



**REPORT OF THE BUREAU OF  
THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE (INC) TO PREPARE A  
LEGALLY BINDING INSTRUMENT ON MERCURY**

**Dead Sea, Jordan – 15 to 16 May 2014**

**Participants:**

Mr. Fernando Lugris (Uruguay, for Latin America and the Caribbean)  
Ms. Gillian Guthrie (Jamaica, for Latin America and the Caribbean)  
Mr. Yingxian Xia (China, for Asia-Pacific)  
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

**A. Opening of the Bureau Meeting**

1. Prior to the formal opening of the Bureau meeting, the Chair informed the meeting of the passing of Mr. Matthew Gubb, who had played a key role in the early work of the INC. He served as the Coordinator of the UNEP Mercury Negotiations Team until INC3. The bureau held one minute of silence in honour of Mr. Gubb and his contribution to the work on chemicals and waste.
2. The Chair then welcomed all the Bureau members, noting that it was a pleasure to meet the new bureau members in person following their introduction at the bureau teleconference in February. He noted that the Bureau would be formally adopted at INC6. The Chair said that he anticipated that the bureau member would play a key role in the period leading up to the INC. He thanked Mr. Mohammed Khashashneh ( Jordan) for his hard work in preparing for the bureau meeting, and also the Government of the Kingdom of Jordan for welcoming the bureau members to Jordan.
3. He then conveyed a congratulatory message to the United States of America for becoming the first Party to the Convention, and indicated his hopes that many other countries would be able to follow with this as soon as possible.
4. He noted the key work to be done by the bureau in preparing for INC6, and also in leading countries within their region towards ratification and early implementation of the Convention. He expressed his appreciation of the commitment shown by the bureau members throughout the process, and his thanks to all for ensuring that the full bureau was present in Jordan.
5. Mr. Khashashneh welcomed the bureau members to Jordan. He expressed appreciation for the opportunity to host the bureau meeting, noting that this had provided addition emphasis for the Ministry of the Environment on the necessity for further work on mercury, as well as an opportunity to promote mercury-related activities in the sub-region.

**B. Adoption of the Provisional Agenda**

6. The Agenda was adopted without change.

### **C. Purpose of the meeting**

7. The Chair indicated his ambitions for the meeting, noting the need to prepare for INC6, including an update on preparation and logistics, but also the need for discussion on the strategies for the meeting and beyond. He indicated the need for the Bureau to continue to actively advocate for actions related to the preparation of COP1, noting that, where possible, agreement should be reached on straightforward points during INC6, allowing more time for discussion of challenging issues during INC7.

8. He indicated that the meeting would also consider an update on activities since the teleconference in February, from both the secretariat and from Bureau members, and called for an update from all regions on ongoing activities in particular towards ratification.

### **D. Update on activities undertaken since the bureau teleconference**

#### **i) Status of signatories and ratification**

9. The secretariat informed that, as of 15 May, there were 97 signatories and 1 Party to the Convention noting that five countries have signed the convention since the Diplomatic Conference, namely Burundi, Guinea, Paraguay, USA and Yemen. They informed further that discussions were underway with the Office of Legal Affairs in New York for the preparation of a special event on the Minamata Convention on Mercury on 24 September during the 2014 Treaty Event which is taking place in the margins of the General Assembly. This would provide an opportunity for countries to sign the Convention or to deposit their instrument of ratification in a special ceremony. The Chair expressed his strong interest in having more than 100 signatories to the Convention by the deadline of 9 October 2014, and that opportunities such as UNEA and the 2014 Treaty Event should be used to raise the profile of the Minamata Convention and encourage signature and ratification. Ms. Guthrie (Jamaica) indicated that the SIDS meeting to be held during the second half of this year would also provide an opportunity to promote the Minamata Convention.

#### **ii) Status of financial contributions for the work of the Convention in the interim period**

10. The secretariat updated the bureau on financial contributions received to date for activities to be carried out in the interim period, noting that almost 8 million dollars have now been provided to support early implementation and work towards ratification, as well as to INC6, support the ongoing work of the secretariat and preparation for COP1. This has included additional contributions from the Government of China and the Government of Japan and a significant contribution from the European Commission. The secretariat also updated the bureau on the progress under the GEF, noting that UNEP is in finalizing its projects for a significant amount of the remaining funding available under GEF5 for mercury, with a few remaining endorsement letters required. Further, the secretariat highlighted the discussions on programming funds for GEF6, and emphasised the cooperative approach which was being taken between the IOMC organizations to ensure the most effective support for countries. The Chair noted that the upcoming GEF Assembly in Cancun could provide a good opportunity to highlight the needs in relation to the Minamata Convention, and to make contact with GEF focal points.

