

Report of the Asia-Pacific regional meeting to prepare for negotiation on a global legally binding instrument on mercury

1. The United Nations Environment Programme (UNEP) Governing Council, in paragraph 32 of decision 25/5 requested the Executive Director of UNEP to convene an ad-hoc open-ended working group to prepare for the work of the intergovernmental negotiating committee, in particular to discuss the negotiating priorities, timetable and organization of the intergovernmental negotiating committee, and also to support developing countries and countries with economies in transition to participate effectively in the work of the ad-hoc open-ended working group and the intergovernmental negotiating committee. The latter request is being met through a series of regional meetings.
2. The Asia-Pacific regional meeting to prepare for negotiations on a global legally binding instrument on mercury was held at the Sino-Italian Environment and Energy Building, Tsinghua University, Beijing from 24 to 26 November 2009. The meeting was opened by Mr. Matthew Gubb, Coordinator of the secretariat for the mercury negotiations, Chemicals Branch, UNEP/Division of Technology, Industry and Economics at 3 p.m. on Tuesday 24 November who expressed his gratitude to China for hosting the meeting. He welcomed participants and said it was an exciting time in international chemicals policy. He noted that by the time negotiations on a legally binding instrument on mercury were concluded in 2013 it would be over a decade since a major multilateral environment agreement had been adopted. He described the lengthy deliberations that had led to the adoption of UNEP GC decision 25/5 in February 2009 and noted that technical issues related to the negotiations had already been discussed at meetings of the Ad-hoc Open-ended Working Group. The current meeting provided an opportunity to share views on mercury-related issues and inform participants on matters related to the negotiation process. In that context he welcomed colleagues from the UNEP Division of Environmental Law and Conventions who would make several presentations on the negotiation process. He concluded by recalling that no negotiation was expected at the current meeting, rather it would serve to increase awareness of current global action on mercury and facilitate effective participation at sessions of the Intergovernmental Negotiating Committee.
3. Mr. Roland Hutapea (Indonesia), Mr. Abid Ali (Pakistan) and Mr. Xia Yingxian (China) served as facilitators of the meeting on Tuesday afternoon, Wednesday and Thursday respectively.
4. The meeting was attended by representatives of the following countries: Bahrain, Bhutan, Cambodia, China, Indonesia, Islamic Republic of Iran, Japan, Jordan, Kiribati, Korea (Democratic Peoples Republic of), Malaysia, Myanmar, Nepal, Oman, Pakistan, Palestine, Qatar, Republic of Korea, Syria, Thailand, Tonga, Vietnam and Yemen
5. The meeting was also attended by representatives of the following intergovernmental organizations: UNEP China Office, UNEP Regional Resource Centre for Asia and the Pacific and World Health Organization.
6. The meeting was also attended by representatives of the following non-governmental organizations, private sector, and academia and research institutions: Association of International Chemical Manufacturers, Associated Labor unions – Trade Union Congress of the Philippines, Center for Public Health and Environmental Development, Citizens Against Chemicals Pollution,

Environment and Social Development Organization, Environmental Health Fund, Global Village of Beijing, Greener Beijing, Green Peace, International Council on Mining and Metals, Institute for Global Environmental Strategies, Japan Chemical Industry Association, National Nanotechnology Centre, Royal University of Phnom Penh, Toxic Action Network Central Asia, Tsinghua University Beijing and University of Tokyo.

7. In order to inform the meeting on the current situation regarding mercury, Ms Sheila Logan, Programme Officer, Chemicals Branch, UNEP/Division of Technology, Industry and Economics made a presentation entitled 'Why is mercury a problem of global concern and what are proposed actions to manage mercury'.

8. Mr. Gubb gave a presentation on UNEP Governing Council Decision 25/5 on mercury. He said that following lengthy consultations culminating in deliberations in Nairobi in February 2009, countries had agreed to elaborate a global legally binding instrument that would include both binding and voluntary approaches and had requested that an intergovernmental negotiating committee be convened for that purpose. He outlined mandates for mercury work that had been decided at previous sessions of the UNEP Governing Council. The intergovernmental negotiating committee would be convened and supported by UNEP, with the first session in June 2010 in Stockholm, Sweden. The aim was to complete the negotiations in time for the 27th session of the UNEP Governing Council and the Global Ministerial Environment Forum in 2013.

9. He recalled that the global instrument would include provisions on: objectives, reduction of supply and enhanced capacity for sound storage, reduction of demand, reduction of international trade, reduction of atmospheric emissions, waste and remediation of contaminated sites, increasing knowledge, capacity building and technical and financial assistance, and compliance. The legally binding instrument was also expected to be flexible and address such issues as tailored approaches to specific sectors, availability of mercury-free alternatives, cooperation and coordination, prioritization of sources, co-benefits of conventional controls and other environmental benefits, and risks to human health and the environment. He described the emissions study on mercury that was currently being undertaken and would inform the negotiations. He concluded by noting the UNEP Global Mercury Partnership was the key delivery mechanism for interim activities on mercury and continued support of that partnership had been urged by the Governing Council decision.

