Meeting of the INC Bureau
Washington D.C.
9 – 10 October 2014

Participants:

Mr. Fernando Lugris (Uruguay, for Latin America and the Caribbean)
Ms. Gillian Guthrie (Jamaica, for Latin America and the Caribbean)
Mr. Mohammed Khashashneh (Jordan, for Asia Pacific)
Mr. David Kapindula (Zambia, for Africa)
Mr. Oumar Cisse (Mali, for Africa)
Mr. Alojz Grabner (Slovenia, for Central and Eastern Europe),
Mr. Vladimir Lenev (Russian Federation, for Central and Eastern Europe)
Ms. Nina Cromnier (Sweden, for the Western European and Others Group)
Ms. Sezaneh Seymour (United States of America, for the Western European and Others Group)
Interim secretariat for the Minamata Convention on Mercury.

The meeting was also attended for a short period by a representative of the GEF secretariat (Mr. Anil Sookdeo). Mr. John Roberts, co-chair of the group of technical experts on BAT/BEP participated by teleconference to provide a report on the work of the group.

Opening of the Bureau Meeting

1. The bureau meeting was opened at 9.30 am on Thursday 9 October. The Chair welcomed the bureau to Washington D.C. and thanked the Government of the United States for hosting the meeting.

2. He indicated that this meeting should be seen as a continuation of the previous bureau meeting held in the Dead Sea, Jordan, where the initial discussions on the organization of INC6 took place. He highlighted that preparations for a successful INC6 would be a major feature of this bureau meeting, however, noted that, as for previous meetings, there would be a need to adjust work plans during the INC itself.

3. The bureau member from the USA highlighted her expectations that the meeting would provide an opportunity for detailed consideration of issues relating to INC6, in particular that the work to be undertaken at INC6 should reflect the priorities established within the Final Act adopted in Kumamoto. The Chair noted that there may be many new negotiators at INC6, and the bureau will need to take a leading role to ensure that all are aware of the work previously done, and the priorities established in previous work, also noting that the rhythm and pace of the work will be different at INC6 in comparison to previous INCs.

4. The bureau member from Sweden indicated the EU preference to adopt as much as possible at INC6, to ensure sufficient time is available at INC7 for some of the more complex policy discussions. The Chair noted that many of the items under consideration at INC6 were building on extensive experience in the other Conventions, and a number were not controversial. He hoped there could be significant progress on such issues during INC6.

5. The bureau member from Zambia noted the challenges which would be posed at INC6 for small delegations, and encouraged the chair to take this into account in the meeting flow. He noted further that there would be a high level of turnover of delegations from previous meetings, and invited the Chair to attend the regional meetings on Sunday 2 November to communicate expectations directly.
6. All the bureau members noted with appreciation the successful high level signing ceremony for the Minamata Convention which was held in New York on 24 September 2014 and at which 20 governments signed the convention and 5 ratified it.

Adoption of the provisional agenda

7. The agenda was adopted without change.

Update on activities undertaken since the Bureau meeting held from 14 to 15 May 2014 in Jordan

a) Status of signatories and ratification

8. The secretariat provided an update of the status of signature and ratification, particularly resulting for the High Level Event held in the margins of the General Assembly on 24 September 2014. The event was very well attended, with more than thirty ministers present. During the Bureau meeting the Convention closed for signature and there were 128 signatories and 6 parties.

b) Status of financial contributions for the work of the Convention in the interim period

9. The secretariat provided an update of the financial contributions for the work of the Convention. Sufficient funds have been received to host the INC and the ongoing work of the secretariat, with a large contribution from the EC supporting many activities. No new large contributions have been received since the previous bureau meeting. Within its resources, the secretariat has prepared the meeting documents for the INC, with a number of information documents still to be published. The Bureau noted the small size of the secretariat, and the heavy demands placed on them.

10. In relation to the UNEP Global Mercury Partnership, the sixth meeting of the Partnership Advisory Group scheduled to take place back to back with INC6, has been funded by UNEP. This will provide an opportunity for increased consideration of the relationship between the partnership and the Convention. Funding for activities of the partnership is quite limited, although a number of regular contributions are still anticipated during 2014. There may be opportunities for the partnership to contribute to work at the national level on the implementation of the Minamata Convention.

