



## SIXTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE TO PREPARE A GLOBAL LEGALLY BINDING INSTRUMENT ON MERCURY: 3-7 NOVEMBER 2014

The sixth session of the Intergovernmental Negotiating Committee to Prepare a Global Legally Binding Instrument on Mercury (INC6) begins today and is scheduled to conclude on Friday, 7 November, in Bangkok, Thailand. INC6 will carry out work to prepare for the entry into force of the Minamata Convention on Mercury and for the first meeting of the Conference of Parties.

Following a round of regional group meetings on Sunday, 2 November, delegates will resume negotiations, focusing on preparation for entry into force of the Convention and those issues that will be decided upon by the Conference of Parties at its first meeting (COP-1). Issues under consideration include, *inter alia*: importing mercury; registering exemptions; reporting and monitoring; rules of procedure and financial rules for the COP; guidance and assistance to countries with artisanal and small-scale gold mining; storage, wastes and management of contaminated sites; and operation of the financial mechanism.

### A BRIEF HISTORY OF THE GLOBAL ISSUE OF MERCURY

Mercury is a heavy metal that is widespread and persistent in the environment. It is a naturally occurring element and can be released into the air and water through weathering of rock containing mercury ore or through human activities such as industrial processes, mining, deforestation, waste incineration and burning of fossil fuels. Mercury can also be released from a number of mercury-containing products, including dental amalgam, electrical applications (e.g. switches and fluorescent lamps), laboratory and medical instruments (e.g. clinical thermometers and barometers), batteries, seed dressings, antiseptic and antibacterial creams, and skin-lightening creams. Mercury exposure can affect fetal neurological development and has been linked to lowered fertility, brain and nerve damage, and heart disease in adults who have high levels of mercury in their blood.

**24TH SESSION OF THE UNEP GC/GMEF:** In February 2007, the United Nations Environment Programme's Governing Council/Global Ministerial Environment Forum (UNEP GC/GMEF) discussed the issue of mercury extensively. Participants' preferences for international cooperation on mercury ranged from starting a negotiating process for a legally binding

instrument, to incorporating mercury into existing agreements, or concentrating on voluntary actions, especially through partnerships. Delegates agreed in Decision 24/3 IV that a "two-track" approach could be employed to take forward actions on mercury, while keeping open the path to a binding instrument in the future. The UNEP Executive Director was requested to prepare a report on mercury emissions and to strengthen the UNEP Mercury Partnership. An *ad hoc* open-ended working group (OEWG) of government and stakeholder representatives was established to review and assess options for enhanced voluntary measures and new or existing international legal instruments for addressing the global challenges posed by mercury.

### FIRST MEETING OF THE OEWG ON MERCURY:

The first meeting of the OEWG to Review and Assess Measures to Address the Global Issue of Mercury was held from 12-16 November 2007 in Bangkok, Thailand. The OEWG discussed options for enhanced voluntary measures, and new or existing international legal instruments on mercury. Delegates agreed on intersessional tasks to be undertaken by the Secretariat, including analyses of: financial considerations of a free-standing convention, a new protocol to the Stockholm Convention and voluntary measures; sustainable technology transfer and support; implementation options; organization of response measures; costs and benefits for each of the strategic objectives; meeting the demand for mercury if primary production were phased out; major mercury-containing products and processes for which effective substitutes exist; and funding available through the Global Environment Facility (GEF) and the Strategic Approach to International Chemicals Management.

### SECOND MEETING OF THE OEWG ON MERCURY:

The second meeting of the OEWG on mercury convened in Nairobi, Kenya, from 6-10 October 2008. The OEWG discussed elements to be addressed by a mercury framework; the type of framework to be used; and the capacity-building, financial and technical support required to deliver on identified elements. Delegates agreed on one legally binding option and three voluntary options for consideration by the UNEP GC.

**25TH SESSION OF THE UNEP GOVERNING COUNCIL/GMEF:** UNEP GC-25/GMEF took place from 16-20 February 2009 in Nairobi, Kenya. Decision GC 25/5 agreed to further international action consisting of the elaboration of a legally binding instrument on mercury, which could include both binding and voluntary approaches, together with interim activities, to reduce risks to human health and the environment. It also requested the Executive Director to convene one OEWG meeting in 2009, and an intergovernmental



negotiating committee (INC) commencing its deliberations in 2010, with the goal of completing its work by GC-27/GMEF in February 2013. Agreement could not be reached on “leaving the door open” to consider other heavy metals, but the decision does recognize that the mandate of the INC may be supplemented by future GC decisions.

