIEW AND ASSESSMENT OF OPTIONS FOR ENHANCED VOLUNTARY MEASURES AND NEW OR EXISTING INTERNATIONAL LEGAL INSTRUMENTS

Achim Steiner, Executive Director, UNEP, addressed the OEWG and urged delegates to avoid sending recommendations containing “either/or” options to the GC. He highlighted the “principle of sufficient consensus” and underscored the potential to agree on a time-bound, targeted and financed global programme of action that could accommodate the possibility of a future legally-binding instrument, without prejudicing the right of any nation not to join such an instrument. Steiner urged that progress not be impacted by the exceptional circumstances of some countries. He concluded by cautioning against maintaining the default option where “voluntarism is the only defined action for addressing the challenge of mercury,” stressing that the Secretariat is interested in ensuring continued concert action on mercury.

Delegates responded, thanking the Executive Director and the Secretariat for their work on mercury, and expressed determination to ensure urgent action is taken to address the mercury issue.

**CAPACITY BUILDING AND FINANCE:** Drawing attention to the documents on possible funding modalities and sources (UNEP(DTIE)/Hg/OEWG.2/3 & 12) introduced on Monday, Chair Roberts invited delegates to comment on elements and actions of the mercury framework requiring support, and the appropriate support mechanism.

BRAZIL, supported by the GAMBIA, said the GEF currently cannot provide sufficient resources for the required actions, and with JAMAICA, OMAN and NIGERIA, proposed using the Montreal Protocol dedicated multilateral fund, as a model. JAMAICA added that the SAICM Quick Start Programme is inappropriate because it is time-limited and some countries may be ineligible for further funding under it. NIGERIA

highlighted implementation actions that would require capacity building, such as storage of mercury waste and remediation of contaminated sites.

INDIA said activities with direct mercury emissions, such as from chlor-alkali plants, and possibly at a later stage, the unintentional emissions such as those from thermal power plants and small boilers, should be covered under the financial mechanism. NORWAY called for using existing financing mechanisms such as the GEF. The EU outlined the benefits of using the GEF, including promoting synergies and providing long-term financial and technical support to eligible countries, and with SWITZERLAND and KYRGYZSTAN, stressed that legal obligations are concomitant with capacity building, and technical and financial assistance.

TANZANIA highlighted the need for capacity building in the areas of mercury management, regulation and law enhancement, and supported establishing a special fund under a legally-binding instrument. BRAZIL, supported by the EU and SWITZERLAND, expressed concern with the proliferation of financial mechanisms, and BRAZIL called for new and additional financial resources. SRI LANKA stressed the need for technical and financial support for environmentally sound management (ESM) of mercury. The US favored multi-source funding, including development assistance, and said a voluntary stand-alone fund was the most effective option. He also questioned the value of a legally-binding instrument, in which the US, as a major donor, could not participate. SWITZERLAND said some donors would not support voluntary initiatives not sufficiently embedded in a broader framework.

**COMMON ELEMENTS OF A MERCURY FRAMEWORK:** Chair Roberts invited a section-by-section consideration of the revised text (UNEP(DTIE)/Hg/OEWG.2/CRP.9), noting it is not consensus text, but one with broad support to be used as a basis for GC-25 consideration. He urged that no new issues be introduced.

**Elements that frame the issue:** The OEWG accepted the Secretariat’s amendment of CANADA’s proposal, with input from JAMAICA and BRAZIL, elaborating that the list of principles includes, “for example, the principles of the Rio Declaration on Environment and Development, in particular, the principle of common but differentiated responsibilities, as noted in GC decision 24/3.”

**Specific actions to address the challenges posed by mercury:** On reducing the supply of mercury, KYRGYZSTAN, supported by SWITZERLAND, the EU, NORWAY and SOUTH AFRICA, urged retention of the reference to phasing out

primary mining. The EU, supported by the AFRICAN GROUP and SWITZERLAND, but opposed by INDIA and CHINA, suggested also retaining the illustrative list of sources of mercury to be eliminated or reduced. The EU proposed further qualifying that reduction would be taken “where feasible,” which INDIA accepted, but CHINA objected to. The matter was deferred to a contact group comprising the EU, Switzerland, China and India. After informal discussions, Chair Roberts read out a text listing five sources of mercury supply and noting that reducing global supply could be accomplished by using goals, targets or timetables to reduce or eliminate, wherever feasible, sources of supply of mercury, recognizing the need for ongoing use where alternatives are not available. The OEWG agreed to the text.

Regarding demand for mercury in products and processes, the US suggested that BAT and BEP or equivalent measures be used for demand reduction. INDIA added that the expansion of existing production facilities should be prohibited. Delegates accepted the amendments.

On reducing international trade in mercury, CHINA, supported by INDIA and PAKISTAN, and opposed by the EU, SWITZERLAND and NORWAY, proposed deleting reference to mercury-containing products. As no consensus could be reached, Chair Roberts requested that these countries consult informally.

Regarding reducing atmospheric emissions of mercury, CHINA proposed removing reference to specified timeframes and also deleting “where feasible eliminate” atmospheric emissions. NEW ZEALAND and NORWAY, supported by CANADA, countered that this language was already agreed. INDIA proposed focusing only on intentional emissions, but SWITZERLAND, the US and the EU disagreed. There was also extensive discussion on the inclusion of reference to BAT.

After discussion and informal consultations, agreement was reached that: the aim of the actions was to reduce, minimize “and, in circumstances where it is feasible, eliminate” atmospheric emissions of mercury derived from anthropogenic sources in key sectors; and timeframes for the phase-in of BAT or equivalent measures be deleted. Concerning existing sources of mercury emissions, it was also agreed, pending EU coordination, to promote “the use of BAT and BEP practice, environmentally sound technology or equivalent measures within key sectors, in accordance with national implementation strategies, keeping in view the global scenario to the extent possible.” Regarding environmentally sound storage solutions for mercury, JAMAICA suggested text elaborating that guidance on “roles and shared responsibilities of different stakeholders, including producers and consumers,” should be developed and promoted. Delegates accepted these amendments.

On achieving ESM of mercury-containing wastes, BAN said trade in waste for the purpose of environmentally sound disposal, recovery and recycling should not be exempted from the restriction on, or phase-out of, trade in waste. Supported by SOUTH AFRICA, he proposed substituting this with exempting trade in waste for the purpose of ESM, particularly where there is no ESM facility in the exporting country. SWITZERLAND requested time to consider the amendment.

#### **Cross-cutting issues related to implementation:**

Recognizing financial resources and technology transfer needs, the EU suggested deleting “adequate” and “sufficient” from the text referring to financial resources, and adding “mutually-agreed” in reference to technology transfer, which was opposed by JAMAICA, BRAZIL, TANZANIA and NIGERIA. SWITZERLAND noted that the OEWG is discussing a broad policy framework, not negotiating a legally-binding instrument, and said therefore such a debate is unnecessary. INDONESIA

proposed adding implementation of the Bali Strategic Plan for Technical Support and Capacity Building to the text, which was accepted.

Chair Roberts noted there was broad agreement over the elements, and that on Friday outstanding issues would be addressed, including: mercury-containing compounds; sections on reducing atmospheric emissions of mercury; new and additional financial resources; and the phase-out of trade in wastes containing mercury and mercury compounds.

**DRAFT REPORT OF THE OEWG TO UNEP GC:** Chair Roberts introduced the draft report to the GC (UNEP(DTIE)Hg/OEWG.2/CRP.10). The EU said it was generally satisfied with the report. The US expressed dissatisfaction with the description of the POSM in the report, and with the balance the report struck between delegates’ views. Supported by SWITZERLAND, he suggested that each section on implementation modalities should have a chapeau stating that the modality has proponents and opponents.

SWITZERLAND added that the description of the option of a free-standing mercury convention does not adequately capture delegates’ views and requested the Secretariat to redraft it, using the EU proposal (UNEP(DTIE)Hg/OEWG.2/CRP.7). CANADA requested clarification regarding the status of discretionary actions under the proposal of a free-standing MEA, stating that her understanding was that an MEA would include soft, rather than discretionary, obligations.

