

**REPORT OF THE MEETING OF THE BUREAU
OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE
TO PREPARE A GLOBAL LEGALLY BINDING INSTRUMENT ON MERCURY**

Date: 11 September (p.m.) and 12 September 2012
Venue: Prague, Czech Republic
Participants: Mr. Yingxian Xia (China, for Asia-Pacific), Ms. Katerina Sebkova (Czech Republic, for Central and Eastern Europe), Ms. Gillian Guthrie (Jamaica, for Latin America and the Caribbean), Mr Mohammed Khashashneh (Jordan, for the Asia Pacific group), Ms. Abiola Olanipekun (Nigeria, for Africa), Mr. Vladimir Lenev (Russian Federation, for Central and Eastern Europe), Ms Nina Cromnier (Sweden, for the Western European and Others Group), Mr. John Thompson (United States of America, for the Western European and Others Group), Mr. Fernando Lugris (Uruguay, for Latin America and the Caribbean) and UNEP secretariat
Apologies: Mr. Oumar Cisse (Mali, for Africa)

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Opening of the meeting

1. The meeting was opened at 15.50 on Tuesday, 11 September 2012.

Adoption of the agenda

2. The agenda was adopted without amendment.

Review of the outcomes of the fourth session of the INC, including reflections on informal Indaba consultations

3. The Bureau discussed the progress made at the fourth session, agreeing that while significant progress on the text had been made, there were still a range of outstanding issues to be resolved at INC5. It was noted that, at the fourth session, delegates entered into more detailed negotiations than at previous sessions and all positions had been expressed.
4. The Bureau agreed that the informal Indaba consultations, held prior to the Bureau meeting on 10 and 11 September 2012, had provided an excellent opportunity to share views and reflections on INC4. It gave INC4 contract groups co-chairs a welcomed opportunity to provide their advice to the INC Chair on outstanding issues contained in the draft text as relevant to their specific contact group. The informal Indaba meeting also provided an opportunity for a constructive exchange of view on other elements on the preparation for INC5, on specific suggestions of mandated documents, in particular on the Chair's text as well as on the documents on health and emissions and releases.

Strategic discussion on inter-sessional work and organization of INC5

5. The importance of finalizing the text and fulfilling the mandate of decision 25/5 was reiterated by all the Bureau members.
6. The importance of the intersessional period in preparation for INC5 was highlighted, both for the opportunities for formal consultations within regional groups, and also for extensive informal consultations both bilaterally and across regions and regional groups. It was noted that, while the text needs to be finalized at INC5 to allow it to be opened for signature in Japan in October 2013, the interim period prior to entry into force provides an opportunity for the development of further guidance, development of more technical details and also that it would be possible, if needed, to amend the text in the future.
7. The Bureau recognized the amount of work required in preparation for INC5 and highlighted the importance of formal and informal work and consultations among governments during the intersessional period. The secretariat set out the possible dates for INC5 and regional meetings preceding INC5, and indicated the outstanding funding needs for the negotiations process. The secretariat underlined that significant funding was still required towards the organization of INC5 as well as the planned regional consultations. The Bureau agreed to convene INC5 from Sunday, 13 January to Friday, 18 January 2013. The Bureau also agreed on the dates for the Asia-Pacific, Africa and Latin America and Caribbean

regional consultations, and considered different options for the dates for the regional consultations for Central and Eastern Europe. It was decided that there would be a Bureau teleconference held during the week of 8 October 2012 to discuss and finalize the scenario note for INC5. Possible dates and locations for the Bureau meeting to be held in December prior to INC5 were discussed, and it was tentatively agreed that the meeting would be held over two days in the week of 17 December 2012 with the venue to be decided at a later stage. The possibility of holding an informal back-to-back meeting with the Indaba group was discussed; however, concerns were raised about the resource implications, both in terms of financial costs and time which would be required. It was further considered to hold an informal Indaba meeting back-to-back with the Bureau meeting on the day before INC5.

8. In considering INC5, a number of Bureau members highlighted the challenges – already experienced at previous meetings - of tackling negotiating text in large contact groups. In considering this issue, the Bureau discussed several options, and recognized that different types of groups would need to be utilized at the final session, including contact groups, drafting groups (whose membership would be limited to governments only) and “friends of the Chair”, with an even more limited membership.
9. The Bureau members agreed to monitor the evolution of INC5 at their daily meetings and to remain open to new approaches and options.
10. The important contribution of civil society to the negotiations was highlighted, however, it was also recognized by the Bureau that, in the negotiation of text, only governments can contribute, and there may be a need for smaller and closed groups to facilitate intergovernmental discussions. In some occasions, regional groups expressed the willingness to interact with the NGOs prior to INC5, especially during the respective regional consultations.
11. The Bureau also discussed that limited time would be available at INC5 noting that time needs to be allocated to both negotiations among governments and to the review of the entire text by the Legal Group before it is adopted by plenary. The Chair invited the Bureau to encourage governments within their respective regions to ensure they are well prepared to allow the negotiations to arrive at a successful conclusion at the end of INC5 with the finalization of an ambitious text that best reflects the compromise and positive spirit that has prevailed throughout the negotiations.
12. Draft resolutions for the diplomatic conference could also be considered if sufficient progress is made during the week.