**AD HOC OEWG TO PREPARE FOR THE INC ON MERCURY:** This meeting convened from 19-23 October 2009 in Bangkok, Thailand. The *ad hoc* OEWG agreed to recommend rules of procedure to the INC, as well as intersessional work for the Secretariat to prepare documentation for the INC, including options for the structure of the instrument and a description of options for substantive provisions.

**INC1:** The first session of the INC to prepare a global legally binding instrument on mercury convened from 7-11 June 2010 in Stockholm, Sweden. Delegates exchanged views on key elements of a convention, including: objectives; structure of the instrument; capacity building and technical and financial assistance; compliance; issues of supply, demand, trade, waste and storage; atmospheric emissions of mercury; and awareness raising and information exchange. The key outcome of INC1 was a request to the Secretariat to draft “elements of a comprehensive and suitable approach” to a legally binding instrument, which would serve as a basis for negotiation at INC2.

**INC2:** The second session of the INC convened from 24-28 January 2011 in Chiba, Japan. INC2 marked the first opportunity for delegates to start textual negotiations on potential elements of the mercury instrument, contained in a paper prepared by the Secretariat. INC2 achieved a first full reading of the paper and mandated the Secretariat to prepare a new draft text for further negotiation at INC3.

**INC3:** The third session of the INC convened from 31 October - 4 November 2011 in Nairobi, Kenya. INC3 completed a comprehensive review of the text of the draft instrument and requested the Secretariat to compile a revised draft text based on plenary negotiations, the reports of the INC3 contact groups, and the work of the legal group.

**INC4:** INC4 convened from 27 June - 2 July 2012 in Punta del Este, Uruguay. Progress was achieved on storage, wastes and contaminated sites, and options were narrowed on articles related to information and reporting. Views diverged on compliance, finance and control measures for products and processes, with discussions focusing on laying out the range of positions. Delegates requested INC Chair Fernando Lugris (Uruguay) to clean up the negotiating text and, in cooperation with the Co-Chairs of the contact groups, to present possible compromise articles where there was divergence among countries. Delegates further requested the Secretariat to analyze, in cooperation with the World Health Organization, the extent to which the other provisions of the draft mercury instrument reflect the content of Article 20 *bis* on health aspects and to present a draft of the final act for consideration by INC5 to determine work from the moment of the signature of the instrument until its entry into force. INC4 also called for intersessional work on emissions and releases.

**INC5:** The fifth session of the INC convened from 13-19 January 2013 in Geneva, Switzerland. Delegates successfully completed the negotiation of a new global treaty: the Minamata Convention on Mercury. INC5 addressed several complex policy and technical issues, including mercury air emissions and releases to water and land, health aspects, and phase-out and phase-down dates for products and processes. A final compromise was reached late Friday night, based on a package addressing outstanding issues related to the preamble, finance and compliance. The Minamata Convention’s major highlights

include: the ban on new mercury mines, the phase-out of existing ones, control measures on air emissions, and the international regulation of the informal sector of artisanal and small-scale gold mining.

**27TH SESSION OF THE UNEP GOVERNING COUNCIL/GMEF:** UNEP GC/GMEF took place from 18-22 February 2013 in Nairobi, Kenya. Decision GC.27/L.4 welcomed the completion of negotiations of the mercury treaty, authorized the Executive Director to provide an interim secretariat to the instrument prior to its entry into force, and invited parties to the Basel, Rotterdam and Stockholm (BRS) Conventions to consider steps to facilitate cooperation and coordination with the Minamata Convention.

**THE DIPLOMATIC CONFERENCE OF PLENIPOTENTIARIES ON THE MINAMATA CONVENTION ON MERCURY AND ITS PREPARATORY MEETING:** The Minamata Convention on Mercury was adopted on Thursday, 10 October 2013 in Kumamoto, Japan, following decades of increased awareness regarding the toxicity of mercury and mercury-related compounds. The week started with a two-day open-ended intergovernmental Preparatory Meeting on 7-8 October, during which participants negotiated resolutions on elements of the Final Act, including: promoting and preparing for the early implementation of the mercury instrument; arrangements for the interim period between the signing of the instrument and its entry into force, such as arrangements for financial and technical assistance during that period; and secretariat arrangements. This was followed by the Diplomatic Conference of Plenipotentiaries on 10-11 October, attended by more than 1,000 participants from over 140 countries, IGOs and NGOs. The Convention was signed by 91 countries and the European Union (EU).

