



**INTERNATIONAL INDIAN TREATY COUNCIL AND CALIFORNIA INDIAN ENVIRONMENTAL ALLIANCE
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**GLOBAL MERCURY CONVENTION COMPLETED WITHOUT USING THE
TERM “INDIGENOUS PEOPLES”**

(Geneva, Switzerland) - A long-awaited Legally Binding International Treaty on Mercury, officially named the “Minimata Convention on Mercury” was adopted by States at the 5th International Negotiating Committee session on the morning of January 19th, 2013.

The disproportionate impacts of mercury contamination suffered by Indigenous communities around the world were recognized in the preamble as a result of a monumental effort carried out by representatives of the Global Indigenous Peoples Caucus attending the INC5 negotiations.

The term Indigenous “communities” rather than “Peoples” was used in an important preambular paragraph addressing specific impacts. Neither Indigenous Peoples nor communities were mentioned in the operative text, despite proposals for wording using “Peoples” presented by the Indigenous Caucus. The United Kingdom and France in particular stated that they could not accept the term “Indigenous Peoples” in either the preamble or operative text despite their votes in favor of the UN Declaration on the Rights of Indigenous Peoples at the UN General Assembly in September 2007.

The Indigenous Caucus made several interventions in the plenary and met with States and regional groups throughout the session. They were informed of strong support by Nepal for their proposed language in the preamble and operative texts, as well as the support of others, such as Canada, who proposed text that included ‘Indigenous Peoples’ while highlighting the Arctic and its vulnerability to the global transport of mercury. The United States, Norway, Denmark, Sweden, Finland and several Latin American countries also supported including “Indigenous Peoples” in the preamble, but were not able to overcome France and United Kingdom’s objections in this consensus-based State drafting process.

Indigenous representatives expressed a mixed review of other provisions of the Convention. It stipulates that there will be no new mercury mines, but the combination of the long time-frame for closing existing mines and weak language on emissions reduction from existing sources will not provide immediate relief from exposure to this highly toxic element for many communities whose health, in particular the health and development of their babies and unborn children, are severely impacted through their traditional foods and other sources.

Parnuna Egede, Advisor on Environmental Issues for the Inuit Circumpolar Council – Greenland expressed why the inclusion of Arctic Indigenous Peoples was important and also why the Convention did not go far enough in reducing mercury emissions. "Mercury reaches the Arctic region solely through long-range transportation from other regions of the world" she explained. "In this otherwise pristine environment, Arctic Indigenous Peoples are heavily impacted by mercury through their traditional diet. It is therefore disappointing that provisions on atmospheric emissions came out rather weak, with a mix of legally binding and voluntary measures. It will probably be decades before we can actually measure declines of mercury levels in the environment".

The preambular paragraph that was finally approved includes the language contained in the Stockholm Convention on Persistent Organic Pollutants (POPs) preamble regarding Arctic Indigenous communities, but goes further to highlight effects of mercury on Indigenous communities overall. It reads as follows:

"Noting the particular vulnerabilities of Arctic ecosystems and indigenous communities because of the biomagnification of mercury and contamination of traditional foods, and concerned about indigenous communities more generally with respect to the effects of mercury,"

After the introduction of the Chair's Text with this final "compromise" language referring to "communities" rather than "Peoples", Bolivia stated for the official record that it was "rather worrying" if the use of the term "indigenous communities" instead of "indigenous peoples" would set a precedent, considering the international standard set by the *UN Declaration on the Rights of Indigenous Peoples*. The Global Indigenous Peoples Caucus was in strong agreement with Bolivia's concern.

IITC Legal Counsel Danika Littlechild, who led IITC's delegation at INC5, expressed disappointment with the omission of the term "Peoples" as well as stronger mandatory language to reduce mercury emissions. She also acknowledged the clear successes in achieving recognition of mercury contamination's devastating impacts on Indigenous communities around the world, halting new mining as well as the inclusion of a specific article on health which was another objective of the Indigenous Caucus. "This is the first new multi-lateral environmental Convention to be negotiated at the United Nations since the adoption of the UN Declaration on the Rights of Indigenous Peoples by the UN General Assembly in 2007" she said. "We cannot understand why States which voted in favor of the Declaration refused to include the term "Indigenous Peoples" which is so important for the full recognition of our rights and status in the international arena. It is clear that we still have a lot of work to do in the fight for our recognition and rights within the environmental programme of the UN".

All members agreed that the work of the Global Indigenous Peoples Caucus had made a significant contribution. "It was especially encouraging that a number of countries, including the United States and Canada, expressed support for the Indigenous Caucus position to include "Indigenous Peoples" and the disproportionate effects of mercury exposure on Indigenous Peoples across the world," said Jackie Keliiaa, Vice-President of the Board of Directors for the California Indian Environmental Alliance. "We will continue to build on the valuable progress we have made in the implementation of the Convention."

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