In response to China’s observation that some of the elements cited as advantages of legally-binding agreements are, in fact, disadvantages, Chair Roberts clarified that the advantages were drawn from the proponents of an instrument, but that it was the right of opponents to highlight such an instrument’s disadvantages. NEW ZEALAND noted that in formulating its decision, the GC recognized that the OEWG would likely only be able to present the views, not consensus, of governments. Chair Roberts said discussion of the report would resume Friday morning.

#### **REPORT ON ACTIVITIES UNDER THE UNEP MERCURY PROGRAMME**

This item was reopened briefly for discussion. The US and CHINA underscored that the UNEP mercury programme should be adequately funded, with CHINA stating that the programme is more important than establishing a new legally-binding instrument.

#### **IN THE BREEZEWAYS**

Thursday’s statement by the UNEP Executive Director caused quite a stir. While many acknowledged his powerful oration and the elegance of his delivery, participants said the speech left them polarized. Those supporting legally-binding instruments felt the Executive Director was supporting voluntary measures, while those supporting voluntary measures felt pressured into accepting an eventual legal instrument. The differing interpretations point to the sensitive and finely balanced nature of the Group’s work. Most lamented the timing of the intervention and the subsequent change in the OEWG’s dynamic, with voluntary proponents digging in their heels over the policy framework. At the end of an exhausting day that ran into the evening, the prevailing spirit of congeniality and optimism was replaced by one of bewilderment and questions over what Friday might hold.

**ENB SUMMARY AND ANALYSIS:** The *Earth Negotiations Bulletin* summary and analysis of the OEWG-2 will be available on Monday, 13 October 2008, online at: <http://www.iisd.ca/chemical/merc2/>

## SECOND MEETING OF THE *AD HOC* OEWG TO REVIEW AND ASSESS MEASURES TO ADDRESS THE GLOBAL ISSUE OF MERCURY: 6-10 OCTOBER 2008

The Second Meeting of the *Ad hoc* Open-ended Working Group (OEWG) to Review and Assess Measures to Address the Global Issue of Mercury was held from 6-10 October 2008, in Nairobi, Kenya. The meeting, convened by the United Nations Environment Programme (UNEP), was attended by over 250 participants, representing governments, UN agencies, and intergovernmental and non-governmental organizations.

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 the elements. Delegates used a document on the common elements of a mercury framework (UNEP(DTIE)/Hg/OEWG.2/8), prepared by the UNEP Secretariat, as a basis for their discussions and for drafting recommendations to the UNEP Governing Council (GC). The outline of the document was informed by the work of the first meeting of the OEWG and based on the priorities articulated in UNEP GC Decision 24/3 IV.

Thanks to substantive intersessional work by the Secretariat, participants arrived in Nairobi for their final meeting optimistic about making progress. A spirit of congeniality and optimism reigned through most of the week-long session, but the precarious nature of the Group's deliberations surfaced briefly on Thursday afternoon, as progress slowed. However, delegates recovered on Friday morning and were delighted by the agreement on a policy framework on mercury, as well as by their success in narrowing down the list of implementation instruments – one legally-binding and three voluntary options – for consideration by the UNEP GC in February 2009.

### 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 that can be released into the air and water through the weathering of rock containing mercury ore or through human activities such as industrial processes, mining, deforestation, waste incineration

and the burning of fossil fuels. Mercury can also be released from a number of products that contain mercury, 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.

### 21ST SESSION OF THE UNEP GOVERNING COUNCIL/GMEF:

The UNEP GC/GMEF discussed the need for a global assessment of mercury at its 21st session in February 2001, in Nairobi, Kenya. Decision 21/5 called for the initiation of a process to undertake a global assessment of mercury and its compounds, and requested that the results of the assessment be reported to the 22nd session of the Governing Council. It also decided to consider whether there was a need for assessments of other heavy metals of concern. The decision included a clause underlining the need to take preventive actions to protect human health and the environment, mindful of the precautionary approach.

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## 22ND SESSION OF THE UNEP GOVERNING

**COUNCIL/GMEF:** At its 22nd session in February 2003, in Nairobi, Kenya, the UNEP GC/GMEF considered UNEP's Global Mercury Assessment report and in Decision 22/4 V noted sufficient evidence to warrant immediate national action to protect human health and the environment from releases of mercury and its compounds, facilitated by technical assistance and capacity building from UNEP, governments and relevant international organizations. The decision requested that the Executive Director consult and cooperate with other intergovernmental organizations in order to avoid duplication. The Executive Director was also requested to invite submission of governments' views on medium- and long-term actions on mercury, and to compile and synthesize these views for presentation at the Governing Council's 23rd session, with a view to developing "a legally binding instrument, a non-legally binding instrument, or other measures or actions."

## 23RD SESSION OF THE UNEP GOVERNING

**COUNCIL/GMEF:** UNEP GC-23/GMEF took place from 21-25 February 2005, in Nairobi, Kenya. Delegates once again discussed the issue of mercury and adopted Decision 23/9 IV, which requested that the Executive Director further develop UNEP's mercury programme by initiating, preparing and disseminating a report summarizing supply, trade and demand information on mercury. The decision requested that governments, the private sector and international organizations take immediate actions to reduce the risks posed on a global scale by the use of mercury in products and production processes, and also requested that the Executive Director present a report on progress in the implementation of the decision as it relates to mercury to the 24th session of the UNEP Governing Council/Global Ministerial Environment Forum (GC-24/GMEF). It concluded that further long-term international action was required to reduce such risks and called for an assessment of the need for further action on mercury, including the possibility of a legally-binding instrument, partnerships, and other actions at GC-24/GMEF.

**IFCS-V:** The fifth session of the Intergovernmental Forum on Chemical Safety (IFCS-V) was held from 25-29 September 2006, in Budapest, Hungary. IFCS-V adopted the Budapest Statement on Mercury, Lead and Cadmium, which, *inter alia*: urged IFCS participants to initiate and intensify actions, as appropriate, to address the excess supply of mercury on a global scale through a variety of possible measures, such as an export prohibition, prevention of excess mercury from re-entering the global market, and a global phase-out of production of primary mercury; invited the UNEP GC to initiate and strengthen voluntary actions at the global level for mercury, lead and cadmium, including partnerships and other activities; prioritized considering further measures to address risks to human health and the environment from mercury, lead and cadmium, as well as considering a range of options including the possibility of establishing a legally-binding instrument, as well as partnerships; and called upon countries to support these activities.

**INTERNATIONAL MERCURY CONFERENCE:** From 26-27 October 2006, the European Commission convened an International Mercury Conference in Brussels, Belgium. Delegates discussed actions needed at the local, national,

regional and global levels to reduce health and environmental risks related to the use of mercury, with a view to providing input to GC-24/GMEF and relevant chemicals agreements. Options discussed included: development of a legally-binding international agreement on mercury; inclusion of mercury in existing legally-binding agreements; and voluntary and other measures.

## 24TH SESSION OF THE UNEP GOVERNING

**COUNCIL/GMEF:** At its meeting of 5-9 February 2007, in Nairobi, Kenya, the GC-24/GMEF discussed the issue of mercury extensively. Participants' preferences for international cooperation on mercury ranged from an immediate negotiating process towards 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. Agreeing on the need to outline priorities regarding reducing risks from releases of mercury, delegates requested that the UNEP Executive Director prepare a report on mercury emissions and strengthen the UNEP mercury partnerships. It also established an *ad hoc* open-ended working group of government and stakeholder representatives to review and assess options for enhanced voluntary measures and new or existing international legal instruments for addressing the global challenges posed by mercury. The working group, according to Decision 24/3 IV, is to be guided by 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 public and environmental health; and
- to increase knowledge on areas such as inventories, human and environmental exposure, environmental monitoring and socioeconomic impacts.