#### INTERSESSIONAL HIGHLIGHTS

**THE FIRST UN ENVIRONMENT ASSEMBLY OF THE UN ENVIRONMENT PROGRAMME:** UNEA1 was held in Nairobi, Kenya from 23-27 June 2014. In Decision UNEP/EA.1/L.17, the UNEA requests the Executive Director to facilitate cooperation, as appropriate, between the interim secretariat of the Minamata Convention, the Secretariat of the BRS conventions and others.

**BUREAU MEETINGS:** The Bureau held a teleconference on 12 February 2014 for members to brief each other on achievements since the Conference of Plenipotentiaries and to prepare for INC6. A subsequent meeting of the INC Bureau was held in Jordan from 15-16 May 2014, during which members provided updates on progress toward ratification and early implementation in their regions and discussed possible activities to support these efforts. The Bureau also met in Washington, DC, United States, from 9-10 October 2014. During this session the GEF Secretariat noted that GEF6 had allocated US\$ 141 million for mercury activities and requested guidance from the INC on priorities. Co-Chair John Roberts of the Expert Group on Best Available Techniques and Best Environmental Practices (BAT/BEP) reported on the work of the expert group, noting the establishment of a subgroup on monitoring. He flagged potential discussion at INC6 of participation of additional observers in the closed group, noting the Co-Chairs’ preference for maintaining this status, and highlighted the need for adoption of rules of procedure. The Bureau reviewed the documents for INC6 and underscored that no deviation from the priority-setting outlined in the Final Act should occur.



## MERCURY INC6 HIGHLIGHTS: MONDAY, 3 NOVEMBER 2014

The sixth session of the Intergovernmental Negotiating Committee to Prepare a Global Legally Binding Instrument on Mercury (INC6) opened Monday and is scheduled to conclude on Friday, 7 November, in Bangkok, Thailand. Plenary convened in the morning and afternoon.

### OPENING CEREMONY

Fatoumata Keita-Ouane, Head, UNEP Chemicals Branch, welcomed delegates and highlighted that the Convention has gained 128 signatories and 7 ratifications since its adoption.

INC Chair Lugris called on parties and stakeholders to maintain momentum, mobilize “new champions,” and ensure effective implementation through specific actions to achieve a “genuine impact for our populations and the environment.”

Welcoming delegates, Suphot Tovichakchaikul, Deputy Permanent Secretary, Ministry of Natural Resources and Environment of Thailand, highlighted domestic actions to reduce mercury emissions and underscored the need to communicate to the general population the importance of reducing anthropogenic mercury emissions.

Ibrahim Thiaw, Deputy Executive Director, UNEP, congratulated the seven countries that have already ratified the agreement, as well as the GEF for providing substantive financial support, and urged other countries to ratify the convention.

Naoko Ishii, Global Environment Facility (GEF), highlighted the GEF6 decision to allocate US\$ 141 million for implementation of the Minamata Convention over the next four years, and called for greater inclusion of the private sector in this process. Delegates then watched a video produced by the GEF secretariat encouraging early ratification of the Minamata Convention.

Keita-Ouane invited delegates from three countries that have ratified the Minamata Convention to make introductory remarks. Serge Molly Allo'o Allo'o, GABON, looked forward to support from the GEF and other parties for bolstering human resource capacity, conducting scientific studies, addressing ASGM, and accessing alternatives to products such as dental amalgams.

Bangaly Dioumessy, GUINEA, urged signatory countries to undertake early ratification, stating that his country has prioritized protection of public health and the environment.

John Thompson, US, commended the work of the interim secretariat, governments, NGOs and industry in facilitating implementation of the Minamata Convention. He noted that his country has reduced the use of mercury-added products by more than 97% domestically, is updating mercury-related guidelines for fish consumption, and has proposed new regulations to reduce mercury pollution from dental wastewater.

### PLENARY

Chair Lugris proposed structuring discussions around four broad areas: items necessary for the effective implementation of the Convention upon its entry into force; matters required by the Convention to be decided upon by the COP at its first meeting; items to be adopted by the committee on a provisional basis pending formal adoption by COP1; and activities to facilitate rapid entry into force of the Convention and its effective implementation. Delegates adopted the meeting's agenda without amendment (UNEP(DTIE)/Hg/INC.6/1 and Add.1).

