



**United Nations
Environment
Programme**

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**Preparatory meeting for the
Conference of Plenipotentiaries
on the Minamata Convention on Mercury**
Kumamoto, Japan, 7 and 8 October 2013
Item 3 of the provisional agenda*

**Preparation of resolutions for the Conference
of Plenipotentiaries**

Draft resolutions for the Conference of Plenipotentiaries

Note by the secretariat

1. At its fifth session, the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury requested the secretariat to prepare draft resolutions for consideration by the preparatory meeting for the Conference of Plenipotentiaries on the Minamata Convention on Mercury, with the intention that this preparatory meeting would finalize the resolutions for consideration and possible adoption by the Conference of Plenipotentiaries.
2. In accordance with the committee's request the secretariat has prepared draft resolutions for consideration by the preparatory meeting. The secretariat has based the draft resolutions, which are set out in the annex to the present note, on those that it presented for consideration by the committee at its fifth session (UNEP(DTIE)/Hg/INC.5/6), taking into account the discussion that took place during that session.
3. The preparatory meeting is invited to consider the draft resolutions and to finalize them for consideration and possible adoption by the Conference of Plenipotentiaries.
4. The secretariat notes that the Governing Council of the United Nations Environment Programme (UNEP), in its decision 27/12 on chemicals and waste management, requested the Executive Director to convene a country-led meeting of Governments and regional economic integration organizations to develop further terms of reference for a special programme, funded by voluntary contributions, to support institution strengthening at the national level and to report on the outcomes of that meeting to the Conference of Plenipotentiaries on the Minamata Convention on Mercury. Governments may wish to include a reference to such outcomes in any resolutions that they adopt in the final act on the Minamata Convention on Mercury. The secretariat, however, has included no such reference in the draft resolutions that it has prepared because the country-led meeting had not taken place when the present document was prepared

Annex

Draft resolutions for consideration by the Conference of Plenipotentiaries on the Minamata Convention on Mercury

The Conference,

Having adopted the text of the Minamata Convention on Mercury (hereinafter “the Convention”),

Recalling decisions 25/5 of 20 February 2009 and 27/12 of 22 February 2013 of the Governing Council of the United Nations Environment Programme, on mercury,

1. Resolution on arrangements in the interim period

Considering that 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,

I

1. *Calls upon* States and regional economic integration organizations to take, as soon as possible, the domestic measures necessary to enable them to meet their obligations upon ratification and thereafter to ratify, accept, approve or accede to the Convention with a view to its entry into force as soon as possible;

II

2. *Appeals to* States and regional economic integration organizations to apply in full on a voluntary basis the provisions of the Convention, and to promote and support their voluntary application by other States, during the period before entry into force of the Convention (the “interim period”);

III

3. *Invites* the Executive Director of the United Nations Environment Programme to convene such further meetings of the intergovernmental negotiating committee on mercury established pursuant to Governing Council decision 25/5 (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 to the Convention as may be necessary to facilitate the rapid entry into force of the Convention and its effective implementation upon its entry into force;

4. *Also invites the Executive Director* to prepare for and service the first meeting of the Conference of the Parties;

5. *Decides* that the Committee should develop, and adopt on a provisional basis pending decision by the Conference of the Parties, those items necessary for the effective implementation of the Convention upon its entry into force, including in particular the register of consent to import mercury or mercury compounds; the format for registering for exemptions, the information to be provided upon registering for an exemption and the register of exemptions to be maintained by the secretariat; and the arrangements for receiving and distributing information that parties may provide upon ratification on measures they plan to take to implement the Convention;

6. *Requests* the Committee to focus its efforts on those matters required by the Convention to be decided upon by the Conference of the Parties at its first meeting, including in particular guidance on the identification of stocks of mercury; procedures for the export and import of mercury, including the required content for certification; guidance on best available techniques and best environmental practice for controlling emissions and on supporting Parties in determining goals and emission limit values; arrangements for the operation of the financial mechanism; the timing and format of reporting; arrangements for providing the Conference of the Parties with comparable monitoring data for the evaluation of the effectiveness of the Convention; and draft rules of procedure and draft financial rules for the Conference of the Parties;

7. *Also requests* the Committee to adopt, on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting, the guidance to be developed for identifying stocks of mercury; procedures for the export and import of mercury, including the content of such certification; and guidance on determining goals and emission limit values;

8. *Further requests* the Committee also to support, if possible and without impeding completion of the tasks outlined in paragraphs 4–6 above, those activities required or encouraged by the Convention that will facilitate the rapid entry into force of the Convention and its effective implementation upon entry into force, including in particular guidance and assistance to countries with artisanal and small-scale gold mining in developing their national action plans; guidance on the identification of sources of releases and the development of inventories of releases; guidelines on the environmentally sound interim storage of mercury; thresholds for the identification of mercury waste; guidance on the management of contaminated sites; and rules of procedure for the Implementation and Compliance Committee;

IV

9. *Establishes* a group of technical experts, which will report to the Committee, to develop the guidance called for in Article 8 of the Convention and address other issues relevant to emissions, taking into account experience gained through, inter alia, the UNEP Global Mercury Partnership, to enable the Conference of the Parties to decide on such issues at its first meeting and requests the Executive Director to convene the group of technical experts at the earliest opportunity. The group shall comprise experts nominated by the five United Nations regions as follows: three from African States, five from Asia-Pacific States, two from Central and Eastern European States, three from Latin American and Caribbean States and six from Western European and other States. The group may invite input from, and the participation of, experts from industry and civil society.

