

ZMWG Article 3 Intervention

1. Strong provisions in the treaty, limiting the global mercury supply must be put in place to encourage parallel reductions in global mercury demand, and discourage new or expanded uses of this toxic metal.
2. Article 3 appropriately targets primary mercury mining because it adds new mercury to the global supply thus increasing the pollution problem, also the production process itself releases large amounts of mercury. Primary mercury mining must stop as soon as possible.
3. Mr Chairman, we urge adoption of immediate ban on exporting mercury from mercury mining, and propose all primary mining terminate within 3 years of the date the Convention enters into force for any Party with existing primary mining. There will be ample supplies from other sources for future allowable uses, particularly given the number of mercury cell chlor-alkali facilities to be phased out during this time period.
4. Annex A should be revised to include byproduct recovery from natural gas production.

This source of byproduct mercury was documented in UNEP's reports on global supply and was highlighted by the Government of Indonesia on Sunday morning. While the amount of mercury recovered globally from the oil and gas sector is not known and warrants further study, enough information is known to identify this sector as a significant byproduct mercury source. Therefore, it is vital that this supply source be brought within the treaty control and reporting regimes.

5. Lastly, we suggest revision of Paragraph 3(e) to provide the COP residual authority to request additional global use and trade information as needed. Accurate and complete information on global mercury supply and trade will be absolutely necessary to have an effective treaty.

ZMWG Article 5 Intervention

1. Article 5 dictates under what circumstances Parties may trade mercury and mercury compounds from which elemental mercury can be economically recovered. This Article and Article 6 for non-Parties are thus the cornerstone of the global mercury supply reduction measures, and must be strong for the treaty to succeed.
2. ZMWG urges delegates to support the basic elements of Article 5: a prohibition on the trade of mercury unless Parties have obtained an allowable use exemption or the export is conducted for the purpose of facilitating the sequestration of mercury from the global marketplace. We believe this overall trade restriction will prove to be the driving force for fundamental changes in whether and how mercury is used in products and processes in the future, and will thus reinforce the product and process specific phase outs to be discussed under Articles 7 and 8.

3. While the proposed text could be improved, we also support the concept of restricting the global trade in mercury to supply small-scale gold mining. Making mercury difficult and expensive to obtain is a necessary part of a multi-pronged strategy aimed at achieving substantial mercury demand reduction for this sector. We must use the market to encourage better mercury practices in this sector, while as we will discuss under Article 9, providing information and technical support to help the miners adopt a sustainable path forward.

4. We also support the list of compounds in Annex B as those warranting trade restrictions, although the list may need to be moved since the storage provisions of Annex B should apply only to elementary mercury. The listed compounds are those already identified by either the EU or the US EPA as capable of producing elemental mercury in economically recoverable quantities, thus they could become the vehicle for undermining a trade ban on elemental mercury.

5. ZMWG proposes two ways Article 5 should be strengthened. First, to ensure the trade restrictions are appropriately implemented, Parties should be required to adopt domestic trade approval mechanisms so that only trade authorized under the treaty can take place. Without domestic trade approval authority, we cannot conceive how the Parties could comply with Article 5, including ensuring the traded mercury is not diverted to non-allowable uses under the treaty. The ability to authorize exports or imports only under the circumstances provided for in the treaty requires the converse authority of prohibiting trade until compliance with the treaty terms are ensured.

6. Second, the INC should consider whether international trade for dental uses of mercury must be in the form of packaged dental amalgam, and not as elemental mercury or other mercury compounds. This requirement would help prevent the diversion of mercury to ASGM or uses not allowed under the Convention, since imports of elemental mercury destined for ASGM are often falsely justified as dental mercury. The requirement would also protect dental workers and patients by avoiding onsite preparation of dental amalgam under inadequately controlled circumstances.

ZMWG Article 6 Intervention

Mr Chair,

Our intervention will be done in two points:

Firstly, we say that Article 6 governs the trade of mercury with non-Parties. Zero Mercury Working Group believes the export of mercury to non-Parties must be absolutely and strictly prohibited. Non-Parties are not subject to the restrictions governing mercury use in products and processes applicable to Parties, thus mercury traded to Non-Parties can be directed to the very uses the treaty intends to phase out. This kind of dynamic would undermine core treaty control measures, and would perversely reward non-Parties for not participating in the treaty. This dynamic must be prevented.