INC6 confirmed the election of three new Vice Chairs to the Bureau: Sezaneh Seymour (US) to replace John Thompson (US); David Kapindula (Zambia) to replace Abiola Olanipekun (Nigeria); and Alojz Grabner (Slovenia) to replace Katerina Sebkova (Czech Republic).

**OPENING STATEMENTS:** Declaring that INC6 represents a new phase of negotiations that must primarily address implementation, the EU highlighted regional legal efforts to accelerate its ratification process.

Japan, on behalf of the ASIA-PACIFIC GROUP, welcomed the adoption of the Minamata Convention and expressed support for its effective implementation.

Zambia, on behalf of the AFRICAN GROUP, underscored the “urgent need” for leveraging political engagement and invited the Secretariat to deliver presentations to ministers on the importance of mercury elimination in African countries. He also underscored the need to simplify the mechanisms for accessing funds under the GEF.

Paraguay, on behalf of the LATIN AMERICAN AND CARIBBEAN GROUP (GRULAC), emphasized the group's commitment to ratification, highlighted the importance of the Special Programme for strengthening institutional support for chemical conventions and called for financial support and technical assistance for developing countries.

Russia, on behalf of the CENTRAL AND EASTERN EUROPE GROUP, declared the Minamata Convention a “story of success.”

JORDAN stressed the importance of establishing national chemical units that can contribute to international synergies and highlighted sub-regional activities for Arab countries on early ratification.

Switzerland highlighted recent activities conducted with UNITAR and the BRS Secretariat, notably on ASGM in Africa and Latin America.

NEPAL, EGYPT, IRAN and NIGERIA highlighted national actions towards implementation. INDIA said international funds are insufficient to address mercury emissions. SENEGAL credited the Secretariat's technical support of francophone countries in accelerating ratification.

CHILE expressed concern about the availability of funds for ongoing implementation in the medium term, saying available GEF resources could be “diluted” with the addition of this new



convention. EGYPT said the GEF financial mechanism and the specific international programme should work together to ensure adequate resourcing for implementation. Noting that his country is a transit point, he called for establishing notification systems on the transport of hazardous waste. IRAN said effective implementation will depend on financial contributions and underscored the importance of common but differentiated responsibilities.

Norway, as Chair of the UNEP GLOBAL MERCURY PARTNERSHIP ADVISORY GROUP, reported on outcomes of its 30 October - 1 November 2014 meeting, highlighting draft guidance on ASGM and coal combustion, as well as a study on the economics of conversion, which helps countries determine phase-out dates for mercury-added products. He called for increased participation of governments in the Partnership.

UNITAR highlighted its global project to support 15 countries during 2014-2015 to accelerate ratification, funded by the Swiss Federation.

UNIDO outlined its support for national programmes on ASGM as part of the Minamata Convention Initial Assessments (MIA) under GEF-5 and GEF-6.

The SOUTH ASIA CO-OPERATIVE ENVIRONMENT PROGRAMME highlighted its activities on capacity development and regional cooperation. WHO announced the preparation of new guidance on ASGM.

The ZERO MERCURY WORKING GROUP emphasized that ensuring compliance is a key challenge. IPEN underscored that contaminated sites are critical as they harm public health and the environment. The COALITION FOR MERCURY-FREE DRUGS called for the elimination of mercury from medical and dental products. The WORLD ALLIANCE FOR MERCURY-FREE DENTISTRY highlighted the importance of fixed national targets, awareness raising and technical support in phasing out mercury in dental amalgam.

The FDI WORLD DENTAL FEDERATION welcomed the consensus on a phase-down approach to dental amalgam, as reflected in the Convention text.

### **WORK TO PREPARE FOR ENTRY INTO FORCE AND COPI**

**ARTICLE 3. MERCURY SUPPLY SOURCES AND TRADE:** The secretariat introduced documents on: the provision of written consent or general notification for the import of mercury (UNEP(DTIE)/Hg/INC.6/3); register of notification of consent to import mercury (UNEP(DTIE)/Hg/INC.6/4); required content for certification to be provided for import by a non-party (UNEP(DTIE)/Hg/INC.6/5); and factors which may be considered in the identification of stocks of mercury or mercury compounds (UNEP(DTIE)/Hg/INC.6/9). She highlighted the annexes containing proposed forms for gathering information required for the maintenance of a public register and on countries' provisions regarding mercury sources, usage, storage and waste.