11. The Chair encouraged the secretariat to use discussions with the GEF to look for resources, particularly in support for the partnership. He reminded the bureau that the partnership had been previously seen as a tool to serve the negotiations, and now could be used as a mechanism to support implementation of the Convention. He noted the need for further consideration of the mandate and activities of the partnership, and the role they may play in support for implementation at the national and regional level. He further noted that the secretariat should be in a position to provide the services seen as necessary by the bureau, and encouraged them to actively seek resources to meet these needs.

c) Status of ratification and early implementation sub-regional workshops convened and planned

12. The secretariat provided an update on the sub-regional workshops held to date during 2014, noting that eight workshops have been held. The remaining 4 workshops planned will complete the global sub-regional workshops, with current plans to hold three more workshops in 2014.

13. Countries participating in the workshops have provided positive feedback on the structure and activities within the workshops. The experience of developing draft roadmaps for signature, ratification and early implementation of the Convention was described as beneficial, and a number of countries who were able to sign and ratify the Convention at the High Level event had used their roadmap to progress towards signing and ratification. It is expected that a different approach
will be needed in 2015, where the activities will focus on moving on from the initial activities commenced during 2014 to a focus on implementation.

14. Throughout the programme of workshops, a cooperative approach between agencies and organization has facilitated the delivery. All agencies involved in delivering activities related to the Minamata Convention (including GEF, UNDP; UNEP, UNIDO, UNITAR and WHO) have participated actively in the workshops, with benefit also being gained from the contribution of the BRS secretariat which has extensive experience in capacity building and preparation for implementation of MEAs.

15. The Chair highlighted the need for the relevant organizations to take an active role in supporting implementation, and welcomed the cooperative approach.

16. An activity related to workshops is the development of outreach activities, and the webpage. While some work has been undertaken in this regard, the secretariat recognized the need for better communication with the broader community and that further resources and capacity will be allocated to that area.

17. A report from the secretariat of the Global Environment Facility was presented. During GEF5, 10 million USD was allocated for enabling activities, of which 9.4M had been utilized for approved projects. Allocation of funding during GEF6 was presented, with a total of 141 million USD allocated for mercury activities, including 30 million USD for enabling activities for signatory countries. The GEF secretariat would appreciate guidance from the INC on priorities, considering where activities should be focused. They noted that plans were going ahead in relation to ASGM, but are also starting to look at strategic ways to use funds with a few different programmes and the scale of impact of actions. The need for engagement of the private sector was highlighted as well as additional activities with the Olympic Committee on mercury free gold.

18. The GEF secretariat is planning for significant activities at INC6, including participation by the GEF CEO, organization of a reception on the first evening of INC6, including the organization of a separate event for heads of delegations. They are also organizing a side event which would focus discussion as well as seek to raise the profile of the GEF in the implementation of the Minamata Convention. The Chair welcomed the participation of the GEF secretariat at the INC, and encouraged continuing cooperative activities between the GEF secretariat and the interim secretariat. He looked forward to robust discussions and the development of a good MOU between the COP of the Minamata Convention and the GEF Council. The GEF secretariat also highlighted their activities in developing a video to promote action on the Minamata Convention which was welcomed by the bureau.

d. Progress report from the BAT/BEP expert group meeting

19. The secretariat provided an update on the work of the BAT/BEP expert group, which held its second meeting in Montreux, Switzerland from 8 to 11 September 2014. The secretariat noted the document for INC6, and introduced this in detail later in the agenda. The secretariat further noted the plan to have a very informal gathering of experts in the margins of INC6, which would provide an opportunity for the experts attending the meeting to discuss progress since the second meeting.

20. A further report was provided by the co-chair of the BAT/BEP expert group, Mr John Roberts, who indicated that the second meeting has made good progress, with the subgroups revising their initial drafts throughout the meeting. In addition, a subgroup on monitoring was established, while the secretariat was tasked with preparing introductory sections and information on available technologies for reduction of emissions. On guidance on inventories, the group
considered information from the secretariat, noting that the UNEP toolkit was a very good starting point; however national data should be used where available. On the work on the evaluations of goals and setting criteria, it was recognized that this would be more straightforward when the other guidance was elaborated. The secretariat would seek input for these documents. Key issues were flagged, including the challenges of having the BAT/BEP guidance documents translated prior to consideration in the public comment phase or for INC7. Another issue which may come up at the INC is the participation of additional observers. The conference of plenipotentiaries established the group of technical experts as a closed group, and the co-chairs agreed that it is preferable to maintain the status as a closed group. The need for adoption of the rules of procedure was highlighted. The opportunity for additional technical discussions during INC6 was also highlighted.

