

INC-3, Nairobi Kenya

**IPEN intervention on Waste (under Article 13)**

Thank you Mr. Chair,

IPEN see the wastes and contaminated sites as among key issues that need to be addressed by the future mercury treaty.

Wastes containing mercury represent an important challenge and threat, especially to developing countries and countries with economies in transition. We believe that the future mercury treaty should protect both the human health and the environment. This is not a specific objective of the Basel Convention. In our view, the mercury treaty should have specific provisions to address the management of mercury-containing wastes and not simply delegate its responsibility on this important issue to the Basel Convention.

Mercury treaty should retain

- listing of appropriate environmentally sound technologies to treat mercury containing wastes
- definition of limit values for mercury wastes including limit value for considering waste to be hazardous
- definition of best performance levels for technologies handling mercury wastes captured in Best Available Techniques and Best Environmental Practices Guidelines

We also believe that mercury treaty should include provisions calling for minimization and prevention of the generation of mercury waste and to implement public awareness campaigns. To set up good policy and strategies for mercury waste management require to include also best environmental practices which can be discussed by the same group of experts as best available techniques. This approach was experienced within Stockholm convention and we found it very effective.

End of life electric and electronic equipment containing significant volume of mercury exported to developing countries pose serious risk to public health and environment. Definition of waste containing mercury should take this fact into account and wastes related provisions of the future treaty should take measures to avoid risks related to these legacy exports.

A legally binding instrument on mercury should not ignore the contributions of mercury contaminated sites to the ongoing challenge of reducing and preventing ongoing exposure to mercury to health and the environment. If the objective of the mercury legal instrument is expected to focus on the protection of human health and the environment from mercury exposure, specific obligations on its Parties to protect the public from mercury contaminated sites is necessary and should be an integral component of the instrument.

The draft text offers a choice between mandatory and voluntary actions related to contaminated sites. IPEN supports provisions in the legal instrument that places mandatory obligations on Parties to address contaminated sites, including legacy sites.

We also think that in regard to contaminated sites Rio Principle 16 should be incorporated into treaty language. That means the polluter should, in principle, bear the cost of pollution caused at contaminated sites.

We believe that national action plans as a part of broader national implementation plans would serve best for countries to meet future obligations of the treaty on wastes and contaminated sites. General policy and strategies on waste containing mercury as well as contaminated sites should be covered. This includes characterizing health impacts on the affected populations.

Thank you Mr. Chair.