EGYPT asked about protection of confidentiality of information provided via import certifications and whether national focal points should be individuals, institutions, appointed authorities, or a combination. The secretariat said that while the nature of the focal point is not specified, it is easier to communicate with individuals, who could still represent a position, as is the case under SAICM.

IRAN said non-parties importing mercury should certify that they will not re-export it. The secretariat noted that the convention does not preclude re-export but "exporting non-parties" are asked to state that the mercury does not come from a prohibited source.

The US, supported by NORWAY and CANADA, introduced a conference room paper (CRP.1) on trade issues, which proposed specifying distinct forms for parties and non-parties.

The EU suggested that more general guidance could be provided on how parties can use Article 3 provisions to control trade flows and ensure the supply and uses of mercury are consistent with the convention. On identifying stocks of mercury

and mercury compounds, he proposed mentioning mercury compounds gained from non-ferrous mining and cleaning of natural gas, and taking account of registered exemptions.

BRAZIL proposed mentioning that disallowed sources include "excess mercury from the decommissioning of chlor-alkali plants," in line with Convention text.

NORWAY stressed the importance of practical implementation and highlighted the value of notification procedures that place responsibility on the exporting country. IPEN underscored that exporting countries must also work on information sharing. SWITZERLAND noted that the BRS Conventions provide a good starting point for guidance.

CANADA called for guidance for stocks identification. The US supported focusing on stocks and clarified that its CRP addresses procedures and requirements related to mercury trade.

INDIA, supported by PAKISTAN, cautioned against excessive attention to trade discussions, saying these are "counter-productive."

The NATURAL RESOURCES DEFENSE COUNCIL (NRDC) encouraged the use of electronic forms to improve real-time mercury trade monitoring.

INC6 agreed to continue discussions in a contact group on technical issues, to be co-chaired by Jimena Nieto-Carrasco (Colombia) and Karel Blaha (Czech Republic).

**ARTICLE 6. EXEMPTIONS AVAILABLE TO A PARTY UPON REQUEST:** The Secretariat introduced three documents: UNEP(DTIE)/Hg/INC.6/6 on the format for registering exemptions; UNEP(DTIE)/Hg/INC.6/7 on information to be supplied when registering an exemption; and UNEP(DTIE)/Hg/INC.6/8 on the register of exemptions to be maintained by the secretariat. She noted that the documents draw on the format adopted by the Stockholm Convention.

The US introduced its proposal (CRP.2) calling for, *inter alia*: combining information in the two annexes proposed by the Secretariat into one integrated, simplified form and shortening the descriptions of product categories to include only products that parties are required to phase out.

GUINEA requested clarification on who should request exemptions. The EU emphasized the need for all notifications to be made publicly available on the convention's website. NORWAY and SWITZERLAND supported using the Stockholm Convention as a starting point. Several delegates emphasized that countries should only be required to "justify" their request when applying for an extension, not during their initial request for exemption.

### **IN THE CORRIDORS**

The atmosphere in UNESCAP on the first day of INC6 was relaxed and cheerful, and many delegates commented on the marked change from the intense negotiations of INC5. "We are in a comfortable place now," said one. Another commented, "The hard negotiations are done; we have an agreement, and that can't be taken away." With the focus of the current meeting on preparation for implementation, many participants were optimistic that the issues to be addressed this week will be relatively easy to resolve.

Despite the glow of success infusing the INC, several delegates indicated that financial arrangements are likely to be a source of contention in the coming days. As in past rounds of negotiations, many developing countries are concerned about the accessibility of the financial and technical assistance necessary to facilitate implementation of the obligations that will be conferred upon them with ratification of the new instrument. Several expressed concerns about the extent to which they will be able to influence funding decisions, pointing to past problems in accessing financial resources, and also worrying about linkages with funding under the BRS Conventions. And yet, a few noted the promises of simplified criteria for funding under the GEF, as well as the potential of the specific international programme to provide flexibility and improved support. "We will see this played out in the contact group on technical issues," predicted one delegate.



## MERCURY INC6 HIGHLIGHTS: TUESDAY, 4 NOVEMBER 2014

INC6 delegates convened in plenary on Tuesday morning, during which Chair Lugris announced that Nicaragua had become the eighth country to ratify the Minamata Convention. In the afternoon, plenary was suspended to allow delegates to meet in contact groups on technical issues and finance. Both groups continued working into the evening.