The group will provide a final report to GC-25/GMEF in 2009, which will take a decision on the matter.

## FIRST MEETING OF THE OEWG ON MERCURY:

The First Meeting of the *Ad hoc* Open-Ended Working Group (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. The meeting considered a report on the Analysis of Possible Options to Address the Global Challenges to Reduce Risks from Releases of Mercury and discussed the available response measures for addressing strategic objectives. Delegates agreed on seven intersessional tasks to be undertaken by the UNEP 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 of each of the strategic objectives; meeting demand for mercury if primary production is phased out; major mercury-containing products and processes with effective substitutes; and funding available through the Global Environment Facility (GEF) and the Strategic Approach to International Chemicals Management (SAICM).

## REPORT OF OEWG-2

On Monday morning, 6 October, OEWG Chair John Roberts (UK) opened the meeting. Alice Kaudia, Ministry of Environment (Kenya), expressed appreciation for UNEP's efforts in moving the process forward. She outlined Kenya's efforts to reduce mercury emissions, including through limiting emissions from medical waste.

Angela Cropper, Deputy Executive Director, UNEP, noted the divergent views on the need for voluntary measures or a legally-binding instrument to address the issue of mercury. She encouraged delegates to focus on elements of a policy framework for consideration by UNEP GC.

Chair Roberts introduced the provisional agenda (UNEP(DTIE)/Hg/OEWG.2/1 and UNEP(DTIE)/Hg/OEWG.2/1/Add.1), the scenario note (UNEP(DTIE)/Hg/OEWG.2/2) and the provisional meeting flow (UNEP(DTIE)/Hg/OEWG.2/INF/8). The agenda and organization of work were adopted without amendment. The Czech Republic, for the Central and Eastern European (CEE) region nominated, and the OEWG elected, Ivana Vrhovac (Croatia) as a member of the Bureau.

Throughout the week, delegates met in plenary to discuss common elements of a mercury framework, capacity building and finance, and the report to the GC. This report is organized according to the agenda of the meeting.

### **REVIEW AND ASSESSMENT OF OPTIONS FOR ENHANCED VOLUNTARY MEASURES AND NEW OR EXISTING INTERNATIONAL LEGAL INSTRUMENTS**

On Monday, in plenary, Chair Roberts introduced the discussion on the options for enhanced voluntary measures and new or existing international legal instruments. He suggested that delegates first make general statements and that they then focus on intersessional work, elements of a mercury framework, modalities for implementation, finance and capacity building, and a report to the GC. Discussions on these agenda items continued throughout the OEWG. These are summarized thematically in the following sections.

**GENERAL STATEMENTS:** France, on behalf of the European Union (EU), said a multilateral environmental agreement containing both mandatory and discretionary provisions was the most effective way to address the threat posed by mercury. She highlighted the process of cooperation and coordination being undertaken by the Basel, Rotterdam and Stockholm Conventions and said this could be extended to include an instrument on mercury. Switzerland expressed hope that the meeting would develop a common vision of measures required to address mercury, and agree on options for consideration by UNEP GC. Croatia, on behalf of the CEE, said the region supports voluntary approaches, but that a legally-binding instrument (LBI) is necessary in the long term. Norway

urged delegates to focus on developing building blocks for a mercury regime that will minimize mercury pollution, and described the benefits of harmonizing efforts through an LBI.

Nigeria, on behalf of the African Group, said the group supports an LBI, and stressed the need to agree on the policy elements and define global objectives.

Reporting on the outcomes of the Asia-Pacific regional meeting, Japan noted the diverse views, but said all countries present recognized the need for international cooperation to address mercury. Japan supported the development of a framework consisting of an LBI and voluntary measures.

Venezuela, on behalf of the Group of Latin America and Caribbean Countries, regretted that the group had not had an opportunity to discuss mercury during the intersessional period, announced that Chile would host a regional preparatory meeting before GC-25, and called for assistance. Stating that an LBI would lead to fragmentation of the issue of mercury, Mexico preferred a voluntary approach under SAICM. Brazil said a mercury framework should contain fundamental elements including: differentiated commitments between developed and developing countries; a stable and effective financial mechanism; specific provisions for the financing of mercury conversion and final disposal activities in developing countries; and restrictions on the global supply of mercury. The Dominican Republic advocated legally-binding measures and urged large mining companies, especially in developing countries, to limit mercury contamination.

New Zealand said his country had no formal position, recalled the issues that constrained progress in the past, and urged delegates to provide the UNEP GC with objectives and the further actions and instruments needed to address mercury. The US introduced its information document on an expanded voluntary approach (UNEP(DTIE)/Hg/OEWG.2/INF/6), explaining that the paper responds to concerns raised by some delegations on the weaknesses of voluntary measures. Canada underscored its commitment to work actively to ensure progress on the issue of mercury.

Oman called for technical assistance to develop a national inventory of products containing mercury in use and identify substitutes. Iran highlighted its national actions to address mercury and said capacity building and technology transfer were necessary components of any legally-binding regime. Yemen supported voluntary or legally-binding approaches. Qatar noted it had hosted several national and regional meetings on mercury, and favored a legally-binding approach.

India said action was required to address mercury at the national, regional and international levels, but stressed the need for more baseline data prior to moving forward with any binding or non-binding framework on mercury. China cautioned that developing policy frameworks is a long process and said new mechanisms should be avoided where possible. He favored a focus on awareness raising, information exchange, capacity building, technical assistance and financial resources.

Stating that an LBI was necessary to effectively address mercury, the European Environmental Bureau supported complementary voluntary measures. The Inuit Circumpolar

Council drew attention to the high concentrations of mercury in traditional food sources in the Arctic and urged delegates to take immediate action.

**INTERSESSIONAL WORK:** During plenary on Monday, the OEWG heard reports on intersessional activities.

The Secretariat presented a number of reports prepared at the request of OEWG-1. The report on financial considerations (UNEP(DTIE)/Hg/OEWG.2/3 and 12) addressed the potential for accessing GEF resources, using the Multilateral Fund for the implementation of the Montreal Protocol as a model for the development of a fund, and opportunities for funding under SAICM. The report on technology transfer and support (UNEP(DTIE)/Hg/OEWG.2/10) highlighted the experiences of the Montreal Protocol, the Basel and Stockholm Conventions and partnership programmes. The report on implementation options (UNEP(DTIE)/Hg/OEWG.2/4) addressed mechanisms relating to a protocol to the Stockholm Convention, a free-standing convention and voluntary measures. The report on the analysis and grouping of response measures (UNEP(DTIE)/Hg/OEWG.2/11) concluded that there were many measures that could be implemented with net benefits. The report on mercury supply and demand (UNEP(DTIE)/Hg/OEWG.2/6 and Add.1) concluded that demand could be met without primary mercury from Kyrgyzstan. The report on major mercury-containing products and processes and their substitutes (UNEP(DTIE)/Hg/OEWG.2/7 and Add.1) provided an inventory of these, as well as information on the relative quantities of mercury used and the experience of switching to non-mercury processes or products.

The Secretariat also presented its proposal on the common elements of a mercury framework (UNEP(DTIE)/Hg/OEWG.2/8), noting that it was based on the measures identified at OEWG-1 (UNEP(DTIE)/Hg/OEWG.2/11) and paragraph 19 of Decision GC 24/3 IV.

Finally, Sweden reported on a seminar that took place on 4 October 2008, in Nairobi, Kenya, to consider a new study on the social and economic costs of continued mercury contamination of the environment initiated by the Nordic Council of Ministers (UNEP(DTIE)/Hg/OEWG.2/CRP.2).

