

African NGO and Civil Society Mercury Statement December 2012

As the mercury treaty negotiations advance to INC5 which is also the last opportunity for comment; we, the African NGOs signatories to this Statement, would like to highlight our concerns over whether the proposed Treaty will positively impact on mercury pollution in Africa.

Recognizing that Africa does not produce mercury; rather this toxic substance enters our borders through importation and illegal trade. We call on the international community to help us stop major mercury pollution from harming African citizens.

We representatives of **33** Public Interest African NGOs and CSOs from **18** countries welcome the opportunity to comment towards the binding global treaty on Mercury. However, after careful consideration of the Chair's INC5 draft text, we find that we, as a collective, have significant concerns around some of the existing draft document.

We wish to, as a matter of significance and urgency, request that the following points be incorporated into the final document.

- Most particularly we are concerned about the use of mercury in Artisanal Small Scale Gold Mining (ASGM), which exposes and harms children, and some of the most impoverished African communities. Allowing and enabling international trade of mercury to penetrate into our most vulnerable communities, is harmful as it has toxic impacts on communities struggling for their own livelihoods;
- Mercury use in many African countries is already illegal, as it contaminates mainly isolated communities and environments;
- Noting that if the treaty creates an exemption for mercury in ASGM, (thereby condemning more Africans and the African environment to ongoing multi-generational harm), they could essentially formalize or legitimize mercury traders/smugglers and this could increase mercury supply in Africa;
- We believe that an international agreement such as the proposed Mercury Treaty can be a mechanism to help African countries protect their borders from mercury entering the system by severely limiting international (legal and illegal) trade of mercury, and ensuring that mercury trading for ASGM is banned.

Under Article 3 and 9 on Mercury supply sources and trade and ASGM respectively;

- Mining of mercury should be banned as of the date of signing of the treaty. Any other approach to mining will not achieve the intent of the treaty to reduce current and future harm from mining;
- Mercury importation for ASGM should be prohibited to prevent further poisoning of miners, children, women, and others (such as fisherfolk) whose occupations are damaged by mercury;

- No trade should be allowed to non-parties, and that mercury be phased out within a defined reasonable time frame of not more than five years, leading to the ultimate cessation of mercury use on our planet;
- Exporters, traders and distributors of mercury should be registered with the secretariat as well as the respective countries: The aim must be that mercury traffic must be controlled; ensuring that the volume and quantity of mercury decreases proportionally within 3 years. Non-compliance should be criminalized;
- Private mercury producing and consuming industry, as well as exporters, importers, distributors and retailers, to be responsible to finance the alternatives to mercury, as well as the costs attached to the adverse effects of mercury on people and planet, under Extended Producer Responsibility;
- Clean-up existing contamination through bio-remediation (with Non-chemical and not-thermal technology) based on a proven technology and concentration but not dispersal approach. Our preferred solution is encapsulation in ceramics (vitrification) with above the ground interim storage and monitoring;
- We demand a holistic, not limited only to financial compensation to victims but also to include safe bio-remediation and detoxification of people's bodies as well as ongoing social services support and alternative sustainable livelihood. It is further required that multi-generation follow-up be carried out.

Under Article 13 on Mercury Waste;

NGOs and civil society from Africa request that the mercury treaty guidelines should retain a listing of appropriate techniques to treat mercury-containing wastes and define performance levels for these techniques in BAT/BEP guidelines. Further,

- Limit values should be defined including a health-protective value that defines waste as hazardous;
- Additional provisions should include requirements to minimize and prevent the generation of mercury-containing wastes;
- Application of the polluter pays principle;
- Waste transfer from developed to developing countries should be prohibited and transfer between other countries should only occur with the consent of the importing country to ensure sufficient capacity exists to handle the wastes and prevent waste dumping and subsequent harm to human health and the environment as regulated by the Basel Convention;
- Transfer to non-Parties of Basel should NOT be permitted.

Under Articles 10 and 11 on Emissions and Releases

As Africans concerned with air quality, the exclusion of emissions from waste dumping sites or landfills, and mine tailings are a fatal flaw in the draft Treaty. We demand that these be included in this Article. Africa NGOs and CSOs are concerned that the proposed coal powered plant emission and release paper should be lowered from 100 MW to 25 MW.

In general, the draft Mercury Treaty text ignores a key element in protecting people and planet from mercury pollution, requiring the avoidance and minimization of mercury-containing waste and preventing its formation. This is a further flaw that requires correction.