### WORK TO PREPARE FOR ENTRY INTO FORCE AND COPI

**ARTICLE 13. FINANCIAL RESOURCES AND MECHANISM:** The Secretariat introduced the documents (UNEP(DTIE)/Hg/INC.6/20; UNEP(DTIE)/Hg/INC.6/21; UNEP(DTIE)/Hg/INC.6/23; and UNEP(DTIE)/Hg/INC.6/INF/8).

The EU highlighted the need to use the time at INC6 to facilitate the construction of guidance for GEF support, working in cooperation with the GEF Secretariat.

Paraguay, for GRULAC, underscored the need to ensure additional funding for promoting technical assistance and capacity building.

Zambia, for the AFRICAN GROUP, highlighted the special needs of African countries, which should be reflected in a future Memorandum of Understanding (MOU) between the GEF and the Minamata Secretariat, and said countries that have expressed interest in signing the Convention should also be eligible for funding. The DEMOCRATIC REPUBLIC OF CONGO, with INDIA and EGYPT, expressed concern that countries are not eligible for GEF funds until they have signed the Convention.

CHINA underscored the importance of ensuring GEF's accountability to the Convention, called for operational funding mechanisms by the COP, and, supported by INDIA, suggested looking to the Green Climate Fund, Montreal Protocol and the UN Convention to Combat Desertification as models. EGYPT proposed that countries taking steps toward signing the Convention should be assisted through GEF financial resources and the specific international Programme.

Noting its current issues with conditionality of GEF funds, IRAN said the GEF should provide adequate reasons to parties if it decides not to finance adopted projects.

SWITZERLAND and NORWAY supported the GEF guidance, which proposes an initial focus on assessment activities and artisanal and small-scale gold mining (ASGM). SWITZERLAND called delegates to ensure "lean administration" of the specific international Programme and to complement the existing financing and governance of the chemicals and waste regime.

INDIA underscored the need for a working relationship between the COP and the GEF.

JAPAN called for avoiding duplication of contributions to the specific international Programme, the GEF trust fund, the Special Programme to support institutional strengthening established by the UN Environment Assembly (UNEA), and activities already covered by other international treaties. He recommended prioritizing work or activities specific to mercury, such as ASGM and the establishment of inventories.

URUGUAY highlighted a current regional project on mercury pollution and underscored the value of the BRS regional centers in coordinating technical assistance.

Chair Lugris proposed, and delegates agreed, to establish a contact group on the financial mechanism, to be co-chaired by Gillian Guthrie (Jamaica) and Greg Phillip (Canada).

**ARTICLE 8. EMISSIONS:** The Secretariat introduced UNEP(DTIE)/Hg/INC.6/10, which sets out the terms of reference for the group of technical experts on BAT/BEP as a subsidiary body of the INC. She noted that an informal summary of the group's first meeting is contained as an annex to the document.

John Roberts (UK), Co-Chair of the BAT/BEP expert group, reported the outcomes of the group's second meeting and noted the group's aim to ensure consistency with standards and techniques adopted by the other chemicals conventions. He said a third meeting would be held in March 2015 to finalize a full draft report for review by parties ahead of INC7.

KENYA asked whether the group has developed guidance on how to carry out initial rapid monitoring at country level using existing technical capacities, in order to create baselines for policymaking. In response, the secretariat highlighted the UNEP toolkit as a useful starting point but said additional studies may be required to determine a baseline and monitor progress on sources relevant to Article 8.

CHILE requested clarification on whether the group will also prepare guidance on inventories.

In response to a question from BELARUS on how to provide technical input, Chair Lugris noted that this can be done via both the designated experts and the review process that will be undertaken once the draft report becomes available.

INC6 adopted the amended rules of procedure of the technical group.

**ARTICLE 9. RELEASES:** The Secretariat introduced document UNEP(DTIE)/Hg/INC.6/15 on initial information on sources of releases and methodology for the development of inventories.

GUINEA asked if countries should wait for the conclusion of this work before taking action. The Secretariat emphasized that the Toolkit for Identification and Quantification for Mercury



Releases is functional, and said ongoing work is on the nature of the formal guidance on the methodology for preparing inventories of releases, to be adopted by COP1.