#### COMMON ELEMENTS OF A MERCURY

**FRAMEWORK:** This issue was first introduced in plenary on Monday, 6 October, and was discussed throughout the week. Having introduced the paper on common elements (UNEP(DTIE)/Hg/OEWG.2/8), the Secretariat explained that the paper was prepared at UNEP's initiative to facilitate the work of the OEWG and to serve as a basis for the development of possible recommendations to GC-25. The paper contained a proposal for a conceptual framework of the policy framework for the future work on mercury, and follows the traditional structuring of policies comprising an introduction, specific actions and administrative issues. The Secretariat stressed that the proposal did not prejudice the nature of the instrument nor did the sequence of elements reflect an order of priority. The document was divided into four sections: elements that frame the issue; specific actions to address the challenges posed by mercury; arrangements related to implementation; and policy guidance and administration. Delegates agreed to use the paper as a basis for discussion.

The common elements paper was discussed Monday, Tuesday and Wednesday. On Thursday, the Secretariat produced a revised version of the framework (UNEP(DTIE)/Hg/OEWG.2/CRP.9) and delegates continued their discussion on the basis of this paper Thursday and Friday. Late Friday the Secretariat released a revised framework reflecting delegates' changes (UNEP(DTIE)/Hg/OEWG.2/CRP.9/Rev.1) and this will form an annex to the report to the GC.

**Elements that frame the issue:** This section of the paper proposes the expression of political commitment, a list of principles and the objective of a framework. New Zealand urged agreement on the objectives of a mercury framework, and suggested framing the objectives using language taken from SAICM. The EU, supported by Norway but opposed by China, suggested using the objective defined in the UNEP Global Mercury Partnership. The US stressed the need to know the nature of the outcome prior to discussing specific elements and, supported by Switzerland, Japan, Brazil and others, suggested that a chapeau reflecting issues not yet decided on should be added to the recommendations to the GC. Norway said an explanation of the intent and status of the document should be included in the chapeau and Brazil, supported by Jamaica, said the principle of common but differentiated responsibilities should also be mentioned.

Regarding the relationship between the elements and possible implementation modalities, the US noted that the choice of elements to include would depend on the nature of the framework. Delegates agreed that elements may vary depending on the legally-binding or voluntary nature of the implementation modalities.

**Specific actions to address the challenges posed by mercury:** This section of the paper highlights eight specific actions and identifies potential activities under each action. The actions are: to reduce mercury supply; to reduce mercury demand; to reduce international trade; to reduce or eliminate atmospheric emissions; to achieve environmentally sound management (ESM) of mercury-containing waste; to find environmentally sound storage solutions for mercury; to address remediation of mercury-contaminated sites; and to increase information.

Canada observed that some of the actions identified for addressing the challenges posed by mercury were prescribing the implementation modalities. Indonesia, Bangladesh and China proposed adding references to public awareness, research and development, and technical assistance and capacity building.

Regarding reducing the supply of mercury, the Dominican Republic suggested identifying the specific activities to be restricted, reduced or eliminated. India, China and Peru suggested regulating, rather than reducing, the supply of mercury, with India also expressing a preference for focusing on regulating demand and not supply. The Natural Resources Defense Council (NRDC), supported by the Basel Action Network (BAN), pointed out that supply must be regulated in order to reduce demand. As a country with a large-scale gold mining industry, Peru noted that eliminating mercury would mean ceasing gold mining.

Mexico, supported by Japan, Canada, Switzerland and China, underscored the importance of recovering mercury from industrial processes and said the supply of mercury from industrial processes should not be eliminated. Canada and the US suggested deleting the illustrative list of sources of mercury to be reduced or eliminated. The EU, supported by the African Group and Switzerland, but opposed by India and China, preferred retaining the list. Kyrgyzstan, Switzerland, the EU, Norway, and South Africa, on behalf of the African Group, supported maintaining the reference to reducing “primary mining.” The EU proposed qualifying language to the effect that elimination would be taken “where feasible,” a compromise that India accepted, but China rejected. The matter was deferred to an informal group comprising the EU, Switzerland, China and India, and the EU proposal was accepted.

On reducing the demand for mercury in products and processes, Jamaica noted that accessibility and affordability of mercury substitutes would influence a mercury phase-out programme. The EU proposed a differentiated, sector-by-sector, phase-out programme. Pakistan said reference to prohibiting construction of new production facilities should be deleted as mercury alternatives were not always available, and India suggested qualifying the prohibition with the words “where feasible.” India added that the expansion of existing production facilities should be prohibited. The US, supported by Canada and Australia and opposed by Tanzania and Nigeria, preferred deletion of the illustrative lists of actions and sectors. Delegates agreed to qualify the lists with language affording flexibility.

Regarding reducing international trade in mercury, the EU, Norway, Nigeria, Senegal, Jamaica, Tanzania and the Gambia supported reducing international trade in mercury. Japan opposed a total ban on mercury trade, but supported restricting mercury trade and operating a prior informed consent procedure. China favored dealing with trade under the World Trade Organization. Namibia pointed out that while small countries are unable to participate in the World Trade Organization process, they can participate in the OEWG. The Dominican Republic said producers should be held responsible for their residues and Panama stressed the right to information on the impacts of mercury. Mauritius, Burkina Faso and the Gambia said they had limited capacity to manage hazardous wastes in an environmentally sound manner.

Switzerland and the Russian Federation said trade should fall under any future regime addressing the challenges of mercury. Switzerland added that trade in mercury-containing products without substitutes should be allowed. India stressed focusing on substitutes for mercury. Regarding the legal status of regulating relevant trade, BAN explained that Article 20 of the General Agreement on Tariffs and Trade provides for policies affecting the trade in goods for the protection of human health and environmental impacts. Chair Roberts proposed separating control of trade in elemental mercury from control of trade in mercury-containing products. The US and Switzerland, opposed by the NRDC, supported this proposal. The US, opposed by Norway, the EU and Nigeria, suggested that elemental mercury be discussed as a trade issue, and mercury-containing products as a waste issue. The US, Indonesia, Australia, China, India and Pakistan, opposed by the EU, Switzerland and Norway, proposed

deleting reference to trade in mercury-containing products. As no consensus could be reached, Chair Roberts requested that countries consult informally on this issue. On Friday afternoon, the Secretariat announced agreement had been reached and reference to reducing trade in mercury-containing products was retained.

Regarding reducing or eliminating atmospheric emissions of mercury, China, supported by Indonesia, said the goal of this element should be to minimize, not to eliminate, emissions from the key sectors identified, stressing that eliminating mercury emissions from coal and other fossil fuels was not feasible. India, Pakistan and Indonesia opposed reference to elimination of unintentional atmospheric emissions of mercury, while China proposed deleting all reference to eliminating atmospheric emissions. Nigeria, Norway, Zimbabwe, the EU, the Sierra Club, the Gambia, Senegal, the US and Switzerland disagreed. The International Clean Coal Initiative explained that there are ways to generate clean power from coal, stressing that the control of coal mercury emissions is compatible with the expansion and growth of the power sector. The US proposed removing reference to unintentional emissions, saying this would give the provision a broader scope. China proposed removing references to specified timeframes for phasing in the use of best available technologies for identified sectors.

On achieving ESM of mercury-containing wastes, Jamaica said ESM of mercury compounds should be included and Japan stressed that recovering mercury from waste is essential to restricting the entry of mercury into the environment. Brazil reflected on the challenges faced by developing countries in implementing the Basel Technical Guidelines on the ESM of Mercury Waste, and requested further assistance. Noting that medical waste is not separated in his country, Togo suggested adding a reference to the separation of medical wastes. BAN said trade in waste for the purpose of environmentally sound disposal, recovery and recycling should not be exempt from the restriction on, or phase-out of, trade in waste. Supported by South Africa, he proposed exempting trade in waste for the purpose of ESM, particularly where there is no ESM facility in the exporting country.

Regarding finding environmentally sound storage solutions for mercury, Jamaica highlighted the challenges faced by small island developing states (SIDS), including finite land space and restricted storage capacity. Japan noted the need to share responsibility for storage among producers, users and other stakeholders. India asserted that long-term storage is neither necessary nor feasible, while the EU stressed that the need for secure storage is a consequence of mercury being withdrawn from markets. Switzerland highlighted the interdependence of actions on storage and trade.

