

## ZMWG Quick Views on OEWG 3 19-23 October 2009, Bangkok, Thailand

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1. The OEWG should agree to Intergovernmental Negotiating Committee (INC) rules of procedure which enable effective NGO participation and otherwise facilitate treaty progress, so that INC 1 can quickly adopt these rules and begin substantive deliberations.
2. NGOs affirm and support the decision of UNEP GC 25 to develop a comprehensive mercury treaty as specified in Paragraph 27:

“[T]aking into account, inter alia, the principles of the Rio Declaration on Environment and Development, ...develop a comprehensive and suitable approach to mercury, including provisions:

- a) To specify the objectives of the instrument;
- b) To reduce the supply of mercury and enhance the capacity for its environmentally sound storage;
- c) To reduce the demand for mercury in products and processes;
- d) To reduce international trade in mercury;
- e) To reduce atmospheric emissions of mercury;
- f) To address mercury-containing waste and remediation of contaminated sites;
- g) To increase knowledge through awareness-raising and scientific information exchange;
- h) To specify arrangements for capacity-building and technical and financial assistance, recognizing that the ability of developing countries and countries with economies in transition to implement some legal obligations effectively under a legally binding instrument is dependent on the availability of capacity building and technical and adequate financial assistance;
- i) To address compliance.”

3. The first INC meeting should be planned to produce focused discussions and negotiations on specific mercury reduction areas where substantial progress can be made rather than attempt to address every facet of the treaty. Some key aspects of the treaty await further study (i.e., air emissions from power plants and other industrial sources), or would benefit from a better understanding of other key treaty provisions, before proposed text can be carefully considered.

- i. Areas for discussion at INC 1 should include the reduction of mercury supply and trade (including building capacity for safe storage), arrangements for technical and financial assistance, and mechanisms addressing compliance. Discussions on measures to control mercury use in some products/processes are also recommended.

- a. Supply and trade, including storage should be a focus issue for discussion because:

- Reducing mercury supply (from mining and other sources), restricting international trade, and developing long term storage, are among the most effective and efficient ways to discourage continued use of mercury in products and processes such as small scale gold-mining, and to prevent the introduction of mercury into the biosphere;
- The global action and coordination needed to address this issue can only be done under a legally binding instrument;

- The information needed to inform discussions is already available or can be made available by INC 1, and can take advantage of national and regional activities now underway, including:
    - i. Export bans of metallic mercury (coupled with safe storage) that will enter into force in the EU (2011) and the U.S. (2013);
    - ii. The UNEP/UNITAR project in Kyrgyzstan in view of investigating the closure of the last commercial mercury mine in the world which exports primary mercury;
    - iii. The UNEP/ZMWG initiated regional storage projects in the Asian-Pacific and Latin America region, in view of examining viable storage options for mercury.
  - b. Discussion of **technical and financial assistance for developing countries and countries with economies in transition, and compliance measures**, should begin as soon as possible because they are critical to the underlying success of the treaty and their linkages warrant their consideration in a coordinated fashion.
  - c. Discussion on measures to reduce mercury use in certain **products/processes** should be undertaken, where technology developments have advanced and non-mercury alternatives clearly are already in use globally, such as batteries, certain electronic products, chlor-alkali, thermometers
4. **The OEWG should take steps to ensure that the GC 25/5 Par. 29 study on various types of mercury-emitting sources is designed, prepared and shared in a transparent manner. To ensure the timely completion by INC 2, an elaborated workplan should be produced.** Governments and other relevant organizations need to ensure cooperation with relevant bodies (UNEP, consultant) and provide input in time. In this way discussions on this important issue will start as early as INC 2, to allow time for reflection and a robust agreement.
5. **The OEWG should identify documents and materials needed to inform the INC deliberations, particularly INC 1,** to avoid delays or deferring issues for later. UNEP should be asked to prepare them so they are ready when they are needed. Such documents could include, but not be limited to, the following:
- a) A summary and analysis of relevant control measures related to international trade in other MEAs, including options for such measures in a global, legally binding instrument on mercury;
  - b) An analysis of WTO related issues for INC 1 consideration;
6. **The OEWG should take steps to ensure that developing countries receive the technical and financial support they will need** to participate in all aspects of the negotiations until their conclusion in 2013.
7. Exposures to mercury, especially to vulnerable populations, are a key concern and need to be addressed immediately. As called for in UNEP GC Decision 25/5 paragraphs 34 and 35, governments and others must urgently provide technical and financial assistance to support interim activities to be conducted while a treaty is prepared to ensure reductions in mercury uses and releases are achieved in the short term. Such activities should relate to mercury exposure and emission reduction activities, including but not limited to:
- a) reducing the supply of mercury from, for example, primary mercury mining;

- b) artisanal and small scale gold mining;
- c) global fish monitoring to raise public awareness, support risk communication and reduce mercury exposure.