**ARTICLE 21. REPORTING:** The Secretariat introduced the draft proposal on reporting format and frequency (UNEP(DTIE)/Hg/INC.6/11/Rev.1). CANADA then introduced its proposal for the reporting format, noting that updates would be provided without having to transcribe previously submitted information, similar to the approach taken under the Basel Convention.

JAPAN supported Canada's proposal and a four-year reporting cycle. COLOMBIA also supported Canada's proposal, declaring that such information will be helpful particularly in the long term and is a good basis for developing a databank of information.

Zambia, for the AFRICAN GROUP, suggested reporting should occur more often than every four years. NIGERIA supported annual reporting, saying reporting at four-year intervals would not allow for effective monitoring of implementation of the Convention. NAMIBIA supported frequent reporting and highlighted the need for funds to support information gathering for reporting purposes.

NORWAY, SWITZERLAND and the EU called for a user-friendly electronic reporting system and supported a four-year cycle for most information, with more frequent reports on information related to trade flows. SWITZERLAND noted that the four-year timeline would harmonize with the BRS reporting cycle.

EGYPT underscored the need for coordination with the Basel Convention in order to avoid duplication of work. The EU called for close cooperation with the BRS Secretariat.

CHINA said reporting basic information should be required while provision of supplementary information should be voluntary.

The US said the first round of reporting should occur no later than one year after the Convention's entry into force, as the information will be essential to early implementation. He proposed harmonizing reporting with the three-year reporting required on ASGM and suggested distinguishing between aspects of the Convention with and without explicit reporting obligations. He suggested further discussion of reporting issues in a contact group.

IRAN proposed limiting the scope of reporting to what is required under the Convention and providing a section in which parties can choose to provide other information if desired. PAKISTAN, supported by INDIA, favored keeping the reporting format simple and in strict accordance with Article 21, with the option to further elaborate reporting requirements as countries build capacity.

The ZERO MERCURY WORKING GROUP said information should be collected frequently, noting that the Montreal Protocol requires annual reporting on CFC production and trade, and suggested that copies of trade consent forms be provided to the secretariat as a form of reporting. He also called for including additional information on measures taken to discourage new mercury product types and decommissioning of chlor-alkali plants.

Delegates agreed to refer the issue to the contact group on technical issues for further discussion.

### CONTACT GROUPS

In the afternoon, plenary was suspended to allow the two contact groups to meet. Both groups worked late into the evening and will reconvene on Wednesday.

**Technical Issues:** The group conducted a first reading of technical guidance on: the process by which a party may seek an exemption from the obligation to phase out products or processes listed in Annexes A or B of Article 6; and the provision of written consent or general notification for the import or export of mercury (Article 3).

On exemptions, participants used the document on integrated guidance submitted by the US (CRP.2) as the basis for their discussions. Divergent views were expressed on whether to include a detailed list of product and process sub-categories, with the majority calling for a simple and flexible format that allows countries to describe the products and processes for which they seek exemption and their reasons for doing so.

On notifications, the group based their discussion on CRP.1, submitted by the US. With regard to information to be provided by the importing party on the purpose, delegates called for specifying whether it relates to environmentally-sound interim storage or other uses as allowed for under the Convention. With regard to shipment information to be provided by the exporting country, some delegates called for inclusion of additional information, such as transit countries and sources of mercury, in line with the principle of informed consent. Others cautioned against expanding the scope of the Convention and noted that such information can be requested under existing national laws.

**Finance:** On eligibility for GEF financing, delegates considered text from negotiations of the Stockholm Convention and Nagoya Protocol stating that developing countries and countries with economies in transition that are signatories or in the process of becoming parties should be eligible for financial support. Delegates favored latitude to allow non-signatory countries to access financing to support activities toward signing and ratification. They requested the Secretariat to merge elements of the texts and present a draft for further discussion.

On elements of an MOU between the COP and the GEF Council, delegates discussed preparation of initial guidelines on: pre-entry into force; the interim period between entry into force and COP1; and the post-COP1 period. The discussion clarified that the MOU would define the roles and responsibilities of each body.

On GEF guidelines for Minamata Convention Initial Assessment Activities (MIA), delegates discussed the GEF's indicative list of categories of activities to be funded. Several participants called for awareness-raising activities, while others cautioned that such activities may depart from the concept of "initial assessment."

Delegates requested that aspects of Article 16, on health, be reflected in the guidelines. They favored defining broad principles for funding activities, such as ensuring value for money and prioritizing "low-hanging fruit."