Secondly, The elements paper text would allow the export of mercury to non-Parties for the purpose of environmentally sound storage, but the text leaves unclear how

exactly Parties or the COP could determine the mercury was not diverted for use once shipped to the non-Party, or that even if the mercury is stored, the storage meets appropriate management standards. ZMWG believes that, in fact, such assurances could not satisfactorily be provided by non-Parties operating outside of the treaty regime, including its compliance provisions. The result is the potential for mercury dumping to non-Parties, and the creation of a potential major loophole to the demand reduction and environmentally sound storage provisions of the treaty. Moreover, we see no policy advantage for encouraging exports in this way, since Parties are expected to cooperate under Article 4 to provide the storage capacity needed to sequester mercury from the marketplace. Therefore, we recommend that exports of mercury be prohibited regardless of the alleged reason for the export, storage or otherwise.

Thank you Mr Chair.

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ZMWG Article 7 Intervention

Submitted by Naji Kodeih, IndyACT, Lebanon

1. ZMWG supports the negative list approach to phasing out mercury use in products, because of its advantages in discouraging new uses and its operational shift of the burden of proof to mercury users.
2. Nevertheless, we will devote our intervention to the changes needed to Article 7 and Annex C if the positive list approach is pursued
3. We seek four additional product categories in Annex C. Soaps and cosmetics (i.e., skin lightening creams) is one category, and should be added due to the documented adverse effects of mercury use through these products and the ready availability of non-mercury alternatives. The remaining three product categories consist of various biocide uses, which could be listed separately or captured within a broader biocide listing. These biocide applications are topical antiseptics, such as mercurochrome, similarly exposes people unnecessarily through direct dermal exposure, and paints and pesticides, which were historically very high uses of mercury. Its unclear whether and to what extent mercury pesticide and paint production is still ongoing, particularly in the developing world, but even if such uses are relatively minor, their inclusion in Annex C can be viewed as anti-backsliding provisions requiring little effort to achieve compliance. Moreover, in the case of pesticides, a recent Arctic Council report estimated 500-1,000 MT were in storage in just one country where stockpiles may be available for sale and export.
4. Regarding lamps, we prefer a process for setting mercury content limits over an outright production prohibition, since we fear the prohibition approach could merely result in blanket allowable use exemptions without minimizing the amount of mercury

consumed short-term in this sector. Under our preferred approach, the COP could set both maximum content limits where mercury is still needed to manufacture lamps, and a prohibition against mercury use (by setting a content limit of zero) where non-mercury alternatives are available or the particular category of lamps is outdated.

5. For at least some high priority lamp categories, we believe the INC can specify content limits based on upon the new standards established under the EU RoHS directive. These new standards were developed in a multi-year process involving expert review and stakeholder involvement. By its second meeting, the COP should be in a position where it may revise these content limits and set limits for any remaining lamp categories. Additional revisions may be made as lamp technology advances. Significantly, this process of adding and revising lamp content limits is an important reason a streamlined approach for annex revisions is required, as discussed under Article 28. The technology for lamp production can be expected to advance significantly over the next 10-20 years, therefore the Convention annex must stay current with the technology as mercury use is minimized and eventually eliminated.

6. Four sets of changes are needed to address trade with non-Parties because the elements paper is particularly weak or lacks clarity in this regard. First, The Convention should not allow exports of restricted mercury products to non-Parties. This restriction is needed both to encourage governments to become Parties, and to ensure restricted mercury products are only used in accordance with the Convention's exemption procedures, and adequately handled at the end of their useful life. Second, The Convention should prevent the export or financial encouragement to non-Parties of factory equipment used to manufacture products restricted under the Convention. This provision is needed to ensure that non-Parties cannot undermine the global demand reduction objective of Article 7.

