

## **Comments on UNEP Draft Mercury Phase out Treaty Text for INC3:**

### **AWARENESS RAISING, RESEARCH AND MONITORING AND COMMUNICATION OF INFORMATION**

#### **Article 18. Information exchange**

For INC2, ZMWG supported the text as proposed in article 18 of UNEP(DTIE)/Hg/INC.2/3. However, after discussion during INC2, for INC3 meeting, the following issues (with bracketed text) emerged:

1. Among others, information-exchange between parties, concerning ASGM has also been added
2. Instead of "Information" on alternatives to Hg-added products, manufacturing processes etc, "Socially Viable" information on the same has been proposed.
3. Sub-article 18(3), regarding a designated national authority for information exchange, has been proposed to be moved to article 4 under "International Trade"
4. NGOs have been proposed to be excluded from information exchange with the Secretariat, regarding the implementation of the convention.

#### **Proposed ZMWG Position for INC3:**

ASGM is most important from many aspects (trade, transport, emission and miners 's health) and ZMWG should support its inclusion for information exchange.

Shifting 18(3) under article 4 (international trade) may limit the role of the designated national authority only to information exchange regarding trade. We suggest ZMWG should not support this suggestion made by only one party or if this is taken up, then it should be in both article 18 and article 4, where in article 18 it will mean the national authority will facilitate comprehensive exchange of information while in article 4 it mean the national body facilitating info exchange particularly under that article.

In view of important contributions NGOs could make, we strongly recommend ZMWG to support the inclusion of NGOs for information exchange.

#### **Article 19. Public information, awareness and education:**

The recommended changes by ZMWG to sub-article 18 (a) & (b) of UNEP (DTIE)/Hg/INC.2/3 and the additional sub-article 18 (c) were discussed during INC2 and accepted but in a different format & with brackets.

Participation of WHO (with bracket) has been also proposed and included.

An additional sub-article (with brackets) to develop mechanism such as PRTR has been added.

#### **Proposed ZMWG Position for INC3:**

The bracketed text under article 19 of UNEP (DTIE)3/3 for discussion at INC3, is mostly ZMWG earlier recommendations and we recommend that ZMWG should continue to support the same, on the basis for these recommendations, as given in ZMWG Detailed Comments on UNEP(DTIE)/Hg/INC.2/3 (January 2011) i.e. to ensure the public is provided relevant information , so they understand the risks by mercury exposure and the party plans to reduce such risks.

#### **Article 20. Research, development and monitoring**

ZMWG recommended changes in 3 of the 6 sub-articles under article 20 of UNEP(DTIE)/Hg/INC.2/3, which were accepted without/with brackets, after discussion at INC2

(c) bis regarding "Harmonized Methodologies" for M & E and inventory development and 20 bis concerning "Health Aspects" are new additional texts (with brackets) under article 20.

**Proposed ZMWG Position for INC3:**

To facilitate data collection related to the Convention implementation and effectiveness, ZMWG should continue to support removal of brackets from our proposed recommendations regarding inventories, monitoring and BET & BAT and inclusion of “Hg Compounds.”

For systemized and quality data collection and safe-guarding public health from Hg exposure, we recommend that ZMWG supports the new additional text proposed under (c ) bis and 20 bis.

We also feel that more emphasis than is currently given should be put in research on safe disposal/storage options for mercury that has been considered as waste workable in both developed and developing countries

**Article 21. Implementation Plan**

Only two changes to the text under article 21 were recommended by ZMWG, to encourage and ensure national stakeholders maximum involvement towards all activities related to a national implementation plan. However, after discussion at INC2, these are not included as such, in either of the two options of text for article 21, proposed for consideration and discussion at INC3.

**Proposed ZMWG Position for INC3:**

We recommend ZMWG to support option one, as it partially includes earlier ZMWG recommendation regarding national stakeholders involvement in implementation plan (IP). Compare to option 2, option one also does not prolong the process for development of IP and its follow up implementation. Option one also does not propose strict pre-requisites such as scientific research & findings, drafting criteria, Party’s social & economic conditions, sufficient financial resources, technology transfer and capacity building, for IP implementation.

Also we could propose to remove the bracketed phrase on paragraph 1. [in a position to do so] because then all countries can claim they are not in a position to do so.

**Article 22. Reporting**

A number of changes under article 22 were recommended by ZMWG, to improve the information gathering process for better monitoring of the progress and effectiveness of the Convention. After discussion on this article during INC2, two options have been proposed for consideration at INC3.

None of the two options include sub-article 2e of ZMWG Detailed Comments (January, 2011), regarding “Storage of Mercury” and “Disposal of Hg Waste.”

Option one also include under 2bis(c ), new text (with brackets) recommending for reporting, the use of available “Customs Codes”, assigned by World Customs Organization, under the Harmonized Commodity Description and Coding System.

**Proposed ZMWG Position for INC3:**

Option one constitutes part of the earlier text of UNEP(DTIE)/Hg/INC.2/3 agreed to by ZMWG and also reflects ZMWG recommended changes to the same. We recommend ZMWG support option one. Besides, unlike option 2, option one also does not prolong/delay the reporting process and its follow up implementation with strict pre-requisites such as funding, Party’s social & economic conditions, sufficient financial resources and capacity building.

ZMWG should again introduce, the Group earlier suggestion (sub-article 2e of ZMWG Detailed Comments, January, 2011), for Parties to provide statistical data & information regarding “Storage of Mercury” and “Disposal of Hg Waste.”

**Article 23. Effectiveness evaluation**

For an active role of COP and to protect human health and aquatic food supplies from the risk of mercury exposure, two changes to the text were proposed by ZMWG to article 23 of UNEP(DTIE)/Hg/INC.2/3 draft. After discussion during INC2, both these recommended changes were included (with brackets) for further consideration at INC3.

A new text under sub-article 23/3 (with brackets) has been proposed, recommending adaptation of an “Effectiveness Evaluation Criteria & Indicators” and establishment of “Arrangements” to provide COP monitoring data on movement, transport & fate of mercury [and Hg compounds].

**Proposed ZMWG Position for INC3:**

We recommend continuation of support to ZMWG earlier recommendations, presently in brackets and also support the new text under sub-article 23/3 to facilitate effective evaluation by COP.

| By: Mahmood and Rachel for ZMWG/August 18, 2011  
khwaja@sdpi.org