21. The work of the expert group and the progress made was welcomed by the bureau.

4) Update from Bureau members on progress towards ratification and early implementation in their region, along with further discussions of possible activities which could be undertaken to support ratification and early implementation

22. The Chair invited all bureau members to provide an update on the progress towards ratification and early implementation in their region since the previous bureau meeting.

23. The Chair noted that Uruguay had co-organized the High Level signing event for the Minamata Convention in September with the governments of the US, Japan and Switzerland. He further informed that Uruguay was able to ratify the Convention during this event. He congratulated the other countries who had been able to sign or ratify during the event and after, making particular note of the signature by the Russian Federation and India.

24. Regarding the South American subregion, he reported on the subregional workshop for South American countries which had been held in Brazil, noting the clear and emphatic message from the Minister of Environment of Brazil on the personal commitment to ratify the Convention, with this already in progress. He was also encouraged by the signature and ratification of the convention by Guyana, and indicated the government of Uruguay’s renewed commitment to lead the process of moving the Convention toward entry into force.

25. Ms. Sezaneh Seymour (USA) welcomed the bureau members to Washington, and highlighted the very positive experience at the High Level event in New York, and the high level of interest in this event. She also noted the efforts of the Government of Switzerland to facilitate implementation of the Convention through support to regional workshops on the ratification and early implementation of the Minamata Convention on Mercury planned for 2015, and similar efforts of others, including the United States Mercury Program.

26. Ms. Nina Cromnier (Sweden) reported on progress towards ratification in the European Union, including that the consultation on amendments to regulations were underway. The current plan is for ratification in 2015, with the EU and many states ratifying simultaneously. She noted the challenges posed by a new European Parliament, and new Commission, as well as a number of national elections.

27. Mr. Mohammed Khashashneh (Jordan) expressed his thanks for the organization of the high level segment, noting the satisfaction of his Minister with the outcome. He conveyed the apologies from the other bureau member from the Asia Pacific meeting, who was unable to attend this bureau meeting. He provided a report on the sub-regional workshop for Arabic speaking countries held in Jordan in August, at which each country prepared a roadmap. Jordan has made very good progress towards ratification, and hopes to ratify at the beginning of 2015. A subregional project to work towards ratification is also under development, and there are many activities underway within the region. He further indicated the interest of his government in possible presenting an offer at INC6 to host INC7.

28. Mr. David Kapindula (Zambia) indicated his thanks for the organization of the bureau meeting and also for the High Level signing event held in New York. Zambia had hoped to ratify at the event, however, had not be able to complete the relevant processes at the national level. He
indicated that his government is aiming at ratifying the convention by the end of 2014. He noted that the sub-regional workshop for Anglophone Africa held in Nairobi, Kenya in April 2014 had been held prior to the previous bureau meeting, and reported that there is ongoing work within the region to develop inventories.

29. Mr. Cisse Oumar (Mali) reported on the workshops held in Dakar, Senegal in July. He noted also that Guinea has informed the African region that they have undertaken the ratification activities, however they have not yet provided their instrument of ratification to New York, and therefore are not reported as a party. He indicated the progress made to date in Mali towards ratification, with coordination being led by the Minister of Foreign Affairs. He highlighted the importance of working with the regional and subregional networks (including SADEC and ECOWAS) to mobilise political support. He noted the need for the INC to consider how to strategize for progress towards entry into force.

30. Ms. Gillian Guthrie (Jamaica) noted that unfortunately no subregional workshop had been held for the Caribbean at this stage. There was ongoing work in a number of countries, and she noted that Jamaica hopes to ratify the convention early next year. She highlighted that when a subregional workshop would be organized, the participation of Cuba, Dominican Republic and Haiti would be beneficial.

