

IPEN – a toxics-free future
The Global Indigenous Peoples Caucus

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Mercury Treaty Negotiations Risk Increasing – Not Reducing – Mercury in Environment

Mercury Pollution Impacts Indigenous Peoples

(Punta del Este, Uruguay) – Non-governmental organizations from around the world voiced concerns today that international treaty negotiations on mercury currently underway are likely to fall short of goals and have the potential to increase – not reduce – mercury emissions.

Delegates from more than 120 countries are meeting in Uruguay at the Intergovernmental Negotiating Committee (INC) to prepare a global, legally binding instrument on mercury. Organized by the United Nations Environment Programme (UNEP), this is the fourth meeting in a series of six meetings to negotiate a global, binding treaty to control and end mercury pollution.

“The treaty must take genuine steps to protect human health and the environment. While limited progress was made at the third INC meeting in Nairobi eight months ago, unsatisfactory measures on important treaty elements along with the complete stalemate on emissions and financial considerations raise concerns about whether the treaty will affect the rising trend in mercury levels. Without authentic action to address mercury sources, the treaty may actually legitimize the rising emissions while failing to protect human health and the environment,” said Fernando Bejarano, INC4 Chair for IPEN, an international non-governmental organization attending the meeting and advocating for strong mercury control measures.

Non-governmental organizations are calling for measures that:

- Cut off rising mercury pollution to the atmosphere, water, soil and fish across the globe;
- Ensure national action plans are developed and funded to realize the treaty objectives;
- End pro-poverty policies that enable mercury use in artisanal gold mining; and
- Eliminate products containing mercury while promoting innovation for mercury-free products.

Mercury is a global pollutant that is toxic in various forms, as it bioaccumulates in the food chain and can trespass placenta and brain, harming children, women and others exposed to it. 10 years ago UNEP stated that mercury is present all over the globe in concentrations that adversely affect human beings and wildlife.

“Without a serious commitment to develop such a treaty, we risk simply legitimizing the current and future contamination of our food, water and children”, said Fernando Bejarano, IPEN INC4 Chair.

The Global Indigenous Peoples Caucus called for full participation by Indigenous Peoples at every level of decision-making and implementation, and inclusion in the operative text.

“Indigenous Peoples from all over the world suffer disproportionate impacts from mercury contamination,” said Jackie Warledo, Global Indigenous Peoples Caucus. “All outcomes and decisions in this process must recognize, uphold, and respect the human rights of Indigenous Peoples, including cultural rights, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the United Nations General Assembly in September 2007.”

“We believe that it is very important that the future treaty close possible loop-holes in mercury control measures,” said Fernando Bejarano, IPEN INC4 Chair. “A treaty focusing only on controlling air emissions will encourage operators and polluters to reduce their mercury air emissions by shifting these releases to land, to water systems, and the whole ecosystem.”

For many countries, preparing a National Implementation Plan (NIP) is essential for establishing a comprehensive understanding of national sources. At INC3 some countries proposed that NIP preparation itself should be voluntary. If this is approved, NIP preparation may not be considered a compliance activity and may not automatically be eligible for financial support.

“NIPs help countries set priorities, and they pave the way for meaningful treaty implementation,” said Gilbert Kuepouo from CREPD, Cameroon. “NIPs also have a role in helping the wider public understand and support the goals of national implementation by involving civil society, indigenous peoples, vulnerable groups and populations at risk in their formulation and execution. The Stockholm Convention, (a legally-binding international treaty to eliminate thirteen toxic pollutants) demonstrated that NIPs can be catalysts for rapid treaty ratification of the treaty.”

The third and previous mercury negotiation proposed a completely voluntary approach to dealing with mercury-contaminated sites and appeared to ignore other important issues related to the victims of mercury contamination.

“We believe that Parties should be obligated to identify contaminated sites and perform some initial characterization of them”, said Jindrich Petrlík from Arnika Association, Czech Republic. “The primary responsibility for compensation and site remediation should rest with the responsible Parties, but should also include provisions to promote international cooperation to address the most problematic sites where the responsible party cannot be identified or where it lacks the necessary level of resources and technology.”

“Under the current draft treaty text, a contaminated site such as occurred in Minamata Bay could be ignored, as there would be no obligation to identify it, clean it up, or deal with victims,” added Takeshi Yasuma from CACP, Japan. “It would be dishonorable to name a global mercury control treaty the Minamata Convention if the text itself allowed future Minamata disasters to occur.”

“If the treaty turns a blind eye to the struggles of some of the most impoverished communities that currently depend on small-scaled mining for income, it will be a voluntary approach that permits continued use of mercury for mining. This would be a sad, pro-poverty policy outcome.” said Yuyun Ismawati, BALIFOKUS, Indonesia. “Each Party should be obligated to phase-out the worst practices in ASGM and promote non-mercury methods. Mercury import specifically for the use in ASGM should be prohibited to prevent further poisoning of miners, children, women, and communities.”

Large-scale mining appeared to receive little attention at the last negotiations meeting, despite its significant impact on mercury pollution. UNEP estimates that approximately 15 percent of all anthropogenic mercury emissions come from mercury releases associated with industrial-scale metals mining and refining operations and facilities. It is likely that mercury pollution that results directly from metal ore mining has been underestimated. According to a study carried out in the USA, about 97.75% of the mercury releases from primary extraction and processing of gold goes to the soil.[1]

"IPEN's global network worries that a mercury treaty could actually legitimize continued use, exposure and releases of mercury, to protect short-term economic interests, instead of protecting the next generation from the toxic poison that mercury is," said Mr. Bejarano.

The meeting this week marks the fourth of five intergovernmental negotiating meetings, which should culminate in a diplomatic conference in 2013 to sign the treaty. The negotiation is being coordinated by the United Nations Environment Program (UNEP).[2] For more information about mercury, please see: http://www.ipen.org/ipenweb/documents/book/ipen%20mercury%20booklet_s.pdf

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IPEN is a global network of more than 700 health and environmental organizations working in 116 countries for a toxics-free future. <http://ipen.org/hgfree/home/>

The Global Indigenous Peoples Caucus is a network of Indigenous Peoples advocating for the legally binding treaty on mercury.

[1] The US Mercury Emission Inventory for the Arctic Council Plan, 2004.
<http://www.epa.gov/ttnchie1/conference/ei13/toxics/rackley.pdf>

[2] <http://www.unep.org/hazardoussubstances/Mercury/tabid/434/Default.aspx>