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**United Nations
Environment
Programme**

**Intergovernmental negotiating committee
to prepare a global legally binding instrument
on mercury
Fifth session**

Geneva, 13–18 January 2013
Item 3 of the provisional agenda*

**Preparation of a global legally binding
instrument on mercury**

**Draft elements of the final act to be adopted at the anticipated
diplomatic conference**

Note by the secretariat

1. At its fourth session, the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury agreed that the secretariat would prepare draft elements of the final act to be adopted at the anticipated diplomatic conference at which the instrument would be signed. The elements would address, among other things, how to promote and prepare for the early implementation of the mercury instrument; arrangements for the interim period between the signing of the instrument and its entry into force, including arrangements for financial and technical assistance during that period; and secretariat arrangements.
2. The annex to the present note sets out, for the consideration of the committee, the relevant draft resolutions in that connection. Some sections of the draft resolutions will need to be completed following the conclusion of the negotiations. Placeholders for such inclusions have therefore been provided.

* UNEP(DTIE)/Hg/INC.5/1.

Annex

Draft resolutions

I. Interim arrangements

The Conference,

Having adopted the text of the Minamata Convention on [title] (hereinafter “the Convention”),

Considering that interim arrangements are required in order to implement expeditiously international action to protect human health and the environment from anthropogenic releases of mercury and mercury compounds pending the entry into force of the Convention and to prepare for the effective implementation of the Convention once it enters into force,

1. *Calls upon* those States and regional economic integration organizations that are entitled to do so to consider ratifying, accepting, approving or acceding to the Convention with a view to bringing it into force as soon as possible;

2. *Invites* the Executive Director of the United Nations Environment Programme to convene such further sessions of the intergovernmental negotiating committee (hereinafter “the committee”) during the period between the date on which the Convention is opened for signature and the date of the opening of the first meeting of the Conference of the Parties as may be necessary to oversee the implementation of international action to protect human health and the environment from anthropogenic releases of mercury and mercury compounds, within the scope of the Convention, and to prepare for and service the Conference of the Parties to the Convention until the end of the fiscal year in which the first meeting of the Conference of the Parties is held;

3. *Requests* the Executive Director of the United Nations Environment Programme to provide secretariat services for the operation of the interim activities until the end of the fiscal year in which the first meeting of the Conference of the Parties is held;

4. *Appeals* to States and regional economic integration organizations to make, within their capacities to do so, voluntary contributions to the mercury trust fund of the United Nations Environment Programme in order to support the interim activities and the operation of the Conference of the Parties until the end of the fiscal year in which the first meeting of the Conference of the Parties is held;

5. *Invites* the committee to focus its efforts on those activities required or encouraged by the Convention that will facilitate the effective implementation of the Convention upon its entry into force, and in particular to recommend for consideration by the Conference of the Parties at its first meeting rules of procedure and financial rules for the Conference of the Parties; financial provisions governing the functioning of the secretariat; the format and scope of information on compliance with article 22 of the Convention; [and] the criteria and methodology for evaluating the effectiveness of the Convention in accordance with article 23; [and draft rules of procedure, composition and operational guidelines for the functioning of the subsidiary body to be established under article 17];

6. *Also invites* the committee to develop and adopt, on a provisional basis, guidance on:

(a) [Best available techniques and best environmental practices for reducing atmospheric emissions of mercury and releases to land and water for consideration by the Conference of the Parties at its first meeting;]

(b) [The preparation and execution of implementation plans in accordance with article 21;]

(c) [The development of national action plans in accordance with annex F to the Convention, for consideration by the Conference of the Parties upon the entry into force of the Convention;]

7. *Appeals* to States and regional economic integration organizations to participate in and apply in full the provisions of the Convention during the interim period on a voluntary basis;

8. *Calls upon* States and regional economic integration organizations with more advanced programmes for controlling releases of mercury to provide financial and technical assistance, including training, to other States and regional economic integration organizations to assist them in developing their infrastructure and capacity to meet the objective of the Convention, with particular attention being paid to signatories of the Convention, in view of the urgent need for such other States

and regional economic integration organizations to implement the Convention effectively once it has entered into force for them.

II. Financial arrangements

Explanatory note

Article 15 will define the entity (or entities) for the financial mechanism; the draft resolution would:

- Provide for the setting up of arrangements with that entity or entities
- Request the governing body of the entity (or entities) to make necessary arrangements to operate the financial mechanism and to report to the Conference of the Parties at its first meeting on the arrangements it has made
- Request donors to provide support for the mercury instrument

III. Issues related to the Basel Convention

The Conference

1. *Welcomes* the work undertaken by the bodies of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal on issues related to the management of wastes containing mercury, including the initiation of work to prepare technical guidelines for the environmentally sound management of mercury wastes, as identified in article 13 of the Minamata Convention on [title];

2. *Encourages* the bodies of the Basel Convention to continue to make that work a priority;

3. *Invites* the bodies of the Basel Convention to cooperate closely on the items referred to in article 13 of the Minamata Convention and, in particular, to develop further and update as appropriate technical guidelines for the environmentally sound management of mercury wastes;

4. *Requests* the intergovernmental negotiating committee and the interim secretariat to cooperate with the secretariat and the bodies of the Basel Convention on issues related to the management of mercury wastes;

5. *Invites* the secretariat of the Basel Convention to report to the committee on issues related to the management of mercury wastes, including the preparation and development of technical guidelines for the environmentally sound management of mercury wastes.

IV. Tribute to the Government of Japan

The Conference,

Having met in [YYY] on [...] at the gracious invitation of the Government of Japan,

Convinced that the efforts made by the Government of Japan and by the authorities of the [prefecture of XXXXX] and [city of YYY] in providing facilities, premises and other resources contributed significantly to the smooth conduct of the proceedings,

Deeply appreciative of the courtesy and hospitality extended by the Government of Japan and the [prefecture of XXXXX] and [city of YYY] to the members of delegations, observers and the secretariat of the United Nations Environment Programme attending the Conference,

Expresses its sincere gratitude to the Government of Japan, to the authorities of the [prefecture of XXXXX] and [city of YYY] and, through them, to the people of Japan, for the cordial welcome which they accorded the Conference and those associated with its work and for their contribution to the success of the Conference.