31. Mr. Vladimir Lenev (Russian Federation) indicated his thanks for the organization of the high level event, noting that the process of signature by Russia had been smooth. He remarked that UNEA had played an important role in making progress, as it highlighted the need for action to the Minister who participated in the discussions. He expressed the view that a further high level event, possibly during UNEA, would be beneficial as it would provide a good mean to increase the attention of the convention for colleagues from capital. He noted that Russia was proceeding well with ratification, and that a number of other countries in the region were also making progress. He highlighted concerns in relation to the need for support for implementation, particularly for countries with economies in transition. He further encouraged countries to pass strong messages to their permanent missions in Nairobi to put forward chemicals issues in discussions.

32. Mr. Alojz Grabner (Slovenia) indicated that he hoped that a workshop for the CEE would be organized in the near future. He noted the plans of a number of countries to sign prior to the closure on 9 October 2014. He noted the input of Slovenia on work on mercury mines, building on their previous experience.

33. The Chair thanked the bureau members for their contributions, noting the positive suggestion and the need for further work to be done. He highlighted the importance of high level political engagement on the issue of ratification, and also the opportunities to explore a suitable time for another high level event, with the aim of moving towards 50 by 2015 if possible.

5) Strategic discussion on INC6, including preparations and the possible flow of discussions:

a. Short update on logistical planning for INC6

34. The secretariat provided an update on the logistics of the meeting, noting that they are working closely with ESCAP planning the usual arrangements for the allocation of rooms, regional groups and arranging interpretation. Registration would be possible from Saturday afternoon, and would open at 8am on Sunday morning and throughout the week. They noted that the Partnership Advisory Group would be meeting on Friday and Saturday morning.

35. On Sunday, the bureau would meet from 9am to 10am. Regional groups would then meet at 10am, and the bureau would reconvene at lunch time to consider issues raised in regional groups. Regional groups may, if they wish, reconvene on Sunday afternoon, or they may take the opportunity for informal inter-regional consultations.

36. INC6 would open at 10am on Monday 3 November with a formal opening ceremony, including speeches from Parties and a curtain raiser. There were no plans for night plenaries, however smaller groups would be able to meet in the evenings as required. Two receptions have been confirmed for INC6, with one hosted by the GEF secretariat and the other by the
Government of Switzerland. A number of side events have been requested, and there will also be exhibition space available.

37. The secretariat also informed the bureau of measures put in place by the Government of Thailand to screen individuals arriving from countries affected by Ebola. These measures would be added to the normal procedures in place in relation to yellow fever.

b. Presentation and discussion of documents prepared for INC6

38. Given the long list of documents prepared for the meeting, resulting from the resolutions adopted in Kumamoto as part of the Final Act, the secretariat presented the documents according to the grouping of documents presented in Annex I of the bureau report.

39. The bureau underlined the importance of ensuring that focus and priority would be given to issues and documents based on the priority setting contained in paragraph 5, 6, 7 and 8 in the Final Act and that no division from the priority setting should take place.

40. For Article 3, the secretariat presented the four relevant documents. In relation to the notification of consent to import, the potential need for a specific form for exporters to use in seeking consent was discussed. It was noted that this was not included in the obligations of the Minamata Convention, and concerns were expressed in introducing additional obligations. The need for a policy discussion on these issues at INC6 was noted. In considering the format for the register of notifications, the benefit of providing the date of submission of the general notification was highlighted. Concerns were raised as to how the procedures required would be implemented, particularly noting that there were no specifics included in the article. The need for a robust discussion at INC6 was highlighted, with the need for plenary discussions to ensure all interested Parties are engaged, with the possibility of the issues being referred to smaller groups as needed highlighted. In relation to identification of stocks, the possibility of exemptions generating stocks was highlighted. The Chair indicated that the INC would need to consider how to guide the secretariat and whether submissions would be required to provide additional information.

41. In relation to Article 6 on exemptions, the documents were presented, covering the format for requesting an exemption, the statement to be provided when registering for an exemption, and the register of exemptions to be maintained by the secretariat. Concerns were raised on the information indicated to be supplied when registering an exemption, with the secretariat highlighting that as there were no details included in the text of the Convention, the secretariat has attempted to illustrate examples of useful information. It was noted that the list of information should be considered to be illustrative, rather than prescriptive. The issue of whether alternatives were available in all countries was highlighted. The impact of trade agreements on the movement of mercury-added products was highlighted. It was noted that there would be benefits to the secretariat providing a detailed introduction of the documents, highlighting relevant issues. This should also indicate differences between obligations under the Convention and areas where additional information was considered valuable.

