

## **Report of the Arab sub-regional consultation 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 in part through a series of regional meetings.
2. The sub-regional consultation for Arabic-speaking countries to prepare for negotiations on a global legally binding instrument on mercury was held at the Mediterranean Azur Hotel in Alexandria, Egypt on 15 April 2010. It was organized back-to-back with two other events for the sub-region, namely an Awareness-Raising Workshop on Nanotechnology and Manufactured Nanomaterials from 11 to 13 April and a meeting on implementation of the Strategic Approach to International Chemicals Management (SAICM) on 14 April. The workshop was facilitated by the United Nations Institute for Training and Research (UNITAR) and the Organisation for Economic Co-operation and Development (OECD) under the umbrella of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC). The SAICM meeting was facilitated by the SAICM Secretariat.
3. The consultation was opened by Ms. Aase Tuxen, Programme Officer, secretariat for the mercury negotiations, UNEP Chemicals Branch, Division of Technology, Industry and Economics at 9.30 a.m. on Thursday 15 April. On behalf of the Head of the Chemicals Branch, Mr. Per Bakken, she expressed her gratitude to Egypt for hosting the meeting and UNITAR for the organizational arrangements. She welcomed participants and said it was an exciting time in international chemicals policy. She 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. She described the successful deliberations that had led to the adoption of UNEP GC decision 25/5 in February 2009. The current meeting provided an opportunity to share views on mercury-related issues and inform participants on matters related to the negotiation process. She 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.
4. Mr. Mohammed Khashashneh, Director of the Hazardous Substances and Waste Management Directorate of the Ministry of Environment of Jordan served as facilitator of the consultation.
5. The consultation was attended by representatives of the following countries: Bahrain, Comoros, Djibouti, Egypt, Jordan, Libyan Arab Jamahiriya, Morocco, Saudi Arabia, Sudan, Syrian Arab Republic and Yemen. In addition, a representative of Palestine attended the consultation.
6. The meeting was also attended by representatives of a number of intergovernmental and non-governmental organizations, private sector, and academia and research institutions, including the Basel Convention Regional Centre in Egypt, the Arab Network for Environment and Development (RAED), the Association de protection de la nature et de l'environnement de Kairouan (APNEK), the Association tunisienne pour la protection de la nature et de l'environnement (ATPNE), the Association d'éducation environnementale et de protection des oiseaux au Maroc (SEEPOM), ATSUPN, the Environmental Protection and Sustainable Development Society, the Gulf Research Centre, the Hospital Institute, the Land and Human to Advocate Progress (LHAP), and the Zero Mercury Working Group.
7. In order to inform the meeting on the current situation regarding mercury, the UNEP Chemicals Branch representative made a presentation entitled 'Why is mercury a problem of global concern and what are the proposed actions to manage mercury'.
8. She also gave a presentation on UNEP Governing Council Decision 25/5 on mercury. She 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. She 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 to take place 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. She 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.

10. She also 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. She 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. All the United Nations regions had agreed on proposed bureau members for their region, to be finally decided at the first session of the intergovernmental negotiating committee. Mr. Mohammed Khashashneh of Jordan had been proposed as one of the two bureau members from the Asia and Pacific region. 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 (POPs). The Working Group also decided to consider all issues at the first session of the Intergovernmental Negotiating Committee on mercury 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. The documents for the first session of the Intergovernmental Negotiating Committee are available at [www.unep.org/hazardoussubstances/](http://www.unep.org/hazardoussubstances/).

11. The UNEP Chemicals Branch representative made a presentation on interim activities to reduce risks associated with the use and release of mercury, as called for in GC decision 25/5. This included the UNEP Global Mercury Partnership and the role of the partnerships in the negotiations. She noted that 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. 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. She described the actions currently being undertaken as well as the roles and responsibilities of relevant stakeholders and encouraged countries to join the partnerships.

12. Participants from Jordan, Morocco and Tunisia made presentations on national and regional issues of concern relevant to mercury and reported on national legislation and activities to deal with these issues. In addition, the Basel Convention Regional Centre in Egypt made a presentation of the relevance of the Basel Convention to mercury waste and wastes containing mercury, including the draft technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with mercury under development. Finally, the Hospital Day Institute presented a regional project on reducing use of mercury in medical practice.

13. During the presentations and ensuing discussions a number of concerns were raised. In some countries 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.