#### **iii) Status of ratification and early implementation workshops convened**

11. The secretariat provided an update on the ratification and early implementation sub-regional meetings held to date, with one held in South East Asia and two held back to back in Anglophone Africa with the financial support of the Government of China. The structure of the workshops, including presentations and small group discussions on specific aspects of the convention was discussed. The secretariat highlighted the importance within the workshop on the development of roadmaps by all participating countries which would provide a structure for the ongoing activities to prepare for signature, ratification and implementation of the Convention. The secretariat further noted that the workshops, although following a standard format, also sought to address the specific challenges of the different sub-regions. The secretariat further noted that the programme for the workshops has been developed based on lessons learned related to similar workshops from the Basel, Rotterdam and Stockholm Conventions as well as the Convention on Biological Diversity.

12. Mr. Kapindula (Zambia), who had participated at the second Anglophone African workshop indicated his satisfaction with the workshop, noting that it was well organized and provided a good structure for discussion. He welcomed the active participation of IGOs, and the opportunity to discuss issues which were of concern for the sub-region such as ASGM. He noted that there was interest in building on this through the development of a subregional project.

13. Following enquiries relating to the level of knowledge of the Convention by countries, and the preparatory activities, the secretariat described in more detail the preparatory work undertaken with countries in the lead up to each workshop, including the use of questionnaires to determine interests and needs, national reports, and webinars to discuss areas of concern.

14. The secretariat also described the coordination activities undertaken between IGOs, including meetings to consider the distribution of work, and the coverage within the region, as well as the need to adjust the presentation of issues to ensure key subregional issues are addressed.

15. The bureau noted that a very good programme of workshops had been developed, and indicated that there was a need for further information sharing about the workshops undertaken, to ensure that all were aware of the activities. The priority and timing of the workshops were discussed, with the benefits of holding meetings during the period the Convention is opened for signature highlighted.

16. The bureau noted, with some concern, the level of work required by the secretariat in delivering this programme in light of the small size of the secretariat..

#### **iv) Progress report from the BAT/BEP expert group meeting**

17. Mr. John Roberts, co-chair of the group provided (by Skype) an update on the first meeting of the BAT/BEP expert group which he described as successful and a good start to the work. He noted with thanks the support provided from the Government of Canada in hosting the first meeting. He was pleased to note that a very good range of experts had been appointed by governments, and the meeting had focused its discussions on technical issues. As one of the first tasks of the expert group, following the election of the co-chairs (Mr. John Roberts and Mr. Adel Shafei Osman) they considered the rules of procedure and any modification from the INC rules of procedure required for the expert group. A list of agreed changes was developed with the understanding that these would be presented to the INC for its consideration and possible adoption.

18. In developing the BAT/BEP guidance, the group had agreed to work as four sub-groups to cover the different sources, with the intention that the guidance developed by each group would be considered as a whole at a future meeting. Each expert was invited to review material for any of the groups during the development process. The expert group also agreed on a workplan which will allow review of the first draft of the technical documents at its second meeting in early September.

19. Mr. Roberts indicated that they did not anticipate technical work on the guidance at INC6, but rather to present a progress report, indicating the timing for technical material to be available for more general review. The benefits of having a technical forum during INC6, as a separate event at which more technical discussion could occur were also discussed. This forum could take the form of a side event, or a more general technical event.

#### **E. 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 (Bureau members)**

20. Each bureau member provided an update on the progress towards ratification and early implementation in their region.

21. In GRULAC, a ministerial declaration supporting ratification of the Convention had been made as part of a Ministerial declaration. Colombia is in the ratification process, and a written report was provided to the interim secretariat. El Salvador is implementing a plan for mining to

reduce the use of mercury to zero. In the Caribbean, there is a very low level of signature and awareness of the benefits of the Convention. It had been planned for this to be targeted during the SIDS meetings coming up later in 2014, however further work is needed to ensure the issue stays on the agenda. The importance of the GEF Assembly to be held later in May in Cancun, Mexico was highlighted as a means to raise awareness of the Convention among the SIDS countries, in particular, in the Caribbean. within the region.

22. Within WEOG, JUSSCANNZ countries are working towards ratification, with a number of countries indicating they may be able to ratify soon. For the EU, the meeting was informed that preparations are well underway, with gaps in certain control measures highlighted as an issue. It is anticipated that the decision will be taken during 2015, and member states are expected to ratify at the same time. It was noted that Parliamentary changes and the elections may delay the process.

23. Within CEE, the process for becoming a Party was underway in a number of countries, with a number of Balkan countries anticipating ratifying within the next 6 months. It was highlighted that the Minamata Convention, and in particular the need for signature and ratification, should be highlighted during UNEA.

24. For Asia and Pacific, it was reported that many countries are working towards ratification, with a number of countries expected to ratify prior to the end of 2014, with more having plans in place for ratification within 2015. The region was, in general, making progress towards ratification; however it was also proposed that the UNEP Executive Director should provide further input to encourage ratification.