42. For Article 8, the secretariat introduced the document setting out the report of the work of the group of technical experts. The need for the INC to adopt the rules of procedure for the group was noted. One bureau member indicated that a few minor changes to the rules of procedure were proposed, which were considered non-controversial by the bureau. It was agreed that they would confirm this with their region, and, should this not pose any problems, the Chair would highlight the proposed amendments during introduction of the document.

43. On Article 13, the secretariat introduced the three relevant documents, covering the specific international programme, the guidance to be provided to the GEF and the development of a memorandum of understanding between the COP and the GEF Council. It was also noted that an information document presenting the UNEA resolution on the special programme would be made available for INC6 as requested by the UNEA resolution. The challenges in elaborating the specific international programme were highlighted, particularly in starting a robust discussion at INC6. It was noted that discussions during INC6 may not be sufficient, and additional work may be required to ensure that sufficient information and possible options can be forwarded for
consideration at the first COP. The possibility of additional information being developed, including analytical documents which would consider such things as options to provide institutional hosting for the specific international programme based on experiences in hosting other programmes was highlighted. It was noted that INC6 could decide to establish a process for the intersessional period to ensure good progress on the issue.

44. On Article 21, the reporting format and timing for reporting was introduced. The secretariat highlighted that the reporting set out requirements for all aspects of implementation of the Convention, without limiting the reporting to those articles mentioned specifically in paragraph 2 of Article 21. The suggestion was made that for those areas where general reporting on activities was needed, the questions should be more general rather than the specific questions in the current proposed format. Issues in relation to timing were noted, in particular the opportunities for coordinated national reporting.

45. On Article 22, the current mechanisms for obtaining monitoring data were presented. The document presented the option for further data to be sought, including from government, to provide additional options for monitoring data for further consideration.

46. On Article 23, the need for the Conference of the Parties to adopt rules of procedure and financial rules at its first meeting was highlighted, and these documents were presented, noting that they build on the rules used under the Stockholm Convention. It was highlighted that the rules of procedure were presented without square brackets, while brackets were included in the financial rules in relation to the host country contribution, as this has not yet been considered during the negotiations. Issues relating to offers to host the secretariat of the Minamata Convention were further discussed.

47. On Article 7, the secretariat presented the document, highlighting the work undertaken with the UNEP Global Mercury Partnership in developing guidance for ASGM, as well as the role of WHO in developing guidance on health related issues. The document proposed that the secretariat would continue to work with the partnership area to further revise the guidance and present it to INC7.

48. On Article 9, the secretariat presented the document, and noted the relationship between the development of guidance for inventory development on releases with that on emissions, particularly as the UNEP Global Mercury Toolkit address both emissions and releases.

49. For Articles 10, 11 and 12, the secretariat presented the documents in which the proposed actions were for the secretariat to develop, in collaboration with other relevant actors, guidance required by the Convention. There were no comments on these documents, other than a concern expressed that the workload on the secretariat may be too ambitious. The secretariat addressed this issue, highlighting the activities underway to strengthen the capacity of the secretariat, as well as the potential for using external support such as consultants for certain activities.

50. c. Approach to discussions, priority issues and strategies for the use of plenary and contact groups

51. In considering the flow of work during INC, the Chair noted that the INC would address the issues article by article noting that for a number of articles more than one document was relevant. He continued by presenting an initial plan, considering dealing with Articles 3 and 6 as the first substantive issues. It was noted that, following a good discussion in plenary, certain policy questions on these articles may be referred to a smaller group which could consider a range of technical policy issues throughout the meeting. Noting that many delegations are likely to be small at INC6, the need to minimise parallel groups was highlighted, and the overall strategy of focusing broad discussions in plenary was agreed.

