***MINISTRY OF FOREIGN AFFAIRS***
***THE PEOPLE'S REPUBLIC OF CHINA***
*BEIJING, 100701*

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**To:** Representative of the People's Republic of China
**From:** The Ministry of Foreign Affairs, People's Republic of China
**Subject:** UNEP Working Group on Mercury

You are currently attending the United Nations Environment Programme (UNEP) Governing Council meeting. As part of the negotiations, you will participate in the *Working Group to Review and Assess Measures to Address the Global Issue of Mercury*. This working group consists of government representatives and nongovernmental organizations (NGOs). It was created in response to growing international concern about the impacts of mercury on the global population and environment.

This is the first meeting since UNEP released the *International Mercury Assessment*. The mandate of this working group is to decide whether the scientific information in this new report provides sufficient evidence for international action on mercury. Today's discussions include the form and scope for international action on mercury. The negotiation's outcome will likely affect which parties are willing to go forward with formal global negotiations to regulate mercury.

Attached is a position paper cleared through the Minister's office.[1] **The Minister urges you to proceed in today's negotiation with caution, as China strongly prefers a *voluntary* mercury agreement.** China is not in a position to commit to stringent limits on our economic growth without strong evidence concerning mercury risks. Most data supporting the *Assessment* comes from developed countries and may not apply to China; as a result, the Chinese reality is not well captured in this report.

**Recognizing that China is involved in the global mercury system, other countries present today will be eager to ensure China is included in any voluntary agreement or mercury treaty. Use this as leverage to ensure China's interests are taken into account in any agreement on future action.** Ensure that strong evidence is presented; China cannot act without proper data on mercury risks. Frankly, mercury control is not the top priority for China at this point.

**If all other countries are in agreement, you may commit to a legally binding instrument, so that China is not isolated internationally. However, our interests in other issues must be met for China to commit to any future negotiations towards a legally binding treaty.** It is up to you as a negotiator to ensure China's development goals are taken into account throughout this negotiation process.

[1] Note: Portions of this document were closely adapted from actual Chinese reports and information sources, including reports to the UNEP mercury negotiations. However, this is a fictionalized document and does not represent the actual views of the People's Republic of China.

# Chinese Position Paper
# UNEP Governing Council Informal Working Group on Mercury

This position paper outlines China's positions on the four issues the working group discussions will address: the form of global mercury action, transboundary atmospheric mercury emissions, mercury demand, and mercury use in artisanal and small-scale gold mining (ASGM).

## *Issue 1: Form of future action*

**Issue 1: Mandate and Institutional Form of Action**

**It is not yet clear whether mercury pollution is a global problem that requires all countries to act. Instead, developed countries should reduce their emissions.** This conclusion is supported by the information in the *International Mercury Assessment*. Scientific support for this position is as follows:

- **China asserts there is insufficient information to justify negotiating a legally binding agreement at this point.** Exposure levels do not appear to be significant and are typically well below the WHO exposure levels of 50 μg/g (1; see Figure 1 below). The toxicology data is also unclear about health impacts; while the Faroe Islands study and New Zealand study found some indication of effects from MeHg, the Seychelles study was inconclusive. It is also not clear whether these studies apply to China's situation. Compared to other risks, mercury does not appear significant at this time.