On the remediation of existing contaminated sites, Chile, supported by Mexico, but opposed by the CEE region, the US and Nigeria, proposed amending this element to focus on the management of contaminated sites. India suggested including the need to rehabilitate sites, cap small sites and send contaminated waste to secure landfills.

Regarding increasing knowledge, Uganda and Brazil called attention to the need to develop knowledge on mercury, and Burkina Faso suggested a reference to information dissemination

and regular follow-up, instead of “monitoring.” Jamaica emphasized the needs of special groups, and the Sierra Club called for enhanced collection and sharing of data.

**Cross-cutting issues related to implementation:** On arrangements related to implementation, Chair Roberts recalled China’s proposal to reflect the cross-cutting nature of implementation arrangements, and the title of this element was subsequently changed from “arrangements related to implementation” to “cross-cutting issues related to implementation.” Indonesia proposed including reference to implementation of the Bali Strategic Plan for Technology Support and Capacity Building.

**Policy guidance and administration:** Recalling China’s emphasis on brevity, the Secretariat proposed deleting the list of examples of how the policy guidance or oversight process and administrative support could be undertaken. The EU proposed referencing the need for cooperation and coordination with the Basel, Stockholm and Rotterdam Conventions.

**Final Outcome:** The final outcome of these discussions is a text to be used as a basis for GC discussions that contains the elements of a comprehensive mercury framework as agreed by the delegates (UNEP(DTIE)/Hg/OEWG.2/CRP.9/Rev.1). The text consists of five sections, including: an introduction; elements that frame the issue; specific actions to address challenges posed by mercury; cross-cutting issues related to implementation; and policy guidelines and administration. The introduction explains that while the elements were not agreed in detail, they attracted broad support and were recommended to GC for its consideration. It also notes that the elements are independent of the possible implementation modalities, and that their ultimate inclusion in the framework and implementation may vary depending on factors such as the final nature of chosen implementation modalities and the availability of financial resources. The elements are summarized section-by-section.

**Elements that frame the issue:** This section lists framing elements that provide a context for responding to the challenge of mercury and expresses international commitment to addressing them. It proposes including an expression of political commitment, a list of principles and a statement of the framework’s objective.

**Specific actions to address the challenges posed by mercury:** This includes eight actions, including to: reduce the supply of mercury; reduce the demand for mercury products and processes; reduce international trade in mercury; reduce atmospheric emissions of mercury; achieve ESM of mercury-containing wastes; find environmentally sound storage solutions for mercury; address remediation of existing sites; and increase knowledge.

On the supply of mercury, the framework states that one aim might be to minimize the releases of mercury to the biosphere by reducing the global supply of mercury. This could be accomplished by using goals, targets or timetables to reduce or eliminate the supply of mercury from:

- primary mining;
- decommissioned chlor-alkali cells;
- mercury stockpiles;
- mining by-products; and
- recycling and other sources.

The framework also recognizes the need for ongoing use where alternatives are not readily available; and recommends that consideration be given to prohibiting new primary mining and phasing out existing primary mercury.

On mercury demand, the aim is to minimize human exposures and releases of mercury to the environment by reducing demand for mercury in products and processes, by developing and using, where feasible, such actions as:

- country-specific, sectoral or global demand reduction goals, targets or timetables;
- information tools or policies to promote the development and use of substitute or modified materials, products and processes; and
- best available techniques (BATs), best environmental practices (BEPs), or equivalent measures for demand reduction in sectors such as artisanal and small-scale gold mining, vinyl chloride monomer and chlor-alkali production, products and packaging, and dental practice.

Regarding reducing trade in mercury, the aim of the action is to minimize the harmful effects of mercury whilst recognizing that trade may be necessary for essential products or processes for which no suitable alternatives exist and to facilitate ESM of mercury. Identified actions, include:

- restricting or phasing out trade in elemental mercury and, where appropriate, considering similar measures for mercury compounds;
- reducing trade in mercury-containing products;
- operating a prior informed consent procedure for trade in mercury; and
- developing a data reporting system to monitor mercury trade.

The aim of the action on atmospheric emissions of mercury is to reduce, minimize, and where feasible, eliminate, atmospheric emissions of mercury derived from anthropogenic sources in key sectors. It states that consideration should be given to multi-pollutant approaches that have co-benefits that reflect other national and global human health and environmental priorities and that these could be accomplished by:

- developing national, regional or subregional implementation strategies;
- developing global, national and sectoral implementation strategies for key emission sources, reduction goals, targets and timetables;
- promoting the development and use of substitute or modified materials, products and processes;
- phasing in or promoting use of BATs, BEPs or equivalent measures for new sources; and
- promoting the use of BATs, BEPs, environmentally sound technology or equivalent measures within key sectors, for existing sources.

Regarding achieving ESM of mercury-containing wastes, the aim is to reduce anthropogenic releases of mercury. Identified actions included:

- developing and promoting guidance on BATs and BEPs and adopting a life-cycle approach; and
- cooperating with bodies of the Basel Convention to develop and implement relevant Basel Convention technical guidelines, and restricting or phasing-out trade in wastes



containing mercury or its compounds, except for the purpose of ESM, particularly when there is no ESM facility in the exporting country.

On environmentally sound storage solutions for mercury, delegates agreed that the aim of this element is to reduce or eliminate mercury releases from mercury stockpiles and wastes. Actions include:

- developing and promoting guidance on BATs and BEPs, and the roles and shared responsibilities of different stakeholders; and
- cooperating closely with bodies of the Basel Convention on the management and transport of mercury-containing wastes.

On addressing remediation of existing contaminated sites, agreement was reached that the aim of the element is to reduce mercury releases and the potential for future releases. Identified actions include:

- developing and implementing strategies and methodologies for identifying, assessing, prioritizing and remediating contaminated sites; and
- developing and promoting guidelines for identifying mercury-contaminated sites and guidelines on BAT and BEP for preventing the spread of mercury contamination and managing, remediating and rehabilitating contaminated sites.

On increasing knowledge, delegates agreed that the aim of this element is to address data and information gaps on mercury by developing and improving:

- inventories of national use, consumption and environmental releases;
- monitoring of current levels of mercury in various media;
- assessments of the impact of mercury and mercury-containing compounds on human health and the environment, and dissemination of that information;
- information on transport, transformation, the environmental cycle and fate of mercury;
- information on trade in mercury and mercury-containing products; and
- enhanced collection and sharing of existing information.

**Cross-cutting issues related to implementation:** Delegates agreed that the elements under cross-cutting issues include measures that governments might wish to implement to increase the likelihood of the success of their efforts in addressing the problem of mercury. Proposed elements included: information exchange; multi-level implementation strategies that are publicly available and periodically reviewed and updated; monitoring, reporting and reviewing; recognition of the special needs of developing countries and countries with economies in transition; and effectiveness evaluation and review of commitments.

**Policy guidance and administration:** Agreement was reached that the elements of this section relate to overall policy guidance, oversight and administration of the mercury framework, and that they should recognize the need for enhanced cooperation and coordination with the Basel, Stockholm and Rotterdam Conventions, and with competent international organizations and intergovernmental and non-governmental bodies.

**MODALITIES OF IMPLEMENTATION:** The issue was discussed in plenary on Wednesday, briefly on Thursday, and on Friday as part of discussions on the draft report to the GC.

On Wednesday, Chair Roberts invited delegates to state the modality favored, and the advantages and disadvantages of the alternatives. He explained that legally-binding options could include a new multilateral environmental agreement (MEA), a Stockholm Convention protocol, or a protocol to the Basel or Rotterdam Conventions. He said the voluntary measures could include the US-proposed Programmatic Organizational Structure on Mercury (POSM), a SAICM-type agreement, or the existing UNEP mercury programme.