Third, the Convention should require a Party to obtain an allowable use exemption in order to import otherwise restricted products from non-Parties. Without this addition, the import of restricted products from non-Parties could be easier and thus perversely preferred over trade with Parties. Moreover, the allowable use exemption process anticipates a review of non-mercury alternatives, and where international trade is involved, it is the importing party's local circumstances which are most relevant for the alternatives analysis. Fourth, Parties should be prohibited from importing products made using mercury processes prohibited under the treaty, such as PVC or chlorine, where the COP could identify the products and factories using the prohibited mercury processes. Such information could be found by the COP in trade journals and other industry sources, where facilities using mercury-based processes are often identified. Non-parties should not be allowed to benefit economically from the use of processes Parties to the Convention can no longer utilize.

7. Restricting the introduction of new categories of products under the positive list approach is very challenging, because of the need to anticipate many different

circumstances under which a case could arise. Perhaps we don't want to discourage the cure for cancer if a mercury compound is part of the answer, but on the other hand, we don't want to encourage the private sector to explore new mercury uses where alternatives will do just fine. Therefore, we propose discouraging new product categories by requiring them to undergo an allowable use exemption review and approval process before being authorized under the Convention. By affording this opportunity for COP review, the necessary technical evaluation and input from the Parties can be provided. We believe this process type approach can respond to unanticipated circumstances, and provide the transparency needed to ensure new mercury uses will be few and far between, if needed at all.

8. Lastly, a periodic review of Annex C is needed to determine if the treaty contains significant gaps in coverage of mercury products, if new technologies or information should result in control measures for previously unaddressed products, or if new lamp content limits are needed. If the annex should be revised, the COP can avail itself of the streamlined procedures for annex revisions, as previously discussed.

ZMWG Article 8 Intervention

Thank you Mr. President

I am speaking on behalf of the Zero Mercury Working Group

1. The Zero Mercury Working Group believes that Article 8 appropriately targets mercury based chlor-alkali and VCM manufacturing for phase-outs. These two manufacturing processes collectively account for over 1,000 MT of mercury consumption each year, and thus warrant priority attention under the treaty.

We believe a definition of chlor-alkali production is needed which clarifies that sodium methylate produced using the mercury cell process is captured within this definition. Since there are well-developed, high-volume non-mercury alternative processes available, this form of mercury cell use should be phased out as well.

We also believe that finding a mercury free catalyst for VCM must be a high priority for the global demand reduction strategy, and the treaty must be designed to push this technology forward through a phase out mandate, with an exemption process for legitimate delays in developing and deploying the non-mercury alternative. We note a mercury free catalyst will be pilot tested at a China PVC plant in mid-2011. If the pilot test is successful, a commercial scale demonstration test is foreseen by 2012. Let us hope these tests are successful

2. We recommend strengthening revisions to Article 8 and Annex D.

- Parties must be prohibited from exporting equipment for using mercury in these processes to non-Parties, so that the global mercury demand reductions sought by Article 8 are not undermined by increased mercury demand from non-Parties.

3. Finally, in ANNEX D, we support adding polyurethane elastomer production and other catalyst-based processes to the list of prohibited processes. Consultants reporting to the European Commission recently estimated global annual consumption of over 100 MT of mercury is used to make the polyurethane products each year. Most of this catalyst winds up in the final product, such as gym floors in schools and undersea applications. The EU consultants indicated non-mercury alternatives are available for over 95% of plasticizer applications. Consequently, this mercury use should be phased out as soon as possible, and thus included within Annex D.

With best regards,

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ZMWG Article 9 Intervention

Chair and delegates, thank you for the opportunity to speak about artisanal and small-scale gold mining (ASGM). We want to stress that it is becoming commonly understood by governments that, on a country by country basis, reducing use of mercury in ASGM is a solvable problem. There are existing successes that have led to substantial reductions in mercury use that can serve as models for broader programs. Many of these were elaborated, documented and agreed on at UNEP's global forum on ASGM in Manila in December 2010. These successes include consideration of the socio-economic dimensions of ASGM.

For example in one program implemented in 2007 in Indonesia, the use of low-cost, affordable fume hoods in gold shops, reduced mercury emissions by 80% in 6 months. Importantly these fume hoods remain in use to this day without external assistance, a testament to their success and sustainability. Similarly, a direct smelting technique has been developed and adopted by miners in Ghana to completely replace the use of mercury in applicable settings. These represent permanent and sustainable transitions away from mercury use.