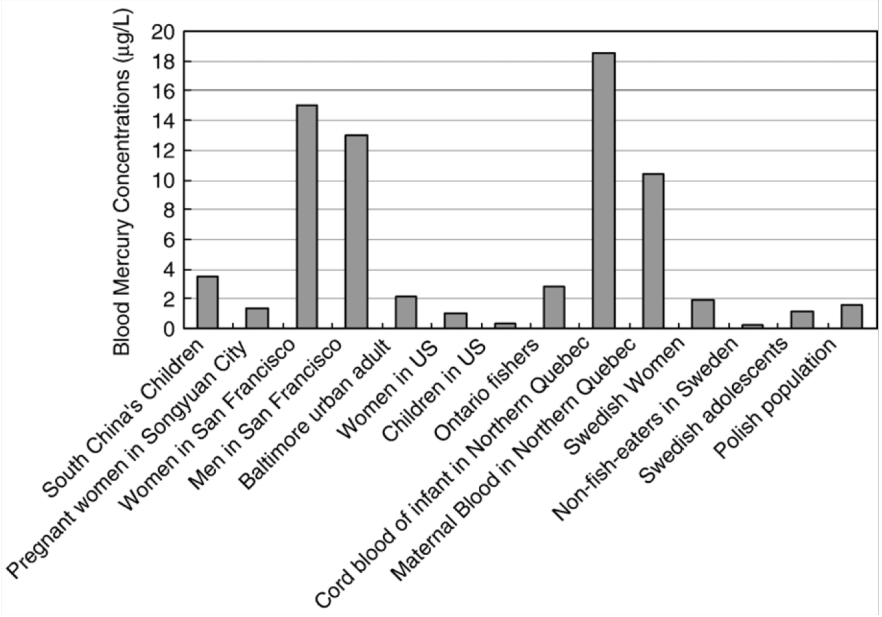


**Figure 1 Concentrations of Hg in different Populations (Source: Zhang & Wong** (2)**)**

- **Little data is available to assess ecosystem affects.** Although mercury bioaccumulation exists, it is a background problem. At this point, there is no systematic monitoring of the mercury level in fish within China (3). Although some research has been undertaken on related issues, the accuracy of this data is questionable.

- **Voluntary actions should be sufficient to control mercury pollution.** China has taken many actions to minimize mercury use: mercury imports were restricted in 2002, China has banned ASGM using mercury and recently, China has proposed mercury emissions limits on new coal-fired power plants (4, 5). Many developed countries have also taken voluntary actions to reduce mercury. It appears that the voluntary model has worked well in the past.

- **Developing countries need resources in order to act.** China asserts that mercury pollution requires common but differentiated responsibilities due to the historic nature of emissions from developed countries, which continue to circulate globally. Developing countries are also faced with development as the top priority. For these reasons, developed countries have the obligation to provide financial resources and capacity building to enhance any actions developing countries may take.

As a developing nation, China's number one priority is economic development and poverty reduction. We are wary of entering into any legally binding international agreement that explicitly prohibits our right to develop. **Based on these concerns, China strongly prefers a voluntary agreement on mercury.**

**However, China does not want to be isolated on this issue. For this reason, if every other party at the table agrees to a legally binding treaty on mercury, China is willing to join the agreement if our positions on Issues 2 and 3 are well met.**

## *Issues 2 - 4: Scope of Future Action*

**<u>Issue 2: Reducing atmospheric emissions</u>**

- **Statistics on China's emissions are flawed.** Several recent studies have concluded that China is likely the largest emitter of anthropogenic mercury emissions to the atmosphere. This is because China is the most populated country in the world; it is therefore likely to have more mercury emissions than other countries. These statistics are never given on a per capita basis or including historic emissions from developed countries.

- **Most emissions are historic re-emissions from developed countries (33%) or natural emissions (33%).** As the *International Mercury Assessment* shows, re-emissions are a large part of the problem. In comparison to these large fluxes (67%), China's emissions are small.

- **There is significant uncertainty and variation between emissions models.** This suggests that models are not yet sufficiently certain for China to commit, as a developing country, to emissions reductions. For example, the uncertainties are as high as 40% for Asian emissions (see Figure 4 in the *Assessment*). China cannot commit to binding emissions reductions given the large uncertainties.

**China asserts that more information on national mercury inventories and emissions should be gathered *before* actions are taken to limit atmospheric emissions.**

Once information is gathered, China could agree to global reductions as long as every other party agrees to emissions reductions, and if timetables for reductions are delayed for developing countries. We strongly disagree with requiring only the largest *current* emitters to reduce emissions. Developed countries have emitted many more tons of mercury historically than China; yet, the *Assessment* never presents these cumulative, historic emissions alongside current emissions to allow for a comparison.

## Issue 3: Reducing Demand for Mercury in Products and Processes

Processes and products could be included in any agreement on mercury. However, each product and process should be reviewed independently, since many alternatives do not yet exist in specific cases.