The EU, the African Group, the CEE region, Norway, Senegal, Oman and Mauritania favored an MEA, citing the benefits of other pollution-related conventions, and highlighting the potential of such agreements to deliver, generate funds for technical capacity, and accommodate obligatory, mandatory and voluntary actions. The EU outlined several activities that could be covered under an LBI, including: banning the establishment of new mining activities; phasing out production; and restricting the sale of mercury derived as a mining by-product. Switzerland, supported by Nigeria, said a multilateral environmental agreement was the best way to address mercury supply. The African Group said international trade in mercury could only be regulated under an LBI, and stressed the need to address the life cycle of mercury in all its forms. The European Environmental Bureau, joined by Uruguay, supported a free-standing convention, stressing that it is more effective and will increase the confidence of countries in managing mercury.

Japan called for a combined voluntary and legally-binding instrument, highlighting the shortcomings of employing either option independently. The Russian Federation noted that many delegates favored a split regime and suggested also forwarding this option to the GC. The Asia-Pacific region favored voluntary approaches in the short term and said a combination of a legally-binding agreement and voluntary measures might be considered in the long term.

China stated that although an LBI might be considered in the long-term, at this stage a voluntary approach was most appropriate. India highlighted the achievements of current voluntary actions to reduce mercury emissions and identified flexibility and speed of implementation as benefits of a voluntary approach.

The US supported a voluntary approach and presented its POSM proposal (UNEP(DTIE)/Hg/OEWG.2/CRP.6), highlighting its potential for immediate implementation and broad participation, and its light structure. The US noted that the Rotterdam, Stockholm and Basel Conventions could play complementary roles to voluntary measures. Australia said the need for an LBI had not been established and that the elements of a mercury framework agreed by the group could be addressed adequately through a voluntary approach, such as SAICM or POSM. Argentina said it was not in favor of negotiating a new instrument, preferring strengthening current voluntary instruments and extending existing LBIs to deal with mercury.

NRDC noted that voluntary approaches can be developed quickly, but argued that effectiveness was more important than speed. He said the assumption that more countries would participate in voluntary, than legal, measures was unfounded.

Citing numerous references to the use of the Rotterdam Convention, NRDC observed increased congruence on the need for a legal underpinning to trade measures.

Chair Roberts summarized that there was clear preference from proponents of an LBI for a free-standing legally-binding convention, over other legally-binding options. Regarding voluntary approaches, he said POSM, SAICM and a scaled-up UNEP mercury programme had received support, and requested the Secretariat to summarize these.

The Secretariat prepared a summary of options of implementation modalities for delegates' consideration and these were included in the draft report to the GC and considered by delegates on Thursday (UNEP(DTIE)/Hg/OEWG.2/CRP.10) in plenary. A summary of the discussions related to this report is included in the section entitled "Report to the Governing Council" below.

**FINANCE AND CAPACITY BUILDING:** The documents on possible funding modalities and sources (UNEP(DTIE)/Hg/OEWG.2/3 and 12) were introduced on Monday, and the issue taken up in plenary on Thursday. Chair Roberts invited delegates to comment on elements and actions of the mercury framework requiring support, and the appropriate support mechanism.

Norway and the EU called for using existing financing mechanisms such as the GEF. The EU and Switzerland expressed concern about the proliferation of financial mechanisms. Brazil, supported by the Gambia, said the GEF currently cannot provide sufficient resources for the required actions, and with Jamaica, Oman and Nigeria, proposed using the Multilateral Fund for the Implementation of the Montreal Protocol, as a model. Jamaica said that the SAICM Quick Start Programme is inappropriate because it is time-limited and some countries may be ineligible. Nigeria highlighted implementation actions that would require capacity building, such as storage of mercury waste and remediation of contaminated sites. The US favored multi-source funding, including development assistance, and said a voluntary stand-alone fund was the most effective option. He also questioned the value of an LBI, in which the US, as a major donor, could not participate.

On capacity building, Tanzania highlighted the need for capacity building in the areas of mercury management, regulation and law enhancement, and supported establishing a special fund under an LBI. Sri Lanka stressed the need for technical and financial support for ESM of mercury. Nigeria highlighted implementation actions that would require capacity building, such as storage of mercury waste and remediation of contaminated sites.

**REPORT TO THE GOVERNING COUNCIL:** Chair Roberts introduced the draft report to the GC (UNEP(DTIE)/Hg/OEWG.2/CRP.10) on Thursday, and discussion continued on Friday. The report contained sections on a new free-standing, legally-binding mercury convention and enhanced voluntary measures, as well as a description of each measure including potential advantages and disadvantages.

In an initial response to the report, the EU said it was generally satisfied, but the US expressed dissatisfaction with the description of POSM in the report, and with the balance struck between delegates' views. Supported by Switzerland, he suggested that each section on implementation modalities

should have a chapeau stating that the modality has proponents and opponents. Switzerland said the description of the option of a free-standing mercury convention did not adequately capture delegates' views and requested the Secretariat to redraft it, using the EU proposal (UNEP(DTIE)/Hg/OEWG.2/CRP.7).

Regarding options for implementation modalities, and in response to China's proposal for new text elaborating the benefits of voluntary mechanisms over an LBI, Chair Roberts suggested, and delegates accepted, that proponents of each approach collaborate to develop a paragraph on the rationale for their preferred approach.

Chair Roberts explained that proponents of an LBI or voluntary measures may add to the list of advantages, and that opponents could list disadvantages. Several advantages and disadvantages were added to the list and these were accepted by the OEWG.

The Secretariat revised the draft report (UNEP(DTIE)/Hg/OEWG.2/CRP.10/Rev.1) and this was adopted by delegates. Masa Nagai, UNEP, clarified that the report, together with its annex containing the framework (UNEP(DTIE)/Hg/OEWG.2/CRP.9/Rev.1), would be transmitted to the GC as part of the report of the UNEP Executive Director.

**Final Outcome:** The draft final report of the *Ad hoc* OEWG (UNEP(DTIE)/Hg/OEWG.2/CRP.10/Rev.1) includes the elements listed below.

- An introduction explaining the report is in response to the request of GC Decision 24/3 IV.
- A recommendation that the GC consider adopting the policy framework for addressing the global challenges posed by mercury and explaining that the elements collectively constitute a comprehensive approach that may be needed to address, and resolve, the global challenges of mercury.
- Two options for implementation modalities: a new free-standing, legally-binding mercury convention and voluntary measures.
- A description of a new free-standing, legally-binding mercury convention, indicating that a convention could complement and enhance cooperation and coordination among existing LBIs, especially the Basel, Rotterdam and Stockholm Conventions. It also lists the potential advantages of a free-standing convention, including that it enables governments to implement trade-related measures to reduce mercury in a non-discriminatory way; ensures broad participation and effectively prohibits new undesired uses and supplies of mercury. It identifies potential disadvantages of an LBI, including, the time and resources required for negotiations; the exclusion of countries unwilling to take on binding commitments; and reduced flexibility.
- A description of enhanced voluntary measures that identifies three alternatives, namely: building on the existing UNEP mercury programme; using SAICM; and a proposed new voluntary instrument, POSM. It lists potential advantages of voluntary measures, including rapid and less costly development, adaptability, and broad participation because of its flexibility. It also identifies potential disadvantages, including: difficulties in attracting sustained and adequate

financing; the lack of enforcement measures; and a possible fragmented and uncoordinated approach to addressing the mercury problem.

- An annex, the contents of which are described in the outcome of the elements of a mercury framework above.

### **REPORT ON ACTIVITIES UNDER THE UNEP MERCURY PROGRAMME**

The item was taken up in plenary on Monday and reopened briefly on Thursday.

Jozef Pacyna, Norwegian Institute for Air Research, on behalf of the Secretariat, presented a progress report on atmospheric emissions (UNEP(DTIE)/Hg/OEWG.2/INF/1) prepared pursuant to GC decision 24/3 IV for presentation to GC-25. He highlighted three alternative future scenarios arising from inaction, limited action based on the technology currently available in the EU, and action where all required resources are available.