14. Countries also raised concerns related to disposal of medical equipment containing mercury, mercury in products (including in lamps), the increasing use of fossil fuels containing mercury and mercury in waste disposal sites. Several countries said that lack of knowledge was an obstacle to taking action to overcome mercury related problems. While there were attempts to overcome this problem through national assessments of current levels of

mercury use and releases to the environment as well as associated health problems, many countries underscored the need for technical and financial assistance to undertake such assessments as well to address the problems identified.

15. However, a number of instances were also cited where national committees had been established to raise awareness on and examine issues related to mercury. A number of countries also reported on initiatives to collect and store mercury containing products and wastes. Several countries mentioned the presence of mercury in products and articles and the need to identify efficient, viable and cost-effective alternatives to replace that mercury. Development of a schedule for phasing out mercury from products would be useful.

16. Following a further detailed presentation by the UNEP Chemicals Branch representative of the possible approaches that might be used within the different 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. Some of the strategies discussed included:

- a) the possibility, when forming delegations for the first session of the intergovernmental negotiating committee, of distributing responsibility to coordinate among Arab delegations on different issues;
- b) the possibility of ensuring complementarity in representation across the Arab delegations covering issues such as technical (waste, industrial processes, products, etc.), legal, financial and representation of public interest groups, with meetings every day to coordinate, inform and possibly agree on joint positions and approaches;
- c) the possibility of inter-sessional coordination, by establishing a network among participants at the sessions of the Intergovernmental Negotiating Committee from the sub-region, organizing Arab Group technical meetings, establishing mailing lists to share information, etc.

17. The outcomes of the participants' discussions as drafted by the group are attached in the Annex to this document. It contains two parts. Part 1 represents the conclusions, priorities and recommendations agreed by Government representatives at the meeting and Part 2 represents the statement developed by the Arab non-governmental organizations represented at the consultation. Both are available as non-official translations from Arabic.

18. Following the customary exchange of courtesies the consultations were declared closed at 17.30.

## ANNEX

### PART 1

#### Conclusions from the Government representatives at the meeting

Participants acknowledged the progress made within the UNEP mercury programme in providing information and data on mercury and a forum for the consideration of globally coordinated actions.

The following conclusions, priorities and recommendations were agreed by the Government representatives at the meeting (unofficial translation from Arabic original) with regards to the sub-region's needs in relation to the sound management of mercury:

1. Enhance capacity for mercury storage.
2. Reduce the supply of mercury from, for example, primary mercury mining.
3. Conduct awareness-raising and pilot projects in key countries to reduce mercury use in artisanal and small-scale gold mining.
4. Reduce mercury use in products and processes and raise awareness of mercury-free alternatives.
5. Develop an information management system for mercury inventory development worldwide.
6. Provide information, including through a database setting out a list of mercury-containing products and a list of existing alternatives. Participants noted that there may be different concerns in the health sector and among industrial users regarding the acceptability of alternatives to mercury.
7. Disseminate recommendations on the sound management of mercury-containing waste and provide assistance to manage contaminated sites.
8. Undertake monitoring activities, to include not only levels of emissions, but also levels present in environmental media (air, water, soil and biota).
9. Develop enabling activities, including, but not limited to, the development of inventories and action plans.
10. Provide support for capacity-building.
11. Provide financial and technical support to the Arab countries, including technology transfer and information exchange relating to the management of mercury.
12. Promote technical and economic availability of mercury-free alternative products and processes, recognizing the necessity of the trade in essential products for which no suitable alternatives exist and to facilitate the environmentally sound management of mercury.
13. Recognize the need to achieve cooperation and coordination and to avoid the unnecessary duplication of proposed actions with relevant provisions contained in other international agreements and process.
14. Prioritize the various sources of mercury release for action, taking into account the necessity for developing countries with economies in transition to achieve sustainable development.
15. Take into account the possible co-benefits of conventional pollutants control measures and other environmental benefits.
16. Coordinate, as appropriate, with Governments, intergovernmental organizations, other stakeholders and the global mercury partnership, subject to the availability of resources and concurrently with the work of the intergovernmental negotiating committee, to continue and enhance international action on mercury.
17. Undertake specific actions to continue to facilitate close cooperation and coordination among the UNEP mercury programme and the Global Mercury Partnership and Governments, mercury-related activities under the Strategic Approach to International Chemicals Management and its Quick Start Programme, convention secretariats, including those of the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, intergovernmental organizations, non-governmental organizations and the private sector.
18. Request the Basel Convention Regional Centre for Training and Technology Transfer for the Arab States in Egypt to provide information to the Arab countries on the following;
  - a. The best available techniques and best environmental practices on the conversion of mercury-based processes to non-mercury based processes;
  - b. Enhancing development of national and regional inventories on mercury;
  - c. Raising public awareness and supporting risk communication;
  - d. Sound management of mercury.

