



PROPOSED ZERO MERCURY WORKING GROUP, IPEN, HCWH GC 25 DECISION ON MERCURY

The Governing Council,

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Recalling its decisions 18/12 of 26 May 1995, 19/13 of 7 February 1997, 20/23 of 4 February 1999, SS.VII/3 of 15 February 2002, 22/4 of 7 February 2003, 23/9 of 25 February 2005, SS.IX/1 of 9 February 2006 and 24/3 of 9 February 2007 concerning global policies related to mercury,

Acknowledging the widespread concerns over the serious adverse effects of mercury on human health and the environment and the urgent need for international action,

Having considered the reports of the Executive Director on chemicals management, including mercury,

1. **Welcomes** the Final Report of the Ad Hoc Open-ended Working Group on Mercury, and the reports on atmospheric emissions and contaminated sites;
2. **Endorses** the Elements of a Comprehensive Mercury Framework contained in the final report of the Ad Hoc Open-ended Working Group on Mercury;
3. **Welcomes and endorses** the overarching framework for the UNEP Global Mercury Partnership developed on 1-3 April 2008 in Geneva;
4. **Concludes** that current efforts to reduce risks from mercury are not sufficient to address the challenges posed by mercury, and that coordinated international action, including a free-standing global legally binding instrument, is required to

reduce the risks to human health and the environment arising from the use and release of mercury;

5. **Concludes** that mercury action programmes must take into account that mercury uses and releases, and exposure to mercury, are associated with a variety of intentional and unintentional uses involving a variety of sectors, and that, in the framework and instrument to be developed by an Intergovernmental Negotiating Committee, different approaches may be needed for specific uses or sectors;

6. **Decides** that immediate coordinated international action should be initiated to protect human health and the environment from the release of mercury and its compounds throughout their life cycles by minimizing and, where feasible, ultimately eliminating global, anthropogenic mercury uses and releases to air, water and land;

7. **Recognizes** that, in order to protect human health and the environment, coordinated international action should include a range of activities, including :
 - (a) The minimization or elimination, where feasible, of intentional mercury use through supply and trade measures, and the substitution of non-mercury alternatives in products and processes;

 - (b) The minimization of mercury emissions from unintentional sources;

 - (c) Facilitating the environmentally sound storage of mercury and management of mercury-containing wastes;

 - (d) Facilitating contaminated sites remediation;

 - (e) The gathering of additional data as needed regarding mercury use and releases, the levels of mercury in the environment, and the fate of mercury in the environment; and

 - (f) The use of transition periods, with phased implementation for various proposed actions;

8. **Recognizes** that coordinated international action should incorporate such practical measures as:

(a) The expeditious development of a free-standing global legally binding instrument developed in such a manner as to recognize ongoing activities on mercury and other related issues, and differing regional and national conditions, taking into account the specific challenges of developing countries and countries with economies in transition;

(b) Voluntary measures, which may be implemented as a complement to, or independently of, a legally binding instrument;

(c) Coordination among different regional and international initiatives on mercury to ensure harmonized environmental and health outcomes from mutually supportive and effective programmes that avoid overlap and duplication with other international and regional conventions and programmes;

(d) Input of scientific, technical, medical and economic expertise and consideration of the ability of existing institutions, experts, and stakeholders to provide this input;

(e) Mechanisms to support transparency, effective implementation, and compliance with the regime.

9. **Recognizes** that developing countries and countries with economies in transition will require adequate and sufficient financial and technical assistance to implement the appropriate actions under a legally binding instrument and/or voluntary measures;

10. **Requests** the Executive Director to prepare for and convene, together with other relevant international organizations, an Intergovernmental Negotiating Committee, with a mandate to prepare an international legally binding instrument for implementing international action on mercury, based upon the Elements of a Comprehensive Mercury Framework developed by the Ad Hoc Open-ended Working Group on Mercury. Participation in the Intergovernmental Negotiating Committee should be open to Governments and relevant intergovernmental and non-governmental organizations consistent with applicable United Nations rules;

11. **Recognizes** that a global legally binding instrument that covers mercury could, in the future, be extended to additional substances, and the mandate of the Intergovernmental Negotiation Committee may be supplemented by further decisions of the Governing Council;