52. The tentative order of issues throughout the week was presented, although it was noted that this was a very preliminary list, and there may be potential for significant changes as a result of the flow of discussions. The possibility of plenary being suspended to allow work in smaller groups to proceed was also considered.
53. I was also noted that in presenting the outcomes of INC6, consideration should be given to whether these should be presented as agreements with the body of the report, or whether formal decisions should be prepared and agreed to formalise the elements which have been adopted on a provisional basis for forwarding to the Conference of the Parties.

d. Discussion on the options to address identified diverging interpretations and inconsistencies between language versions of the Convention, including possibility to seek advice from a Legal Group during INC6 or request the Interim Secretariat to provide clarification at INC7

54. The secretariat indicated two areas in the convention text where governments had indicated challenges in interpretation (article 3, paragraph 5b) or potentially difference in meaning of the language used in the text (Article 6 paragraph 1a). The delegation of the United States indicated that they had identified a number of inconsistencies in the language version of the text, which they had raised with the Office of Legal Affairs, who had circulated a formal proposal for corrections to the Permanent Missions in New York. Should there be no objections to this proposal, the changes would be effective in early December 2014, including the version of the true certified copy of the convention text. The opportunity for discussing these changes in Bangkok was noted, and also that this could provide an opportunity to consider other inconsistencies between the language versions.

55. The issue of the challenges of implementing the Convention when the language was not specific was discussed. The Chair pointed out the challenges in interpreting the Convention. It was also raised that some areas of the Convention text may be deliberately ambiguous where negotiations could not agree on a very clear proposal, while other areas may be ambiguous due to either a lack of time in the negotiation or a lack of clarity in the language proposed. Concerns were expressed that the INC should not seek to re-open areas where the ambiguity was included in a deliberate way. The Chair emphasised that this should not be seen as an opportunity to raise a wide range of concerns, but rather a mechanism to address identified concerns.

e. Challenges and opportunities at INC6, including role of Bureau members

56. The meeting agreed that the Bureau continued to play a key role, and there would be a need to assess progress on a daily basis. The Chair invited the bureau to bring to his attention any issue of concern that would arise before and during INC6. The importance of regional and inter-regional consultations was noted, and the need for awareness of any potential intersessional work was highlighted.

f. Regional meetings on the day preceding the opening of INC6

57. The bureau members agreed that they would provide an update to the Chair and secretariat as to whether they wished to invite either or both to the regional group to present on the relevant issues.

6) Short update on planning for INC7 and COP1

58. The Chair indicated that it was not feasible to develop extensive strategies for INC7 at this stage, however it should be noted that the seventh session may be very strongly focused on preparations for the first COP, depending on the status of ratifications at this stage. At this stage, no formal offer for INC7 has been received, although informal approaches have been made by a number of countries. Once offers are made, the secretariat will be able to consider them.

59. The challenges of setting the dates for COP1 were noted given that these are based on entry into force of the Convention, and there is some but limited flexibility.
7) Next meeting of the Bureau

60. The next meeting of the bureau will be held immediately prior to the INC on Sunday 2 November at 9 am.

8) Any other issues raised by the Bureau

61. No other issues were raised by the Bureau. The Chair thanked all for their active participation and constructive comments, and indicated he was looking forward to a coordinated approach to INC6.
Information on the main points of discussion for consideration prior to INC6

The bureau agreed to highlight a number of points which may be useful to circulate prior to INC6 to assist delegates in preparing for the meeting.

- Regional meetings will be held on Sunday 2 November to assist regions to prepare for the INC. If desired, the Chair of the INC and/or the interim secretariat could visit regional groups to provide a further update.
- Discussions at the INC will follow an article by article basis, noting that for some articles there are a number of relevant meeting documents.
- The secretariat will provide a detailed introduction to the documents on an article by article basis. In each case, the group of relevant documents will be presented, followed by discussion on all of the issues, due to the cross linkages between the documents.
- It is anticipated that detailed consideration of policy issues of a technical nature may require the establishment of a smaller group.
- It is also expected that finance issues may also need to be considered by a smaller group.
- Noting that delegations are expected to be small at INC6, care will be given on the number of parallel groups established to ensure optimum participation in discussions.
- Where feasible, and particularly where agreement must be reached prior to entry into force, the INC will adopt issues on a provisional basis, pending formal adoption by COP1. Priority will be given in the work flow to areas required for entry into force and also for those issues which must be adopted by COP1, however it is anticipated that INC6 will be able to discuss all issues put forward.