## **Highlights from the discussion sessions**

### **I. Awareness and state of knowledge**

In discussions during session 1, the following issues, among others, were touched on in comments from the floor and questions to the session's speakers. The lack of awareness in developing countries of mercury's toxic effects and its proper management during use and disposal was pointed out. Several participants and speakers stated that enough scientific knowledge was available, especially on human exposure via methyl-mercury in marine foods, to take further action to mitigate the mercury problem. Some felt that the experience could be drawn from the example of lead, that dedicated action could be successful in reducing risks and that the global society should not wait as long as in the case of leaded petrol, before actions were taken. Application of the precautionary principle is not needed in relation to methyl-mercury, as the required evidence is available. One participant added that elemental mercury also had demonstrated clear toxic effects at current exposures on, for example, children in small-scale mining communities.

### **II. A legal binding international instrument**

As part of discussions during sessions 2 and 3, there were exchanges on the need for a binding international instrument that would be most effective and best for raising the funds needed. Mercury has similarities with those relating to POPs and a binding instrument on mercury could mobilize GEF resources, as the Stockholm Convention has done. Also, there were several similarities to the problems targeted in other agreements such as the Basel and Rotterdam conventions. A mercury instrument would be the best way to mobilize funding for abatement measures in developing countries. Alternatives for mercury are available and Governments should prioritize substitution – a binding agreement would help in this respect.

The non-governmental organizations present were of the opinion that a binding international agreement would be the best way to promote a pro-active approach and raise the necessary financial assistance.

### **III. Other proposals for next steps forward in mercury reductions**

Several speakers and participants emphasized that there is an urgent need for a strong commitment for mercury reductions in small-scale gold mining as well as in other sectors. The problems and solutions are well known, what is needed now is the will to do something about it. The following issues would be important to target:

In the short term:

- Reducing mercury supply;
- Reducing mercury trade;
- Reducing mercury demand worldwide, e.g. in small-scale mining and the chlor-alkali sector.
- Reducing mercury releases from coal combustion;
- Reducing mercury in products, including dental amalgam.

In the long term:

- Establishing binding commitments;
- Providing assistance to developing countries;
- Making the best use of existing agreements, but they cannot stand alone as expanded possibilities are needed.

Also, the following next steps are proposed:

- Provision of technical and financial assistance from donor organizations and developed countries to phase out dedicated mercury mining;
- Phase-out of mercury cells in chlor-alkali facilities in developing countries; a working group including donors to discuss approaches would be useful;
- Establishment of mercury export bans in developed countries other than EU member countries.

### **IV. Other issues**

Cooperation is important on issues like restoration of mining sites or other mercury-contaminated sites which have common problems due to previous mercury mining. Mercury use in the military sector should also be taken into account in inventories and reduction efforts. Support for promotion of alternative livelihoods, including clean-up of the mercury-contaminated area.

## **PART 2**

### **Statement of Arab non-governmental organizations represented at the consultation**

(unofficial translation from Arabic original)

We support:

1. The serious work to phase out the use of mercury in all the usual uses according to an agreed gradual plan endorsed by an international legally binding convention;
2. A role for non-governmental organizations in a vast public awareness process and in working with small and medium enterprises;
3. Participation with Governments in applying and following up projects;
4. Participation in the negotiation process with the aim of ending up with an international legally binding convention;
5. Internal coordination within the Arabic speaking non-governmental society, with the participating organizations in the Alexandria meeting as a nucleus of a larger Arab coalition;
6. Coordination with the Zero-mercury working group, an international alliance of non-governmental organizations which is composed of hundreds of organizations in Europe, the United States of America and the rest of the world, and which are in coordination with the International POPs Elimination Network (IPEN) as an international alliance working on the sound management of chemicals;
7. Work to accelerate, articulate and activate the role of the Arab region, countries and civil societies in preparing and implementing an international convention on mercury.

Prioritized projects:

1. Management of lamps containing mercury and development of a collection and disposal system for such lamps;
2. Establishment of centres for safe storage of mercury containing materials;
3. Vast public awareness campaigns reaching all relevant stakeholders in society according to exposure potential.