In the ensuing discussion, Pacyna clarified, *inter alia*: how the data used for modeling was validated; the method by which data from the North American Free Trade Agreement's monitoring projects was captured; and that a cost-benefit analysis was undertaken. Japan highlighted the need for country-level emissions data and scenarios. Responding to Panama's comment on the difficulties of using the UNEP Toolkit for Identification and Quantification of Mercury Releases, the Secretariat noted that the toolkit is currently undergoing pilot testing and welcomed feedback on its usefulness.

The Secretariat discussed progress made on the partnership programme and highlighted the development of an overarching framework for the UNEP Global Mercury Partnership. Partners, including the UN Institute for Training and Research, Kyrgyzstan, the Italian National Research Council Institute for Atmospheric Pollution, the US, Japan, the Basel Convention Secretariat, the International Energy Agency Clean Coal Centre and UNEP, introduced initiatives under the partnership.

The US and China stressed that the UNEP mercury programme should be adequately funded, with China stating that the programme is more important than establishing a new LBI.

### **CLOSURE OF THE MEETING**

Delegates discussed the report of the *Ad hoc* OEWG on Mercury on the work of its second meeting (UNEP(DTIE)/Hg/OEWG.2/L.1 and UNEP(DTIE)/Hg/OEWG.2/L.1/Add.1) on Friday afternoon in plenary. The report of the meeting was adopted with minor amendments.

In his closing remarks, Chair Roberts praised delegates and the Secretariat for working in a constructive and collaborative manner throughout the week. He highlighted the significant progress made by the OEWG in reaching a broad consensus on a mercury framework.

Delegates praised Chair Roberts for his exemplary patience and understanding, and the Secretariat for their outstanding facilitative work. Delegates also paid tribute and expressed gratitude to John Whitelaw, Deputy Chief, UNEP Chemicals, and wished him well in his retirement.

Chair Roberts gavelled the meeting to a close at 6:33 pm.

### **A BRIEF ANALYSIS OF THE MEETING**

The second session of the *Ad hoc* Open-ended Working Group on Mercury (OEWG-2) marked the conclusion of a process initiated in February 2007 by UNEP Governing Council Decision 24/3 IV to review and assess options for enhanced voluntary measures and new or existing international legal instruments to address the issue of mercury. At the close of OEWG-1 held in November 2007, delegates suggested the outcome of OEWG-2 was contingent on the arrangement of a clear agenda, the willingness of delegates to adhere to it, and an open attitude in order to avoid entrenched positioning.

Thanks to substantive intersessional work by the Secretariat and the roving ambassadors that facilitated bilateral consultations, participants arrived in Nairobi for their final meeting optimistic about making progress. And, in spite of a brief reappearance of the polarity evident at OEWG-1 on Thursday, this spirit of congeniality and optimism resulted in agreement on a policy framework on mercury, as well as a streamlined list of implementation instruments – one legally-binding and three voluntary options – for consideration by the UNEP Governing Council in February 2009.

This brief analysis highlights the outcomes of the OEWG, identifies the controversial issues, and assesses the implications for facilitating the future work of the Governing Council on the global challenge of mercury.

### **THE RECURRING POTHOLE**

While delegates agree that action on mercury is necessary, the road to agreement on the modalities for implementation has been perennially bumpy. A key outcome of OEWG-2 was progress on limiting the options for modalities. Those supporting a legally-binding instrument (LBI) agreed that it should be free-standing. Through a process of elimination, the proposals for a protocol to the Stockholm Convention on Persistent Organic Pollutants and for protocols to the Basel or Rotterdam conventions fell by the wayside for lack of sponsors. Thus, the LBI camp coalesced into a group calling for the establishment of a new, stand-alone LBI. This camp was particularly delighted that a large number of countries, totaling about 90, and drawn from the EU, Africa, Latin America and the Caribbean, and Central and Eastern Europe, as well as several Asia-Pacific countries, signed up. This weight of support signaled the feasibility of a new instrument.

There was less agreement among those supporting voluntary measures. At the close of OEWG-2, three options remained comprising the Strategic Approach to International Chemicals Management, the US proposed Programmatic Organizational Structure on Mercury (POSM) and an expanded UNEP mercury programme. Lack of agreement on voluntary measures may have been due to the decreased number of countries supporting purely voluntary measures. Argentina, China, India, Mexico and the US, all support voluntary measures, but, significantly, exhibited great divergence. At one end of the spectrum were Mexico and India, which were unwilling to accommodate any, even minimal, legally-binding efforts, and at the other end, was China, which indicated a willingness to consider a narrowly defined regime in the future. In between them was the US, which was open to tighter voluntary measures than currently exist, and although it highlighted the shortcomings of an LBI, did not oppose its

establishment. Also influencing this camp was speculation that, in light of the impending US election, the US was “biding time” by offering a “straw man” in the form of POSM until the result on the potential change of government was known.

Delegates departed with tangible “options and views” to deliver to their capitals and the Governing Council, but were under no illusion as to the enormity of the task ahead.

### **FROM BUMPY ROADS TO HIGHWAYS**

The paper on common elements of the mercury framework was prepared at the initiative of the UNEP Secretariat. The Secretariat recognized that a major impediment to progress at OEWG-1 and past Governing Council deliberations on mercury was the lack of a coherent policy framework. Said by many to be a “brave move” on the part of the Secretariat, the paper was well received and served delegates well, providing a basis for deeper discussion. As the paper did not prejudice implementation modalities – legally-binding, or voluntary measures – delegates finally had the opportunity to retreat from their entrenched positions and consider “actions” required to address mercury.

This discussion served to illuminate the more contentious “actions” on trade and unintentional emissions, which demanded further exploration. On trade, the US supported the idea of separating trade in mercury-containing products from trade in elemental mercury, preferring to treat mercury-containing products as a waste issue. This would effectively separate producers from their products and reduce the chance of achieving extended producer responsibility. China, India and Pakistan preferred to omit mercury-containing products from the framework. Eventually reference to products was included, but this issue is likely to be taken up again in the future.

Unintentional emissions proved to be another sticky issue. India, Pakistan and Indonesia were against a focus on elimination of unintentional atmospheric emissions from coal combustion and other key sectors, on the grounds that developing countries rely on the energy generated from these sources, and that these produce minimal mercury emissions. Several delegations, including the US, noted the importance of addressing these emissions, with an NGO stating that clean power from coal, including eliminating mercury from coal emissions, is feasible and compatible with the growth and expansion of the power sector. This issue is likely to be hotly debated at the Governing Council, as it is closely tied to effectiveness of any action on mercury. This is because, together with artisanal small-scale gold mining, coal combustion is a major source of mercury emissions.

While consensus on elements was largely elusive, the Group agreed to recommend that the Governing Council consider adopting a global policy framework to address the global challenges posed by mercury, and outlined possible actions for inclusion. Although the elements were not agreed in detail, the OEWG noted they attracted “broad support” and could provide guidance for action at the national, regional and global levels. A majority of the participants was satisfied that agreement over these actions, while intended for the 25th session of the UNEP Governing Council, will likely also serve as the international community’s guiding framework for future initiatives on mercury.

### **THE ROAD AHEAD**

Proponents of an LBI were united in calling for a new free-standing mercury convention. Their consensus seemed to fall apart, however, when Chair Roberts invited participants to identify the specific actions that might best be implemented through voluntary or legally-binding measures. As one participant observed, although the EU was brave enough to make some initial proposals, none of the LBI proponents dared even comment on the EU assessment of which issues could be legally binding. For some it was just too early and further consultation over the intersessional period was necessary. For this reason, although the OEWG made significant progress along the road to the Governing Council, it fell slightly short of its mandate.

Among the key indicators of the delicate nature of the assignment is the “wind-turn” in the spirit of engagement that followed Thursday afternoon’s statement by UNEP Executive Director Achim Steiner. The emphasis on the need for a programme of work that could accommodate the possibility of a future legally-binding agreement alarmed proponents of an LBI, who believed that they were being asked to content themselves, initially, with voluntary measures. On hearing the warning against defaulting into voluntarism as the option for addressing the mercury challenge, proponents of voluntary measures felt pressured into accepting a binding agreement. When discussions resumed following this statement, there was evidence of backtracking as participants sought to re-open previously agreed text and others held out their positions. While the spirit of congeniality returned by the close of OEWG-2, participants acknowledged that, as one participant put it, “current statements of positions are firmer than in reality; people are keeping their powder dry for the Governing Council.” By their count, there is plenty of powder.

