

**Zero Mercury Working Group initial comments
on the UNEP Draft Decision for GC 25
on Mercury, part of *Advance Document UNEP/GC/25/5***

27 November 2008

The Zero Mercury Working Group would like to thank UNEP for the opportunity to comment on the documents in preparation for the 25th Session of the Governing Council, 16-20 February 2009, Nairobi, Kenya. We would further like to bring to your attention however, that the time allocated for sending comments was very short. We would appreciate that more time is provided for such consultations, given that internal coordination among NGOs is necessary. Given the very short deadline, please find below our initial reaction to the proposed Decision on Mercury.

Mercury has been on the agenda of UNEP since 2001. Some progress has taken place since then, both at the political level and on the ground with several projects addressing the mercury crisis. However, it is now high time that a global framework is adopted to coordinate actions to reduce mercury supply, use and emissions of mercury from all global sources of concern. At the latest meeting of the Ad Hoc Open Ended Working Group on Mercury in Nairobi (October 2008), a comprehensive set of elements to be part of a global framework was agreed to by a broad consensus, and this was an important step forward. In addition, an overwhelming majority of countries supported a free-standing legally binding instrument on mercury.

As a result, we would appreciate that the following points are taken into consideration during the discussions of the Committee of the Permanent Representatives. The comments follow the order of the different paragraphs of the draft decision:

1. **Paragraphs 16, 17, 18** recognize the work of the UNEP Mercury Partnership and requests the Executive Director (ED) and other stakeholders to strengthen and enhance the UNEP global mercury partnership.

We agree that such considerations and actions need to be taken complementary to a decision for a global legally binding framework. Nevertheless, we would consider important that the whole UNEP Mercury Programme is strengthened and enhanced, therefore beyond the UNEP Mercury Partnership, since current and future global actions on mercury are taking place reflecting global objectives but not necessarily under the Partnership as such. Such outcomes of such initiatives should be recognized and enhanced in the future.

We further believe that the overarching framework for the UNEP partnership programme, including business plans, partnership goals and operational guidelines which were requested by GC 24, and developed and agreed upon with world government representatives earlier this year (April 1-3, Geneva), should be endorsed by GC 25 in view of allowing the continuation of focused voluntary work on mercury.

2. **Paragraph 20** calls for the Executive Director “to investigate the potential to achieve major reductions in emissions of mercury, including those from coal-fired installations, through the contribution of measures being taken for traditional pollutant control and other initiatives being taken in the context of climate change....”

We agree that such studies would be useful, but alone are insufficient to provide the full technical basis to determine the best approach to mercury control from major emissions sources. In addition to the proposed studies, the Executive Director should also investigate the potential of mercury-specific control technologies to reliably reduce mercury emissions, and should provide information on the costs on these technologies as well as the traditional

technologies. In the investigation of measures taken to address climate change, the Executive Director should also study whether the presence of mercury in flue gas could affect certain proposed CO2 mitigation strategies, such as carbon capture and storage.

3. **Paragraphs 24, 25, 26.** Paragraph 24 of the draft decision “*requests* the Executive Director to prepare for and convene an international negotiating committee to develop additional international controls for the control of mercury via a suitable framework and in line with the policy framework presented at the second meeting of the Ad Hoc Open-ended Working Group on Mercury for the consideration of the Governing Council;”

We strongly support the formation of the international negotiating committee, to begin deliberations towards legally binding instrument on mercury as soon as possible. However, in the next paragraph, the decision postpones any action by this international negotiating committee until the 26th GC meeting:

“25. *Agrees* that the Governing Council/Global Ministerial Environment Forum, at its twenty-sixth regular session, will decide upon the mandate and scope of the international negotiating committee..”

Further Paragraph 26 specifically delays the first meeting of the INC until after the 26th GC:

“26. *Further agrees* that the first meeting of the international negotiating committee will be held as soon as possible after the twenty-sixth regular session of the Governing Council/Global Ministerial Environment Forum;”

Delaying the work of the INC for two more years, until the 26th GC session, is completely unacceptable. There is simply no excuse for further delay. The Open Ended Working Group, as mandated by UNEP GC Decision 24/3, has successfully completed its task “to review and assess options for enhanced voluntary measures and new or existing international legal instruments,” and has provided a rich technical and policy framework upon which the UNEP GC can now base a decision to move forward. The UNEP GC must act during the 25th session to take full advantage of the momentum created by the OEWG process for a global commitment to mercury control by creating the INC, and by providing the committee with a clear mandate to move forward immediately on mercury deliberations.

In addition, the outcome of the OEWG on Mercury should be recognized and endorsed with special reference to the proposed comprehensive policy framework, addressing the global challenges posed by mercury, which was broadly agreed at the OEWG 2, 6-10 October 2008.

In conclusion, we would urge the honourable Committee of the Permanent Representatives, to consider our comments above, during their discussions at the upcoming meeting in preparation for the 25th Session of the UNEP Governing Council.

For more information please contact:

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