

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.