

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

Beijing, 17-18 December 2012

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), Mr. Oumar Cisse (Mali, for Africa), 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.

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A. Opening of the meeting

1. The meeting was opened with brief remarks from the INC Chair, Mr. Fernando Lugris, who thanked the Government of the People's Republic of China for its hospitality and support in hosting the meeting. He also thanked the members of the Bureau for their hard work, commitment and leadership, and looked forward to an intense and productive Bureau meeting. In looking forward to INC5, he noted the clear mandate from the UNEP Governing Council in decision 25/5 to complete the work before its 27th regular session in 2013, at this fifth session. He welcomed the productive work undertaken at the Indaba and Bureau meeting held in Prague in September 2012, and the work undertaken since then at the regional level and by the secretariat.

2. The secretariat also thanked the Government of the People's Republic of China for its hospitality and the warm welcome received. On behalf of the Executive Director of UNEP, the secretariat indicated that the Executive Director was pleased with the messages he was receiving on progress towards INC5, and that he would be attending the fifth session. He emphasized the hard work to date, and reiterated to the Bureau that the secretariat would continue to support the work of the Chair and the Bureau in whatever way necessary.

3. The representative of the Government of the People's Republic of China indicated its pleasure to host the final Bureau meeting prior to the last INC. He briefed the Bureau on progress made in environmental protection in China, highlighting that recent decisions at the national level had increased the priority for environmental issues, including adoption of policies and recommendations for the control of mercury pollution with funding allocated for control of pollution from mercury and other heavy metals. Work has been established specifically to reduce mercury pollution in a number of areas, with actions on emission standards for coal power plants and wastewater management projects put in place. He also noted the importance of the control of products. In closing, he welcomed the visit of the Bureau, and gave his best wishes for the success of the meeting.

B. Adoption of the agenda

4. The agenda was adopted without change.

C. Short update from the secretariat on logistics and documents for the fifth session of the INC

5. The secretariat provided a brief report on the logistic preparation for INC5, noting that everything was well in hand. He advised that the registration desk would be open from Friday afternoon 11 January 2013, encouraging delegates who would already be in Geneva to register early to simplify entry on Saturday. He reported that the facilities would be available all day Saturday for regional, inter-regional and other consultations as required, noting that they would be available on a 24 hour a day basis throughout the INC. He noted that documents had been available on the website for some time in all six UN languages, and encouraged delegates to carefully consider the Chair's text in the language versions, and inform the secretariat if any translation issues were identified. In closing, he noted that special arrangements had been made with the Geneva International Conference Centre (CICG) to ensure that the coffee shop remained open until 11 p.m. during INC5 to allow those working late to purchase food as needed.

D. Outcomes of intersessional work and regional consultations held in preparation for the fifth session

(i) Report from Bureau members on the discussions at and outcomes of the regional consultations, including views expressed on the draft text, identification of priority issues where substantial discussion and contact groups might be needed, new and/or challenging issues that might be foreseen, and other observations that were made at the regional consultations

6. In their reports back on the regional consultations, all Bureau members indicated that there was general acceptance to use the Chair's text as the basis for discussion at INC5. One region indicated the need to specify the "rules of engagement", that is to indicate how different sections of the text were to be considered in the discussions. The Bureau agreed that only text not previously negotiated or bracketed should be open for discussion. It was further stressed that INC5 should seek to close issues and not reopen text already considered finalized at previous sessions.

7. The regions also welcomed the work on Annexes C and D, which had been carried out by a "Core Group" of countries on a voluntary basis. One region indicated that they had some substantive comments on these draft annexes, which they have provided directly to the Core Group. Depending on the extent to which these amendments could be incorporated, they may present these comments as a conference room paper (CRP) early in the session. A participant from the Core Group indicated that further work was being done on the annexes following the regional consultations, with a revised version of the document anticipated to be finalized by Monday 24 December. It was expected that this would be presented as a CRP early in the session.

8. Key outstanding issues for many included the Preamble; Objective; Definitions; Emissions and Releases; and Financial Resources, Technical Assistance and Technology Transfer. National Implementation Plans were also seen as key, with relationships to both the Emissions and Releases issue and the general issue of support to governments. It was also noted that there were outstanding issues in other areas of the text that would require some further work.

(ii) Discussion on the possible influence that the outcomes of the regional consultations might have on the negotiations and the discussions at INC5, including whether there are any potential differences in approach needed from that set out in the scenario note for the fifth session of the intergovernmental negotiating committee on mercury as well as expected Conference Room Papers

9. In general, the outcomes from the regional consultations supported the general approach set out in the scenario note contained in document UNEP(DTIE)/Hg/INC.5/2. The Bureau discussed the approach of consolidating a number of articles with some outstanding issues into a single contact group, given the interrelationship between these issues in some areas and that those articles already have been considered extensively at previous INCs. This contact group would be convened once the issues had been presented in plenary, and would work through a range of issues, including supply and trade, products and processes, artisanal and small-scale gold mining (ASGM), and storage, waste and contaminated sites. The group would be expected to find solutions to outstanding text issues, and would be given the mandate to establish, if deemed necessary, subgroups (including drafting groups and smaller negotiating groups) to finalize the text. The ambition for this contact group would be to clear text as soon as possible and to submit this text to the legal group through plenary.