While the problem of mercury in ASGM is solvable, the treaty will be a critical vehicle for focusing the global attention needed to make progress on reducing mercury use in this sector. The INC meetings alone have already raised awareness of the issue to levels never before attained within governments and internationally. We congratulate you on that and encourage you to build upon this momentum and progress.

For the treaty to realize its potential in addressing the ASGM sector, it must be ambitious, starting with the fundamental premise that Parties with ASGM must have mandatory obligations to take steps to reduce mercury uses and releases from the ASGM sector. Simply stated, while the draft elements paper would merely

recommend that Parties consider taking measures, we believe that, the need for action should be mandatory.

We believe it is essential that the treaty create provisions for mandatory obligations to address ASGM, *currently the world's largest demand for mercury*. Mandatory obligations, if properly structured, can be the vehicle for making enormous progress, because they will bring a coordinated demand reduction strategy that is needed to complement the treaty's supply reduction strategy. They will enable access to financial resources needed to do the job, and provide accountability in how money is allocated and spent, so that success is rewarded and duplicated. Such an approach is required in order to adequately protect the health and welfare of mining communities, and the health and welfare of the global environment.

What would be the nature of these mandatory obligations we seek?

We agree with that the flexible approach embodied in the elements paper is needed to realistically achieve reductions, and as such, agree that countries should develop country-specific action plans that describe the specify the strategies Parties intend to use to reduce and where possible eliminate mercury use in ASGM. However we believe the development and implementation of such plans should be mandatory. Further, in the ZMWG materials you have been provided, we have developed a new Annex G, modelled after similar annexes covering processes and air emissions, that elaborates the critical elements of such plans, including: when and how the worst mercury use practices will be eliminated, a long-term objective for eliminating mercury use in ASGM, a mechanism for identifying and addressing heavily contaminated sites, and opportunities for stakeholder involvement, including those working on poverty alleviation. Note that eliminating the worst practices of whole ore amalgamation, open amalgam burning, and using cyanide after mercury, would bring a huge reduction in mercury use and releases locally and globally. A 90% reduction in mercury release in ASGM globally could potentially be realized if just this one element of the action plan were achieved universally.

We anticipate that guidance and other materials will be needed to assist Parties with their plan preparation and implementation as part of this ASGM effort. An interim funding arrangement covering the next 5 years is urgently needed so that plan development and implementation can begin as soon as possible.

In closing, we believe it is essential that the treaty create provisions for mandatory inclusion of ASGM, and these provisions, if properly structured, can be the vehicle for making enormous progress on reducing mercury use in ASGM and protect the health and welfare of mining communities, and the global environment.

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World Emissions of Mercury from ASM: www.mercurywatch.org

ZMWG Article 10 Intervention

1. On behalf of Zero Mercury Working Group, I thank the chair for the opportunity to intervene.
2. ZMWG feels Article 10 of the elements paper is lacking since it would only require Best Available Technology (or BAT) for new facilities, and not for existing sources – potentially allowing older facilities to continue operating for decades to come at current or even greater pollution levels. While it is true that Article 10 contains limited language to “encourage” some emissions reduction from existing sources, this language lacks force, certainty, and accountability. The INC must include existing facilities within the mandatory control regime of priority source categories. This does not mean BAT would need to be the same for new and existing facilities. Rather, we recommend that appropriate distinctions be made between new and existing facilities when defining BAT. In revisions to Paragraphs 2-4, the ZMWG recommends that existing facilities be obligated to meet applicable BAT requirements if the plant continues to run the unit(s) in question past a defined cut-off date.
3. We also seek BAT guidelines which include both a technology-based approaches and emissions limit values. In this way, maximum flexibility is provided as to how compliance could be achieved, but would provide accountability on the level of performance expected.
4. ZMWG further recommends that the INC pay more attention to how emissions will be monitored and tracked. We specifically recommend that monitoring technology be expressly included in BAT development, in particular recognizing that Continuous Emission Monitors are now a proven, affordable and accurate method of obtaining real-time, by-the-minute data on emission levels and control equipment performance. Because this real-time monitoring provides such an effective means to check on performance, we hope to avoid the weaknesses inherent in periodic monitoring. Hg Continuous Emissions Monitors are essential in demonstrating continuous operating performance and continuous compliance with emissions limits as well as providing civil society with information needed to follow implementation.
5. In addition to the BAT/BEP issues, we have concerns that Annex E may have failed to include two potentially significant sources of mercury emissions. It is now coming to light that in certain regions of the world, oil and natural gas reserves can contain very high concentrations of mercury.
6. For example, during the technical sessions on Sunday, we heard that natural gas from Indonesia has now become a significant source of by-product mercury. If