12. **Recommends** that during the development of a global legally binding instrument for mercury, due consideration be given to the work currently under way within the Basel, Rotterdam, Stockholm and Climate Change conventions, including the investigation conducted under Paragraph 15(g);

13. **Requests** that the Intergovernmental Negotiating Committee commence its work by September 2009;

14. **Requests** the Executive Director to convene a diplomatic conference for the purpose of adopting and signing an international legally binding instrument for international action to reduce/eliminate releases of mercury to be concluded by the end of calendar year 2012;

15. **Requests** the Executive Director, in collaboration with other international and regional organizations, governments, non-governmental organizations, academic experts and others as appropriate, to initiate immediate action:
 - (a) For the development and sharing of information on mercury uses and releases, including:
 - (i) Periodically updated sector specific inventories of priority air emission sources providing location, size, existing emissions control equipment, and other relevant data;
 - (ii) Sampling of mercury in fish, wildlife, and in environmental media as needed to address information gaps, reduce mercury exposure, and increase regional and global awareness of mercury as a priority global pollutant;
 - (iii) National inventories as needed to enhance the awareness and understanding of the magnitude of the global mercury pollution problem;
 - (iv) Improved access for developing nations to existing and future information on mercury issues by maintaining the United Nations Environment Programme clearing-house for information on mercury, including the electronic database on the Internet;
 - (b) To develop and utilize reporting forms and data bases for the biennial collection of emission values from priority air emission sources, and to utilize

such data to update the global emissions report every four years, with the next report to the Governing Council/Global Ministerial Forum at its twenty-seventh session;

(c) To develop guidance on best available techniques and best environmental practices, including monitoring, for priority air and water emission sources;

(d) To improve the availability of information and expertise on non-mercury product and process alternatives and to promote the increased use of such alternatives through the relevant partnerships and other activities as appropriate;

(e) To facilitate global reductions of mercury supply by discouraging new primary mercury mining, encouraging the phasing out of existing primary mining taking into account the circumstances of countries where such mining occurs, encouraging the development of short-term or long-term storage capacity for mercury in lieu of placing the mercury in commerce, and taking other appropriate actions as needed to discourage environmentally inappropriate global mercury uses;

(f) To undertake or facilitate cooperative programmes, particularly of a regional nature, to reduce mercury use in small-scale gold mining;

(g) To investigate the costs and mercury emissions reductions associated with the options available for reducing mercury emissions from coal-burning installations, the potential for mercury emissions reduction from measures being taken to address climate change, and the control strategy options available for achieving substantial mercury emissions reductions in a cost effective manner, and to report the results of this investigation to the Governing Council/Global Ministerial Forum at its twenty-sixth session;

(h) To develop the means for evaluating the effectiveness of UNEP mercury activities;

(i) To promote and facilitate technology transfer within these action areas;

16. **Concludes** that the establishment of an intergovernmental negotiating committee and subsequent negotiation of a free-standing global legally binding instrument on mercury should be considered a priority action of the United Nations Environment Programme;

17. **Requests** the Executive Director to facilitate and support the work of the Intergovernmental Negotiation Committee, including by providing adequate secretariat support, preparing the analytical reports necessary for its work, and ensuring that adequate financing is provided to support the Intergovernmental Negotiation Committee and the full and effective participation of developing countries, especially least developed countries and small island developing states, countries with economies in transition, and Indigenous Peoples, in the Intergovernmental Negotiation Committee;

18. **Requests** the Executive Director, in coordination with appropriate intergovernmental organizations and Governments, such as the Global Environmental Facility, to ensure that adequate financing is provided to implement the action items identified in paragraph 15 of the present decision;

19. **Calls upon** Governments and other actors that are in a position to do so to provide the United Nations Environment Programme with the necessary financial and technical resources to enable the implementation of the action items identified in paragraph 15 of the present decision, and to enable the full and effective functioning of the intergovernmental negotiating committee, including the full and effective participation of developing countries, particularly least developed countries and small island development states, countries with economies in transition, and Indigenous Peoples;

20. **Calls also upon** Governments and other actors that are in a position to do so to make available the technical assistance, capacity building, and funding to enable developing countries, especially least developed countries and small island states, and countries with economies in transition, which may be interested, to take appropriate action on mercury.