Bilaterals were initiated at OEWG-2 that will continue through the intersessional period, aimed at bridging the LBI and voluntary camps. From these talks it emerged that some proponents of voluntary measures may consider a narrowly-defined legally-binding agreement with elements on global issues that require global regulation, such as trade. For this to happen, proponents of a comprehensive LBI may, initially, have to concede movement towards a more circumscribed regulatory mercury agenda. Some participants suggested that while this approach is not ideal, it also leaves open the possibility of including other problematic heavy metals, such as lead and cadmium, in a future, more comprehensive regime on mercury. On the other hand, proponents of voluntary measures need to consider how their proposals will fit into a restructured UNEP, whose strategic reform has moved it into six issue clusters. It will also be necessary to seek to influence key fora, such as the upcoming EU Environment Ministers meeting and the planned meeting of the Latin America and Caribbean Region, where regional positions are likely to be defined in advance of the 25th Governing Council.

The OEWG benefited substantially from the technical expertise and support of UNEP Chemicals. However, since UNEP Chemicals does not play a major role in Governing Council sessions, participants underscored that consideration

must now be given to how the Governing Council can be supported in a similar fashion when it convenes in February 2009.

## UPCOMING MEETINGS

### FOURTH MEETING OF THE PERSISTENT ORGANIC POLLUTANTS REVIEW COMMITTEE (POPRC-4):

POPRC-4 will meet in Geneva, Switzerland, from 13-17 October 2008. The 31 Committee members will review the chemicals proposed for listing under Annex A, B and/or C of the Stockholm Convention and to discuss other relevant issues. For more information, contact: Fatoumata K. Ouane, Senior Scientific Officer, Stockholm Convention Secretariat; tel: +41-22-917-8729; fax: +41-22-917-8098; e-mail: [ssc@pops.int](mailto:ssc@pops.int); internet: <http://www.pops.int>

### SIXTH MEETING OF THE QUICK START PROGRAMME (QSP) TRUST FUND IMPLEMENTATION COMMITTEE:

This Committee will meet in Vienna, Austria, from 16-17 October 2008. The Committee members will meet to review and appraise funding applications made during the fifth round of the QSP Trust Fund. For more information, contact: SAICM Secretariat; tel: +41-22-917-8532; fax: +41-22-797-3460; e-mail: [saicm@chemicals.unep.ch](mailto:saicm@chemicals.unep.ch); internet: [http://www.chem.unep.ch/saicm/qsp/qsp\\_tf6/qsp\\_tf6.htm](http://www.chem.unep.ch/saicm/qsp/qsp_tf6/qsp_tf6.htm)

### MEETING OF THE OPEN-ENDED LEGAL AND TECHNICAL WORKING GROUP FOR THE INTERNATIONAL CONFERENCE ON CHEMICALS MANAGEMENT (ICCM):

This meeting will take place in Rome, Italy, from 21-24 October 2008. For more information, contact: Muhammed Omotola, SAICM Secretariat; tel: +41-22-917-8532; fax: +41-22-797-3460; e-mail: [saicm@chemicals.unep.ch](mailto:saicm@chemicals.unep.ch); internet: <http://www.chem.unep.ch/saicm/OELTWG/Open-ended.htm>

### FOURTH MEETING OF THE CONFERENCE OF PARTIES TO THE ROTTERDAM CONVENTION (PIC COP-4):

PIC COP-4 will take place in Rome, Italy, from 27-31 October 2008. For more information, contact: Rotterdam Convention Secretariat; tel: +41-22-917-8296; fax: +41-22-917-8082; e-mail: [pic@pic.int](mailto:pic@pic.int); internet: <http://www.pic.int>

### STAKEHOLDERS' MEETING TO REVIEW THE DRAFT BUSINESS PLAN TO PROMOTE A GLOBAL PARTNERSHIP FOR DEVELOPING ALTERNATIVES TO DDT:

This meeting will be held in Geneva, Switzerland, from 3-5 November 2008. For more information, contact: Paul Whyllie, Programme Officer, Stockholm Convention Secretariat; tel: +41-22-917-8729; fax: +41-22-917-8098; e-mail: [ssc@pops.int](mailto:ssc@pops.int); internet: [www.pops.int](http://www.pops.int)

### MEETING OF THE GLOBAL MONITORING PLAN COORDINATION GROUP:

The Global Monitoring Plan Coordination Group will meet from 10-12 November 2008 in Geneva, Switzerland. This meeting will be attended by the nominated coordination group members from all five UN regions. The purpose of the meeting is to discuss and agree on: organizing the group's work; facilitating preparation of the global monitoring report; and evaluating the first phase of the global monitoring plan. For more information, contact:

Katarína Magulová, Programme Officer, Stockholm Convention Secretariat; tel: +41-22-917-8729; fax: +41-22-917-8098; e-mail: [ssc@pops.int](mailto:ssc@pops.int); internet: <http://www.pops.int>

### INCEPTION MEETING OF THE ASIAN MERCURY STORAGE PROJECT ADVISORY COMMITTEE:

The Asian Mercury Storage Project Advisory Committee will hold its first meeting on 1 December 2008 in Bangkok, Thailand. This meeting aims, *inter alia*, to: initiate a regional process to support sequestration of excess mercury in Asia; share information about sequestration efforts in other countries and regions; and identify next steps. For more information, contact: Desiree M. Narvaez, Programme Officer, UNEP Chemicals; tel: +41-22-917-8865; fax: +41-22-797-3460; e-mail: [dnarvaez@chemicals.unep.ch](mailto:dnarvaez@chemicals.unep.ch); internet: [http://www.chem.unep.ch/unepsaicm/cheminprod\\_dec08/default.htm](http://www.chem.unep.ch/unepsaicm/cheminprod_dec08/default.htm)

### INFORMAL WORKSHOP ON STAKEHOLDERS' INFORMATION NEEDS ON CHEMICALS IN ARTICLES/PRODUCTS:

This informal workshop will be held in Bangkok, Thailand, from 2-4 December 2008. It aims to facilitate informed decision-making in relation to the issue of hazardous chemicals in articles and products. For more information, contact: SAICM Secretariat; tel: +41-22-917-8532; fax: +41-22-797-3460; e-mail: [saicm@chemicals.unep.ch](mailto:saicm@chemicals.unep.ch); internet: [http://www.chem.unep.ch/unepsaicm/cheminprod\\_dec08/default.htm](http://www.chem.unep.ch/unepsaicm/cheminprod_dec08/default.htm)

### TWENTY-FIFTH SESSION OF THE UNEP GOVERNING COUNCIL/GLOBAL MINISTERIAL ENVIRONMENT FORUM:

The 25th session of the UNEP Governing Council/Global Ministerial Environment Forum will take place in Nairobi, Kenya, from 16-20 February 2009. For more information, contact: Secretariat of the UNEP Governing Bodies; tel: +254-20-76234311; fax: +254-20-7623929; e-mail: [unepinfo@unep.org](mailto:unepinfo@unep.org); internet: <http://www.unep.org>

## GLOSSARY

BAN	Basel Action Network
BAT	Best available technologies
BEP	Best environmental practices
CEE	Central and Eastern Europe
ESM	Environmentally sound management
GC	Governing Council
GEF	Global Environment Facility
GMEF	Global Ministerial Environment Forum
IFCS	Intergovernmental Forum on Chemical Safety
LBI	Legally-binding instrument
NRDC	Natural Resources Defense Council
OWWG	Open-ended Working Group
POSM	Programmatic and Organizational Structure on Mercury
SAICM	Strategic Approach to International Chemicals Management