significant amounts of mercury from the natural gas sector can be generated as by-product mercury, it stands to reason that prior to controls, significant amounts of mercury may be vented or released during the production process, including when raw gas is burned.

7. Further, our review of found that potentially significant amounts of mercury contained in some reserves of crude oil and fossil fuel condensates. Similarly, releases of mercury from processing condensates, crude oil and finished petroleum products could also be a significant source of mercury emissions.

8. Consequently, in at least some parts of the world, oil and gas production may contribute substantial local atmospheric mercury pollution, and in the aggregate, constitutes a global source category warranting attention.

9. We recognize that in 25/5 only coal was included in the Paragraph 29 study, due to our understanding from additional review; ZMWG and others feel all delegates may now require more information about including oil and natural gas. We are raising the issue now, and recommend that additional information be gathered. This additional information will allow delegates to evaluate whether inclusion of the oil and gas industry is warranted under Article 10, ensuring the treaty developed will ultimately provide suitable means to address major global sources of mercury air emissions.

Thank-you chair for the opportunity to intervene on these important issues.

Article 11 Intervention

Mr. Chairman, Good afternoon. Thank you for allowing Sustainable Development Policy Institute (SDPI) to make this statement on behalf of Zero Mercury Working Group (ZMWG). ZMWG is an international coalition of more than 90 public interest environmental NGOs from 45 countries around the world.

Mr. Chairman,

1. Article 11 complements Article 10 by targeting mercury releases to land and water. Its appropriate to look at releases to land and water for two reasons. First, some source categories release primarily to land and water, and thus would not be captured by Article 10. Second, BAT for releases to land and water may differ from BAT addressing air, even for the same sectors. Therefore, we support the inclusion of Article 11 in the treaty, but have several suggestions for making it more meaningful.

2. In some countries, dental offices may be the largest source of mercury releases to wastewater treatment plants, and thus by extension, are a water pollution source warranting priority attention. By adding dental offices to Annex F, the Conference of the Parties would similarly be required to develop BAT/BEP guidelines for dental

offices, which presumably would include amalgam separators, as well as appropriate instructions for segregating and managing mercury waste. It is important to note that even with amalgam listed in Annex C, there are hundreds of tons of mercury now in people's mouths that could be released during filling replacements over the next few decades.

3. Similarly, but perhaps more as a matter of clarification, the list of sources in Annex F should clearly include disposal facilities receiving wastes from the manufacturing and combustion processes listed in Annexes D and E. For example, this would include facilities receiving fly ash and other mercury-containing wastes from coal-fired power plants.

4. Several additional changes to Article 11 are needed. First, the Article should apply to both releases of mercury and mercury compounds. Elemental mercury releases represent only a portion of the pollution concern here, particularly given the opportunity for methylation of mercury compounds as well. Second, the language in Paragraph 2 requiring Parties to "take into account" the BAT guidelines adopted by the COP is extremely weak. Instead, we propose that Parties be required to "take action in conformity" with these guidelines, thereby making it clear that the guidelines cannot be ignored or bypassed in favor of a substantially weaker control regime.

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Article 13 Intervention

Lessons Learned from Minamata/By Takeshi Yasuma, Citizens Against Chemicals Pollution (CACCP) in Japan

Thank you very much, Mr. Chairman,

I am Takeshi Yasuma from Citizens Against Chemicals Pollution (CACCP) in Japan, speaking on behalf of the Zero Mercury Working Group and IPEN.