25. For Africa, a number of countries are actively preparing for ratification, while others are undertaking information gathering exercises to promote the process. The need for further encouragement during UNEA was highlighted as a key driver for early success.

## **F. Preparations and expectations for INC6**

### **a. Expected working documents for INC6**

26. The secretariat presented the list of documents for INC 6 in some detail, noting the documents could be grouped in a number of categories. The documents followed the items highlighted in the resolution adopted by the Diplomatic Conference, and included:

- Items which are needed by Parties on entry into force which should be provisionally adopted by the INC prior to formal adoption by COP;
- Items which need to be adopted by COP 1;
- Items needed for implementation, which do not have a time frame for forwarding to COP;
- Items which will require adoption, but where initial discussions are needed at INC6 and which may need intersessional work; and
- Reporting items

27. The secretariat indicated that documents had been divided to present, as far as practicable, a single issue for consideration, to facilitate the adoption of non-controversial items, particularly where these are needed at entry into force, while allowing more detailed discussion of the items required policy consideration. It was noted by the Chair that some, more procedural, issues may be dealt with in plenary at INC6, while others may require additional discussions, and others may require an extensive policy debate.

28. A number of questions for clarification were raised during the discussion of the documents. For a number of documents, bureau members recommended an amendment to the title of the document to more accurately reflect the overall ambition, and also recommended splitting some documents into two separate documents to facilitate discussions. The bureau supported the list of documents to be developed, and welcomed the approach taken by the secretariat. It was noted, however, that a further meeting to address the issue of documents following their preparation would be beneficial as part of the planning for INC6.

29. As part of the discussions of the preparations for INC6, the Bureau heard from the GEF secretariat, including an update of the GEF replenishment, the decisions to be adopted at the GEF Assembly, the activities of the Council, and the ongoing cooperation with the interim secretariat. The preparation of documents related to the GEF was also discussed.

**b. Strategic planning for INC6 and beyond**

30. The Chair highlighted the need for continuing activities towards early implementation and ratification, including the need for parties to have the tools available to them to implement the Convention upon entry into force.

**c. Challenges and opportunities at INC6, including role of bureau members**

31. The Chair indicated that INC6 presented a number of key opportunities, to promote the importance of ratification and to take decisions to put in place, on a provisional basis, those structures which would be required for Parties as they implement the Convention. He noted the challenge of ensuring that participating countries may have in being fully informed on the range of issues to be considered, and the need for Bureau members to provide clear briefings to governments, both during the regional meetings immediately prior to the INC, but also, where possible, during other regional or sub-regional meetings.

**Draft scenario note for INC6**

32. The scenario note was discussed by all bureau members, and endorsed with a number of minor changes. The scenario note will be processed by the secretariat and made available as a meeting document.

**Regional preparations for INC6**

33. The Chair noted that, due to the focus on the early implementation and ratification workshops, formal regional preparations would occur on Sunday 2 November, immediately prior to the INC. He encouraged bureau members to take opportunities to consult with, and inform, the countries within their region to promote preparation for the INC, and noted that the sub-regional meetings may provide an opportunity for such consultations for some countries.

**Logistical planning for INC6**

34. The Chair highlighted the need for the meeting to be held in a safe manner, and the secretariat noted that they were monitoring the security situation in Bangkok on an ongoing basis. The secretariat indicated that they were planning to support the organization of side events which would focus on issues relevant to the implementation of the Convention, and were already in touch with IGOs and NGOs, as well as governments and experts, to consider the preparation of such event.

35. INC6 will be held from 3 to 7 November in ESCAP in Bangkok, with Sunday 2 November available for regional consultations. Interpretation for the regional groups would be provided in line with the standard practice. There were no plans to hold night sessions of plenary, although the facilities would be available for smaller groups to meet as needed. Practical arrangements, including the engagement of conference services have been made, and there have been discussions relating to the document preparation. It is planned that documents will be available 6 weeks prior to the meeting.

36. The 6th meeting of the UNEP Global Mercury Partnership Advisory Group (PAG) is planned to be held immediately prior to the INC (from 30 October to 1 November), and it is expected that the INC will benefit from the participation of some of the PAG members.

37. Switzerland has indicated that it plans to host a reception on Wednesday evening during INC6.

### **G. Next Bureau Meeting**

38. The bureau agreed that a further face-to-face bureau meeting prior to INC6 would be necessary, given the extensive preparation required for the meeting. It was tentatively agreed that the bureau meeting could be held on 9 and 10 October.

### **H. Any other issues raised by the Bureau**

39. The Chair closed the meeting with very warm thanks to the hosts, and in particular to the bureau member Mr. Mohammed Khashashneh, for the efforts made to host the bureau meeting and the hospitality which had been extended.