V

10. *Requests* the Executive Director of the United Nations Environment Programme to continue to provide secretariat services to support the Committee and its activities during the interim period;

VI

11. *Calls upon* States, regional economic integration organizations and others in a position to do so to provide financial and technical assistance to States that are signatory to the Convention to assist them in preparing for ratification, acceptance or approval of the Convention, including for the preparation of inventories and preliminary assessments to identify sectors requiring action under the Convention and for developing legislative and institutional capacity to implement the Convention effectively once it has entered into force for them;

12. *Invites* the Council of the Global Environment Facility to support States that are signatory to the Convention in undertaking activities to facilitate early ratification of the Convention;

13. *Appeals* to States, regional economic integration organizations and others in a position to do so to make contributions to the mercury trust fund of the United Nations Environment Programme to support the Committee and its activities during the interim period, the interim secretariat, and the operation of the Conference of the Parties until the end of the financial period in which the first meeting of the Conference of the Parties takes place;

14. *Welcomes* the actions taken through the UNEP Global Mercury Partnership and urges all partners to continue their efforts and to support, participate in and contribute to the Partnership;

VII

15. *Requests* the Committee to take account of, and build on where appropriate, existing initiatives, documentation and regional and subregional delivery arrangements, including relevant regional centres, in undertaking its work during the interim period;

2. Resolution on financial arrangements

The Conference,

Noting that the Minamata Convention on Mercury defines a financial mechanism that includes the Global Environment Facility Trust Fund and a specific international programme to support capacity-building and technical assistance,

1. *Invites* the Assembly of the Global Environment Facility to make any adjustments to the Instrument for the Establishment of the Restructured Global Environment Facility that are necessary to allow it to fulfil its role in the financial mechanism;
2. *Decides* that the Committee should develop, for consideration by the Conference of the Parties at its first meeting, a memorandum of understanding between the Council of the Global Environment Facility and the Conference of the Parties on the role of the Global Environment Facility Trust Fund in the financial mechanism;
3. *Decides also* that the Committee should develop, and adopt provisionally pending formal adoption by the Conference of the Parties at its first meeting, guidance to the Council of the Global Environment Facility on overall strategies, policies, programme priorities, eligibility for access to and utilization of financial resources and an indicative list of categories of activities eligible for support from the Global Environment Facility Trust Fund;
4. *Invites* the Council of the Global Environment Facility to apply provisionally any guidance provided to it by the Committee pending the adoption of the guidance by the Conference of the Parties;
5. *Invites* donors to the Global Environment Facility Trust Fund to contribute through the sixth and subsequent replenishments of the Global Environment Facility Trust Fund additional financial resources adequate to enable the Global Environment Facility to support activities to facilitate the rapid entry into force and effective implementation of the Convention;
6. *Requests* the Committee to develop for consideration by the Conference of the Parties at its first meeting a proposal for the hosting institution for the specific international programme and guidance on the operation of that programme.

3. Resolution on matters pertaining to other international bodies

The Conference

1. *Welcomes* the decisions of the conferences of the parties to the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants at their second simultaneous extraordinary meetings conveying a readiness to cooperate and coordinate with the Minamata Convention on Mercury;
2. *Requests* the Committee to explore, in consultation with the conferences of the parties to the Basel, Rotterdam and Stockholm conventions, possible cooperation and coordination in areas of mutual interest to the four conventions and to submit proposals, as appropriate, for the consideration of the Conference of the Parties at its first meeting;
3. *Welcomes* the work undertaken by the relevant bodies of the Basel Convention 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;
4. *Invites* the relevant bodies of the Basel Convention to cooperate closely with the Committee and subsequently with the Conference of the Parties in developing guidelines on the interim storage of mercury; on identifying thresholds for mercury content in waste; on updating as appropriate the technical guidelines for the environmentally sound management of mercury wastes; and on developing requirements for the management of mercury wastes under the Minamata Convention on Mercury;
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;

6. *Recognizes* the importance of the activities of international bodies such as the World Health Organization and the International Labor Organization in the protection of human health in relation to mercury and of the World Customs Organization in identifying and monitoring trade in mercury, mercury compounds and mercury-added products covered by the Convention;

7. *Invites* the bodies referred to in paragraph 6 to cooperate closely with the Committee and the Conference of the Parties to support the implementation of the Convention.

4. Tribute to the Government of Japan

The Conference,

Having visited Minamata on 9 October 2013 and having met in Kumamoto on 10 and 11 October 2013 at the gracious invitation of the Government of Japan,

Mindful of the long-term suffering of the people and their communities in the Minamata region from serious health and environmental problems caused by pollution by mercury, cognizant of their efforts to restore the environment in the region and build environmentally sound communities, and recognizes that the international community should learn from the above experiences of and lessons from Minamata,

Convinced that the efforts of the Government of Japan and the authorities of the prefecture of Kumamoto and the cities of Minamata and Kumamoto in providing facilities, premises and other resources have contributed significantly to the smooth conduct of the Conference,

Deeply appreciative of the courtesy and hospitality extended by the Government of Japan, the prefecture of Kumamoto and the cities of Minamata and Kumamoto to the representatives of delegations, observers and the secretariat of the United Nations Environment Programme attending the Conference,

Expresses its sincere gratitude to the Government of Japan, the authorities of the prefecture of Kumamoto and the cities of Minamata and Kumamoto and, through them, the people of Japan, especially the people of Minamata and Kumamoto, for the cordial welcome that they have accorded the Conference and those associated with its work and for their contribution to its success.