The Minamata tragedy here in Japan provides important lessons for protecting human health and the environment from mercury pollution at contaminated sites.

I would like to make six main points for addressing mercury-contaminated sites:

- (1) Act on symptoms: In Minamata, clear warning signs were ignored. To prevent future tragedies, abnormal signs or symptoms in the health of residents or in the environment of communities should immediately trigger a thorough investigation to identify what has happened, what is the cause and who is the polluter.
- (2) Identify the source: In Minamata, Chisso was the source of the pollution but denied it for years. To prevent continued release of mercury, the polluter's responsibility for the mercury pollution should be quickly established.

- (3) Investigate health effects: The health impacts of persons living near the contaminated site should be thoroughly investigated, taking into account impacts on vulnerable populations. After 55 years, this has not yet been thoroughly performed in Minamata.
- (4) Implement liability and compensation: As stated in Rio Principle 13, victims of pollution should be properly compensated. Rio Principle 16 clearly states that the polluter should bear the cost of pollution and promote the internalization of costs. Neither of these principles have been fully implemented in Minamata.
- (5) Raise public awareness: The Minamata community received no information or warning about the presence of mercury in fish. This reinforces the need to provide free, accessible information to persons who live around contaminated sites on the presence of mercury and the risks of mercury exposure.
- (6) Clean-up the site in a timely manner: After 55 years, the Minamata site is still contaminated. To learn from this sad situation, the treaty should contain provisions regarding timely remediation of contaminated sites in an environmentally sound manner

To conclude Mr. Chair, the lack of these measures in Minamata caused a painful tragedy that has affected victims' lives for more than fifty years – and still remains unresolved.

I would like to ask the INC to consider incorporating these important lessons learned from Minamata into the Mercury Treaty so that problems connected to mercury-contaminated sites do not occur in the future.

Thank you very much.

ZMWG Intervention Points – Article 14

1. In the elements paper, two different exemption processes are proposed. The first is essentially an automatic registration process, requested before the Convention enters into force for a Party, and intended to provide immediate relief from phase out obligations that would otherwise become effective the day the Convention entered into force for the Party. The second is a more rigorous process involving the submission of more information, and a COP review and approval process.
2. Conceptually, this two tiered approach makes sense, provided the automatic exemption is limited to two years, and the Party is required to provide some basic information so the COP and others can track what the exemption is for and how much mercury is involved. Two years provides sufficient time for the COP to establish the review procedures for the earned exemption process, and for Parties to apply as needed. A longer period of time for the automatic exemption would simply delay the transition to mercury free processes, because of the ease in which these exemptions are obtained and the possibility that Parties may file “protective” registrations without fully knowing whether they are actually needed.

3. The COP review procedures for the second tier must ensure the earned exemption process is transparent and considers relevant information from all sources. NGOs and others are in many cases very knowledgeable about the availability of non-mercury alternatives within a given country or region, and should thus be provided opportunities for meaningful input into the exemption review process.

4. When considering an earned exemption request, we think the COP should also take into account whether and to what extent the Party requesting the exemption is taking concrete steps to promptly eliminate mercury use in accordance with the Convention obligations, and how the Party intends to provide environmentally sound storage and/or disposal of the relevant mercury or mercury wastes. By building this information into the exemption review process, Parties seeking the exemption would need to consider the mercury life cycle impacts of an exemption and how they may accelerate their transition to mercury free products and processes, and in doing so, may ultimately decide to limit the scope of the request or eliminate it altogether.

5. For the earned exemption, we think a four year duration is reasonable as a general matter. However, for certain products and processes, there should be no need for exemptions beyond a certain point in time. For chlor-alkali production and products largely phased out already, exemption availability should terminate in 2020. For other products and processes, the COP should be authorized to terminate exemption availability where non-mercury alternatives are clearly available.

ZMWG INTERVENTION ARTICLE 15

Thank you Mr. Chairman,

1. We recognize and appreciate Article 15 of the elements paper leaves the details of the financial mechanisms for the mercury Convention for the INC to develop. Accordingly, we too will focus our comments at the conceptual level, recognizing that many details still need to be worked out.