There is significant body of scientific evidences^{1,2,3,4} that open burning of trash contributes to the emission and release of a significant amount of mercury into the environment. Considering that the open burning of trash is the current, if problematic, technique of solid municipal and medical wastes disposal in Africa and in the majority of developing countries,

We African NGOs and civil society representatives strongly suggest that open burning of trash and landfills being added as source category in Annex F of Article 10 on emissions of the Treaty text on Mercury.

Under Articles 20 bis on Health

Africa NGOs and CSOs as IPEN support GRULAC and 92 countries to have Article 20bis on Health as a standalone article. Although several preventive actions and health measures already addressed in other articles, it is necessary to emphasize the health issue in a standalone article to ensure the international communities and the treaty share and support the health sector in developing countries and countries in economic transition to implement the most recent and approved mercury-related health treatment.

The impact of mercury to public health and the environment can only be prevented and mitigated with the international support as the mercury moved, transferred and distributed between countries.

Lastly, with regards to what the naming of the global mercury treaty:

African NGOs and civil society finds it inappropriate that the potential global mercury treaty be named the Minamata Convention as it would not prevent future Minamata tragedies, as the draft treaty stands. Furthermore, the Minamata tragedy is still unresolved, and in many ways Minamata-type disasters are already happening at ASGM sites in Africa, thus we affirm our solidarity with the victims of Minamata who strongly oppose the naming of the Treaty the Minamata Convention.

¹ Velzen, D. van, Langenkamp, H. and Herb, G. (2002): Review : Mercury in waste incineration. Waste Management and Research 20: 556-568.

² Daniel OBRIST et al. (2008). Particulate-Phase and Gaseous Elemental Mercury Emissions During Biomass Combustion: Controlling Factors and Correlation with Particulate Matter Emissions, Environ. Sci. Technol., 42, 721–727

³ Tetsopgang, S., and Kuepouo, G. (2008): Quantification and characterization of discarded batteries in Yaoundé, from the perspective of health, safety and environmental perspectives. Resources, Conservation and Recycling., 52, 1077-1083

⁴ Kuepouo G. Estimating environmental release of mercury from medical-thermometers and potential "hot spot" development: Case study of need for improved waste management capacity in Cameroon. Resour Conserv Recy (2012), (IN PRESS) <http://dx.doi.org/10.1016/j.resconrec.2012.10.004>

Endorsements

S/N	Endorsing organization	Country
1	Pesticide Action Nexus (PAN) Ethiopia	Ethiopia
2	Research and Education Center for Development (CREPD)	Cameroon
3	AGENDA for Environment and Responsible Development (AGENDA)	Tanzania
4	iLima Organization	Kenya
5	Institute for Zero Waste in Africa (IZWA)	South Africa
6	National Association of Professional Environmentalists (NAPE)	Uganda
7	Propreté, Environnement et Santé (PES)	Burundi
8	Earthlife Africa – Cape Town	South Africa
9	Environment, Human Rights Care and Gender Organization (ENVIROCARE)	Tanzania
10	Pro-Biodiversity Conservationists in Uganda (PROBICOU)	Uganda
11	Physicians for Social Responsibility (PSR-Kenya)	Kenya
12	Cleaner Production Centre of Tanzania	Tanzania
13	Ecological Restorations	Ghana
14	Coordination Unit for the Rehabilitation of the Environment (CURE)	Malawi
15	Entomology Society of Zambia	Zambia
16	Journalist Environmental Association of Tanzania (JET)	Tanzania
17	Rwandese Association of Ecologist (ARECO) RWANDA NZIZA)	Rwanda
18	Sustainable Research and Action for Environmental Development (SRADev)	Nigeria
19	Uganda Network on Toxic Free Malaria Control (UNETMAC)	Uganda
20	EcoEthics International - Kenya	Kenya
21	Informer, Sensibiliser, Éduquer sur les Polluants Organiques Persistants en Côte d'Ivoire (ISE-POP-CI)	Ivory Coast
22	Fondation pour le Développement du Sahel/Sahel Development Foundation (FDS)	Mali
23	Association Vie et Développement (AVD)	Niger
24	Association pour la Défense de l'Environnement et des Consommateurs (ADEC/Sénégal)	Senegal
25	Challenging Heights	Ghana
26	Social Support Foundation	Ghana
27	Indigenous Information Network	Kenya
28	Dodoma Environmental Network (DONET)	Tanzania
29	African Indigenous Women Organization- East Africa	Kenya
30	Uganda Coalition for Sustainable Development	Uganda
31	Association de l'Éducation Environnementale pour les Futures Générations	Tunisie

32	Irrigation Training and Economic Empowerment Organization (IRTECO)	Tanzania
33	Pesticide Action Network, Mauritius (PANeM)	Mauritius