E. Preparations for INC5, in particular the possible flow of the negotiations, including:

(i) Ordering of priority policy questions in the discussions, to ensure a smooth flow and sufficient time to resolve issues

10. At least one region at its consultations had clearly identified the need for financial issues to be discussed very early in the meeting, preferably on the first day. The Bureau agreed that the session would open with a number of substantive issues to allow them to be referred to a single contact group to resolve any outstanding matters, after which articles 15, 16 and 16bis (financial resources, technical assistance and technology transfer) would be discussed in plenary. It was also agreed that emissions and releases would be tackled in detail early in the meeting to ensure there would be sufficient time to resolve the policy issues while still allowing time for a discussion on remaining technical matters.

11. In considering the Preamble, it was recognized that a number of countries were yet to make submissions on this item. It was agreed that the Preamble could be introduced briefly early in the meeting but not substantively discussed at that time. The introduction would include a call for any additional submissions, with the detailed discussion of the Preamble to be held after such submissions were available. It was also noted by a few Bureau members that the negotiation on some articles might also contribute to the text of the preamble. The Bureau agreed that the Objective would be discussed towards the end of the meeting, noting that the Chair should encourage delegates to keep it as a simple statement of the goal of the instrument. While Definitions were recognized as important, it was seen as valuable to discuss other areas of the text prior to considering which definitions would finally be required, particularly as there may be a need to move some definitions from the substantive articles where

they are currently located to article 2 on definitions.

12. Issues which were anticipated to require less time to resolve, such as many articles in Section J and in sections M to K, could be deferred to later in the session. It was further noted by the Bureau that the draft resolutions for the final act as contained in document UNEP(DTIE)/Hg/INC.5/6 on the draft elements of the final act could be introduced early in the session, allowing the Legal Group to undertake an initial review of the draft resolutions as prepared by the secretariat, to determine if the structure of those draft resolutions was suitable.

(ii) Approach to discussions, including strategies for the use of contact groups and managing the results from such groups

13. The use of a single contact group to handle many of the technical articles considered to be interrelated was agreed. It was also agreed that there might be a need for a range of additional and different types of groups, including drafting groups and “friends of the Chair”, to resolve specific issues. Co-chairs of any contact groups established would be given the flexibility to establish such sub-groups as they considered necessary to conclude their work.

14. It was noted that the text produced by contact groups should be issued as a CRP, which will then be presented back to plenary in languages followed by review by the legal group. The secretariat informed the Bureau of timing issue for such translations, stressing that at certain times there may be a significant delay between the finalization of the work in the Legal Group and the presentation of the document to plenary in languages. The secretariat, therefore, recommended that text be submitted early to the Legal Group to avoid delays in the adoption of final text due to a bottleneck in translation.

(iii) Suggestions for potential co-chairs from the regions for the various contact groups

15. There was no discussion on which individuals may serve as co-chairs.

(iv) Functioning of the Legal Group – how to ensure that this group is best able to complete the necessary work

16. It was agreed that the Legal Group would need to focus on finalizing text and should not refer text back to plenary or contact groups with any outstanding questions. To assist with this, the secretariat would provide additional support to contact groups with legal advice with the aim of further facilitating the work of the Legal Group and to answer any enquiries that may arise on the text coming out of contact groups. It was further agreed that continuous continuing communication between the Legal Group and the contact group co-chairs and the secretariat might further facilitate the work of the legal group.

F. Short updates on planning for the Diplomatic Conference

17. The secretariat provided an update of the preparations for the Diplomatic Conference, including the planned dates and the general structure of the meeting. The Bureau was informed that the secretariat had undertaken a site visit and that the necessary arrangements were being put in place with the support of the Government of Japan. It was noted that there would be one and a half days planned for a preparatory meeting preceded by half a day of regional consultations. The preparatory meeting would have as objective to conclude the negotiations on the final resolutions on the final act only. No other negotiations could take place at the preparatory meeting. This would be followed by a ceremonial day involving a visit to Minamata and a ceremonial opening of the Diplomatic Conference also in Minamata. The Diplomatic Conference, which would last two days, would then be formally convened for its work, including opening the Convention for signature and formal statements the following day. The secretariat noted that delegations would need to come to this meeting with full powers to allow them to sign the Convention. It was also noted that high-level participation at the ministerial level was expected and encouraged and the Bureau members were urged to inform their respective regions accordingly.

G. Any other business

18. The meeting discussed further the name of the Convention, noting that it had been tentatively agreed at previous sessions of the INC that it should be called the “Minamata Convention”. There was general support for a precise and concise name, such as “The Minamata Convention on Mercury”, however, it was noted that the name would need to be agreed at the fifth session.

19. The meeting closed at 12.30 p.m. with the customary exchange of courtesies, including reiteration of the thanks to the host Government as well as thanks to the Bureau members and the secretariat for their hard work and dedication.