Inter-sessional work requested at the fourth session

(a) Chair’s text

13. The Chair provided an update on the process of developing the Chair’s text, noting that since the fourth session he had reviewed the text resulting from the negotiations and considered areas where there was a possibility to simplify text or to provide options. He noted the useful input from the informal Indaba consultations, and further discussed the details of the text with the Bureau members.
14. The members of the Bureau, in line with the advice from the INC4 contact group co-chairs, indicated to the Chair that there were a range of approaches to the text, which should be applied in a case by case manner. The members recommended, for some articles, that the Chair take a bold approach, developing new text which encompasses the views presented at INC4 with the aim of quickly advancing negotiations for those articles at INC5. In other areas of the text, they advised the Chair of their wish to preserve more than one option in the Chair’s text for further consideration at INC5. They also indicated that, even where options were maintained, the text could benefit from editing and consolidation of issues to present a more readable text. The meeting recommended that the Chair provide text for all areas discussed substantively, including for articles where no direct text negotiations were undertaken. Given the intersessional work on article 20bis on health aspects, the Chair was advised to present the INC4 text of that article in the Chair’s text. The intention to hold consultations with Permanent Missions in Geneva in an open dialogue with the regional groups was indicated by the INC Chair and he invited the Bureau members to transmit this message to their constituencies.

(b) Final act resolutions

15. The secretariat provided an update on the draft resolutions of the final act, indicating that a number of these were operational in nature, and would be presented to INC5 as relatively complete drafts. Other resolutions would include requests for activities which built on decisions yet to be taken in the text, such

as the development of guidance for adoption by the Conference of the Parties at its first meeting. These draft resolutions would be further revised and amended pending further negotiation at the fifth session.

(c) Document on mercury air emissions thresholds, sources of emissions and releases of mercury to land and water

16. The secretariat provided a brief summary of the range of submissions received to date from governments, indicating that there were very few submissions which address the question of establishing suitable thresholds for facilities requiring regulation of emissions. The secretariat set out the general structure of the paper under preparation, which was intended to provide a brief summary and analysis of the available information, followed by an annex which would indicate the possible range of thresholds as proposed in the information submitted to the secretariat.

(d) Document on health and article 20 bis

17. The secretariat provided a summary of the progress to date on the document setting out the results of its analysis on the extent to which the provisions of the draft text reflected the content of article 20 bis on health aspects, indicating the collaborative activities which had been undertaken with the World Health Organization (WHO). The paper would provide a brief analysis of how the subparagraphs of Article 20bis were addressed elsewhere in the text as well as information on WHO related activities. The paper would also indicate where provisions set out in the article were not covered by existing text or agreements.

Possible flow of the negotiations, including an initial exchange of views on the scenario for the next session, and updates on planning for the fifth session

18. The Bureau considered a summary, prepared by the secretariat, of options for the fifth session, including options for the number of days for the fifth session and also the possible working models for the session. It was agreed that, given the work to be undertaken, the meeting should be 6 days, and would be held from Sunday, 13 to Friday 18, January 2013.
19. Elements on the possible structure of INC5 raised earlier were highlighted, in particular the need for effective negotiating groups. While a number of options were discussed, it was agreed that the session should essentially be held in a similar manner to previous sessions, with discussions commencing in plenary and being referred to contact groups as required. No decision was taken on the structure and types of groups at this stage, as it was agreed to discuss this further at the next Bureau meeting when preparing the scenario note for INC5. The need for more groups to allow further progress and the finalization of the work was, however, highlighted, noting also that hopefully delegations would benefit from the support of their Permanent Missions in Geneva.

Consultations during the inter-sessional period leading up to INC5, including regional consultations, bureau meetings, etc.

20. The Chair reiterated the need for formal and informal consultations in the lead up to INC5. It was noted that there is very little time available, with a large number of activities scheduled in the intersessional period. The secretariat provided an update on the tentative schedule for the next Bureau teleconference, for the regional consultations, and for the final preparatory Bureau meeting. Some conflicts were identified with other major meetings, and it was agreed that the timetable would be revised as needed to, as far as possible, accommodate such conflicts.
21. The need for consultations among different regions and informal dialogue among different parties on different issues was underlined.
22. With regard to the regional consultations, the Bureau members all indicated that non-governmental organizations would be welcome to attend some part of each regional consultation as in previous cases. However, the extent of this would be determined when the length and agenda of each consultation was agreed. The need for part of all regional consultations to be closed for government-only discussion was highlighted by all.

Other matters

23. No other matters were raised.

Closing of the meeting

24. The meeting was closed at 2.30 p.m. on Wednesday 12 September 2012, thanking the Czech Republic for its hospitality and for the presence of the Minister of Environment in the opening of the meeting.