2. We seek a financial assistance regime with the following characteristics:

- governed by the Convention to ensure consistency with Convention priorities and maximum effectiveness in assistance delivery systems
- able to provide sufficient new and additional resources to get the job done; and
- operates in a way that promotes compliance and discourages recalcitrance through coordination with the compliance mechanisms in the Convention.

Through these criteria, NGO's seek to establish adequate financial support and accountability as the twin pillars of promoting Convention effectiveness.

3. We believe a dedicated fund, similar to the one supporting the Montreal Protocol, is the financial mechanism which best meets these criteria. It can provide a new and consistent source of funding calibrated specifically to the needs of the Convention.

Its governing structure would be determined within the Convention framework and presumably would provide for diverse representation from the Parties and transparency in its operations. And last but not least, because the Parties control the use of the money, the fund's disbursements would reflect Convention priorities, could readily adapt to changing Convention needs, and could be optimally coordinated with the Implementation Committee to promote Convention compliance. We fully recognize that no new dedicated funds have been established for a long time, but we appreciate that many governments are observing the disappointing track of record of some environmental agreements under alternative funding arrangements, and hope that we can break some new ground here in creating financial support for this Convention.

4. Even with a dedicated fund, the Convention will require a mix of financial mechanisms to achieve its objectives. An interim funding source will be needed to finance action plan development and mercury use/release reduction activities before the Convention comes into force. In addition, accessing additional resources to supplement Convention-specific funding will be both necessary and desirable, particularly in areas where international and regional development entities are working on issues like small-scale gold mining and energy efficiency.

5. Whatever financial mechanisms are included in the Convention, their effectiveness must be evaluated on a periodic basis. There should be some rigor to these evaluations, which is why we have proposed that performance indicators be developed by the COP to be used in these evaluations. In addition, we have proposed that the evaluations should include how well institutional entities operating the mechanisms for the Convention have provided for stakeholder involvement, and the extent to which their operations have been transparent to those trying to participate in treaty implementation activities.

6. Lastly, we believe the private sector must assume its fair share of financial responsibility in achieving Convention objectives, even within the developing world. Accordingly, these private sector resources must be considered as each Party strives to meet their obligations under the Conventions "within its capabilities" as provided in Paragraph 1. Well financed utilities, chemical companies, product manufacturers and the like, should not be accessing limited Convention resources, no matter where they are located.

ZMWG INTERVENTION – ARTICLE 22

1. We recommend a number of changes to strengthen the reporting provisions of Article 22. First, we suggest provisions aimed at ensuring data are provided to the COP as needed regarding new mercury products, the phase out of mercury in industrial processes, releases to land and water, mercury storage, and mercury waste management. It is difficult to envision how the COP could monitor treaty implementation and effectiveness without data in these areas.

2. Second, we recommend some important elements of timing to ensure the data provided are up-to-date in some key areas. We recommend the reporting begin 2 years after the Convention comes into force. This is absolutely necessary, given the first effectiveness evaluation is due only two years later.

3. We further recommend that the supply and trade data; and the mercury product trade and production data, be initially provided annually. These are areas where up-to-date data are critical in the early years of the Convention, as allowable use exemptions are sought and mercury trade restrictions begin to be implemented. For data related to mercury processes, ASGM, and releases to air and other environmental media, we propose a two year reporting cycle, reflecting some information will otherwise be provided through the action plan development and implementation process. In our proposals, we authorize the COP to change these reporting intervals as needed if it determines less frequent reporting can satisfy its treaty monitoring and effectiveness evaluation needs, so these intervals are not set in stone.

4. Lastly, to minimize the reporting burdens to Parties and the Secretariat, and to promote consistency in data reporting, we recommend encouraging consolidation and coordination of reporting where possible, not only within this Convention structure, but where relevant data are gathered by other entities. For example, we would hope the COP would cooperate with international customs entities under Paragraph 5(b) of Article 24 and seek ways of modifying global trade coding to reflect the needs of the Convention, and then subsequently explore ways of coordinating trade data to satisfy the needs of all entities.