- **The availability of alternative technologies must be the central issue when developing the list of product-specific bans.** Mercury-containing products should be classified based on the availability of substitutes. All decisions should also consider the capacities of developing countries to adopt alternatives, given costs.

- **China does not have comprehensive data on mercury-containing products, processes, or their alternatives, neither has it made any specific research on the cost-benefit analysis of the alternatives.** The global community should work to fill these data gaps, developing information on the availability of alternatives and their costs. Developed countries should also ensure technology is transferred.

- Regarding the VCM process, China's economy greatly depends on this technology for construction materials; there are currently no alternatives. Banning mercury-containing processes like VCM would clearly be a political move to hold back China's development without providing our country with any alternatives. It must be remembered that VCM is ultimately a small contributor to the overall, global mercury burden.

**Issue 4: Artisanal and small-scale gold mining (ASGM)**

China has banned mercury use in ASGM although China is not opposed to including this issue in further discussions.

- If actions are taken, they should aim to provide financing to reduce health risks associated with artisanal mining. Developed countries could also transfer technology.

- ASGM is, first and foremost an issue of poverty and development. Rules enforcement is up to sovereign, national governments.

## China's Position Paper: Summary of Positions on Key Issues

**Issue 1: Mandate and Institutional Form of Action**

Option 1.1: There is sufficient evidence that mercury us a global problem with significant risks. Initiate formal international negotiations for a new legally binding mercury convention. **You may only accept this option if our first choices are adequately adopted for Issues 2 and 3.**

Option 1.2: There is a need for more evidence that mercury is a global problem with significant risks. Enhance voluntary measures. **This is China's first choice.**

**Issue 2: Reducing Atmospheric Emissions**

Option 2.1: There is sufficient information that atmospheric emissions are a large source of mercury. This issue should be included in the scope. Future negotiations could include requiring national emissions inventories and proposed timetables and targets for all major emitters. **Emissions reductions are not acceptable for developing countries which lack adequate emissions inventories and are focused on development.**

Option 2.2: There is insufficient information that atmospheric emissions are a large source of mercury. This issue should be excluded from the scope. Future negotiations could gather information on emissions inventories to all media before taking action. **This is your first choice.**

**Issue 3: Reducing Demand for Mercury: Products and Processes**

Option 3.1: There is sufficient evidence that demand for mercury used in products and processes significantly contributes to the global mercury problem. All products and processes should be included in the scope of future negotiations. **This is only acceptable if products and processes restrictions for developing countries are included on a <u>voluntary</u> basis. VCM should not be specifically targeted given China's development imperatives.**

Option 3.2: Demand for mercury used in some products and processes contributes significantly to emissions and mercury releases, while other mercury uses do not. The parties should draft a list for inclusion in the scope of future negotiations. **Negotiating a specific list at future meetings is acceptable to China.**

Option 3.3: There is insufficient evidence that demand for mercury used in products and processes significantly contributes to the global mercury problem. All products and processes should be excluded from the scope of future negotiations. **This is acceptable to China.**

**Issue 4: Artisanal and Small-Scale Gold Mining (ASGM)**

Option 4.1: There is sufficient evidence that mercury use in ASGM is a significant part of the global mercury problem. ASGM should be *included* within the scope of future negotiations, with potential actions including requiring countries to submit national action plans on ASGM with timetables to phase out the usage. **This is acceptable provided financial and technical support is the cornerstone of voluntary action on ASGM.**

Option 4.2: There is insufficient evidence that mercury use in ASGM is a significant part of the global mercury problem or that ASGM is a tractable problem. ASGM should be *excluded* from the scope of future negotiations while financial and technical support are provided to conduct further assessments on ASGM. **This is also acceptable.**

**References:**


1. World Health Organization (1990) *Environmental Health Criteria 101: Methylmercury* (Geneva, Switzerland).
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3. People's Republic of China (2011) *Information Submission to INC2. Regarding Mercury-Related Information in China*.
4. UNEP Chemicals (2006) *Summary of supply, trade and demand information on mercury*.
5. NRDC NRDC: Mercury Contamination in Fish - Know Where It's Coming From. Available at: http://www.nrdc.org/health/effects/mercury/sources.asp [Accessed June 22, 2011].