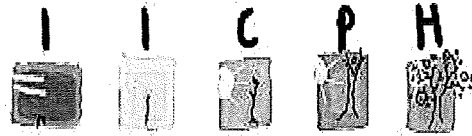




CANADIAN ENVIRONMENTAL LAW ASSOCIATION  
L'Association canadienne du droit de l'environnement



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Paul Boothe  
Deputy Minister  
Environment Canada  
Deputy Ministers' Office  
10 Wellington Street  
Gatineau, Quebec K1A 0H3  
Canada

*transmission by email: Paul.Boothe@ec.gc.ca*

Dear Mr. Boothe:

**Re: Canadian Delegation to INC 3 towards a legally binding instrument on mercury – Environmental NGO**

The Canadian Environmental Law Association (CELA) and International Institute of Concern for Public Health (IICPH) are writing to express our deepest concern over the decision by the government to not include an environmental non-governmental (ENGO) representative on the Canadian delegation to the third Intergovernmental Negotiating Committee (INC3) meeting towards a global legally binding instrument on mercury taking place October 31-November 4, 2011 in Nairobi, Kenya. This decision has a significant impact on public engagement by civil society in Canada and sets a troubling trend in terms of effective, transparent engagement in decision-making processes on chemicals management issues in Canada and internationally.

The recent government decision to not include an ENGO to the Canadian delegation for INC3 represents a dramatic shift from the previous approach of including ENGO representation in international meetings. We are seeking your reconsideration of this decision and that the government provide an opportunity for ENGO engagement on the Canadian delegation to INC3.

We have had the opportunity to discuss this matter with Environment Canada staff. Based on this discussion, it is our understanding that the size of the Canadian delegation to this meeting has been reduced due to a reduced budget for this program. We appreciate on-going efforts by Environment Canada to identify and pursue opportunities that promote on-going stakeholder engagement on these negotiation processes. However, we are of the view that civil society engagement on the Canadian delegation is extremely valuable and there may not be processes that can effectively replace it. We further note that this engagement provides significant benefits to the government and environmental community that outweigh the financial cost associated with ENGO participation on the Canadian delegation at this meeting.

Consider the following:

- 1) Canada has created a unique opportunity for public engagement by including Canadian ENGOs in the Canadian delegation to negotiating meetings on international files that is not practiced by other countries. This approach has worked effectively on files such as

the Convention on Biodiversity, the Stockholm Convention on Persistent Organic Pollutants, the Strategic Approach to International Chemicals Management as well as for the INC1 and INC2 on mercury. In fact, the government should take pride in its role to seek input and support from civil society on efforts to reduce the impacts of mercury at the global level. Canadian ENGO representatives have worked diligently to establish working relationships with members of the Canadian delegations and other international NGOs at these meetings and throughout the negotiating process. In many cases, this level of public engagement has provided opportunities for ENGOs to respond to draft negotiating text in a substantial manner that may not otherwise be possible.

- 2) On-going engagement on the Canadian delegation results in continuity of participation and dialogue with government departments. Participation on the Canadian delegation extends beyond the timeframe of the meeting and demonstrates the commitment by ENGOs to provide government with advice and proposals on its approach during these negotiation processes and implementation activities.
- 3) The presence of ENGOs on the Canadian delegation to these meetings contributes significantly to the development of effective domestic policies and programs on chemicals management on mercury. It offers an opportunity for the public to understand the commitments made by Canada at the international level and how those decisions will impact programs and policies at the domestic level.
- 4) The participation of ENGOs on the Canadian delegation fosters continued outreach and engagement with the broader Canadian NGO community on international files. The NGO delegation shares its experience gained by attending these meetings with the broader Canadian NGO community and ensures that on-going participation on emerging matters are addressed. It would be a significant loss for the ENGO community if they are not accorded the opportunity to participate in these meetings.

Based on previous ENGO experience with other international conventions, the investment to include a Canadian ENGO representative on the Canadian delegation to INC3 would provide additional benefits as the process moves towards finalized negotiations on the legally binding instrument to implementation.

We are very much concerned about the impact that the lack of ENGO representation to the Canadian delegation may have on future engagements of the ENGO community on both international and domestic programs.

We trust that we have provided you with sufficient rationale to provide an opportunity for environmental NGO engagement on the Canadian delegation to INC3.

Please do not hesitate to contact us, should you have questions and wish to discuss this further. Thank you for your consideration.

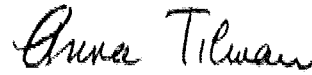
Yours truly,

**CANADIAN ENVIRONMENTAL  
LAW ASSOCIATION**



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