10. Mr. Gubb informed the meeting of the results of the Ad-hoc Open-ended Working Group meeting which had been held in Bangkok, Thailand in October 2009 to make final preparations for the negotiations. The Working Group had examined negotiation priorities, a timetable for negotiations, and how they would be organized. The timetable would be finalized at the first session of the intergovernmental negotiating committee. Sessions of the committee had been tentatively scheduled for June 2010, January 2011, October 2011, June 2012 and January 2013. He stressed the short time between each session for government consultations and preparation of documentation by the secretariat. The Working Group had reached agreement on draft rules of procedure for the intergovernmental negotiating committee that should be formally agreed at its first session. The Bureau would comprise ten members, eight of which had already been nominated for four of the United Nations regions at the Working Group. Only the Asia-Pacific region had yet to agree on its two nominees for the bureau. In all other respects the draft rules of procedure mirrored those for the Intergovernmental Negotiating Committee that had developed the Stockholm Convention on Persistent Organic Pollutants. The Working Group also decided to consider all issues at the first session of the intergovernmental negotiating committee and agree on a future work programme thereafter. Finally the Working Group agreed on a substantial body of documents to be prepared for the first session. These included factual options papers on the structure and substantive provisions of the future mercury instrument based on precedents in existing international agreements.

11. Participants from China, Japan, Kiribati and Pakistan made presentations on problems and solutions related to mercury as follows: Management and Control Measures of Mercury Issues

in China, Activities for Environmentally Sound Management of Mercury Waste, Mercury in Health Care Waste Management in Kiribati and Current Status of Mercury in Pakistan. Those presentations have been made available on the mercury website: www.chem.unep.ch/mercury.

12. During the presentations and ensuing discussions the following concerns were raised. There was generally a lack of basic information on mercury that hindered the establishment of effective management plans. The lack of alternative techniques and products, technological and financial needs, and limited awareness on mercury issues were noted. Attention was also drawn to the particular problems of mercury waste management in small island developing states.

13. The participant from Japan, in his capacity as representative of the lead country of that partnership, described the UNEP Global Mercury Partnership on waste management. Following a request for clarification he noted that initially guidance had been developed for intentional incineration and treatment of exhaust gas. However the scope was now being broadened to cover overall practices of waste management including unintentional incineration. That expansion of the scope would include how to avoid input of mercury into waste through segregation or source counter measures. He also recognized the useful cooperation with the UNEP Global Partnership on mercury reduction in products that would cover waste management for healthcare products. He noted that there were various partners who had ongoing programmes to be implemented in several countries focussing on capacity building and said that possibilities for pilot projects could be discussed at the next partnership meetings.

14. Mr. Masa Nagai, Senior Legal Officer, Division of Environmental Law and Conventions, UNEP made several presentations on the negotiating process for developing an international legally binding instrument on mercury including an overview; procedural matters; norms, principles and standards contained in the existing legal instruments of relevance to the mercury negotiations; key questions to be addressed during negotiations to ensure the effectiveness of the future instrument; strategies for negotiations; and managing the negotiating process.

15. Following those presentations a number of question and answer sessions were held to encourage participants to express their views and raise concerns related to the negotiating process. Some issues discussed included the process underway for drafting of documents for negotiation, the relationship between the future legally binding instruments and the Strategic Approach to International Chemicals Management (SAICM), the link between legally binding provisions and voluntary measures, and the possibility of expanding the instrument to cover all heavy metals and not just mercury. Several participants stressed the importance of the Principles of the Rio Declaration on Environment and Development and urged that those principles be borne in mind throughout the negotiation process in particular the concerns of least developed countries, capacity building, technical and financial assistance and sustainable development issues.

16. The meeting expressed their appreciation for the presentations made by the senior legal officer and acknowledged their usefulness to prepare strategies for the negotiating process.

17. Participants from several countries made brief presentations on national and regional issues of concern relevant to mercury.

18. Ms. Logan made a presentation on activities under the UNEP Global Mercury Partnership, and the role of the partnerships in the negotiations. The current partnerships were mercury management in artisanal and small-scale gold mining, mercury control from coal combustion, mercury reduction in the chlor-alkali sector, mercury reduction in products, mercury air transport fate and research, mercury waste management and mercury supply and storage. The latter was initiated in April 2009. She described the actions currently being undertaken as well as the roles and responsibilities of relevant stakeholders and encouraged countries to join the partnerships.

19. Following a further detailed presentation of provisions to be included in the legal instrument, including relevance to identified national issues, participants undertook an exercise in looking ahead to the negotiation process by considering national and regional strategies, identifying key national and regional issues of concern, examining the timing for consideration of issues within the intergovernmental negotiating committee and discussing any further information requirements.

20. Participants at the meeting agreed on the nomination of the two members from the Asia-Pacific region to the Bureau of the intergovernmental negotiating committee: Mr. Xia Yingxian (China) and Mr. Mohammed Khashashneh (Jordan). Those members, along with the eight other Bureau members nominated for the four other regions of the United Nations, would be submitted to the intergovernmental negotiating committee for approval at its first meeting. Participants also agreed that Mr. Teruyoshi Hayamizu (Japan) would serve as a Regional Coordinator for the negotiation process. The Regional Coordinator is expected to take the leading role to facilitate discussions in regional meetings, summarize the positions and views of the countries in the region, and try to reflect them into the negotiation process, with the support of the two bureau members.

21. Following the customary exchange of courtesies the meeting was declared closed at 12.40 p.m. on Thursday, 26 November.