### IN THE CORRIDORS

INC6 started Tuesday on a positive note with Chair Lugris' announcement that Nicaragua had become the newest signatory to ratify the Minamata Convention, bringing the total number of parties to eight. The push for speedy ratifications was supported by a lunchtime side event, hosted by UNITAR and funded by the Swiss government, during which representatives of the BRS Conventions, the Interim Secretary of the Minamata Convention and several developing countries shared ideas for encouraging early ratification.

However, not all INC6 delegates were optimistic about the chances of achieving the "50 by 2015" goal. One participant highlighted political barriers such as lack of awareness or coordination among ministries at the national level, saying, "Signing the Convention goes way beyond legal issues." An NGO delegate underscored the need for grassroots action, characterizing initiatives to raise the public profile of the Minamata Convention as "comparatively weak." He contended that this has made rallying domestic support for ratification all the more difficult, and said advocacy organizations must play a much bigger role in mobilizing action.



## MERCURY INC6 HIGHLIGHTS: WEDNESDAY, 5 NOVEMBER 2014

On Wednesday, INC6 delegates convened in plenary in the morning and heard reports from the co-chairs of the contact groups on technical issues and finance. They began work on effectiveness evaluation (Article 22) and the Conference of the Parties (Article 23) in plenary and met in contact groups on technical issues and finance in the late morning and afternoon. In the evening, delegates attended a reception hosted by Switzerland.

### WORK TO PREPARE FOR ENTRY INTO FORCE AND COPI

**ARTICLE 6. EXEMPTIONS AVAILABLE TO A PARTY UPON REQUEST:** During the morning plenary, Co-Chair Blaha reported on the work of the contact group on technical issues. He presented the submission of the co-chairs, conveying the group's agreed changes to the format for registration of exemptions for products and processes listed in Part I of Annexes A and B of the text. Blaha noted that agreed changes include modifications to the form to reflect the non-binding and flexible nature of exemption requests. He said that the electronic register of exemptions to be maintained by the Secretariat will include a hyperlink to the explanatory statement provided by countries in their notification form and that this information will be publicly available. INC6 provisionally adopted the document (UNEP(DTIE)/Hg/INC.6/CRP.4), which will be forwarded to COP1.

With regard to Article 3 on notifications, Co-Chair Nieto-Carrasco reported the group had not reached agreement and would resume negotiations on Wednesday.

**ARTICLE 13. FINANCIAL RESOURCES AND MECHANISM:** In his report to plenary, Co-Chair Phillips said participants in the finance contact group supported flexible access to GEF funds to support countries' steps towards ratification and had proposed drawing on relevant wording from the negotiations of the Stockholm Convention and the Nagoya Protocol. On development of an MOU, he said participants had agreed to request the Interim Secretariat and the GEF Secretariat to prepare text for consideration at INC7. He also noted ongoing discussion of principles to inform application of the guidelines for initial assessment activities.

Gustavo Fonseca, GEF, clarified aspects of the GEF6 strategy and policy relevant to the Minamata Convention, noting that the allocation for the Convention is targeted to support:

enabling activities; least developed countries (LDCs) and small island developing states (SIDS); and early implementation. He highlighted that the INC and COP can prioritize actions through their guidance to the GEF.

**ARTICLE 22. EFFECTIVENESS EVALUATION:** The Secretariat introduced the initial compilation of information on methodologies for acquiring monitoring data (UNEP(DTIE)/Hg/INC.6/12).

JAPAN, the EU and CANADA offered to share observation data and monitoring methodologies, including from the Arctic Monitoring and Assessment Programme. The US outlined a proposed roadmap, comprising: compilation by the Secretariat of available data; an intersessional process for submissions from countries and stakeholders; preliminary analysis by the mercury transport and fate partnership of compiled data sources relevant to an evaluation; and provision of recommendations to INC7.

INDIA and BANGLADESH called for strengthening monitoring facilities in developing countries and countries with economies in transition. MAURITIUS requested Secretariat support for "ground truthing" activities. PERU highlighted the value of regional efforts on monitoring and response including the establishment of laboratories and cooperation on the transport of hazardous substances. Noting that regional arrangements under the Stockholm Convention have worked well, CANADA said there is no expectation for monitoring arrangements to be established in each country.

IRAN proposed requesting the Secretariat to seek information regarding monitoring arrangements and experiences of other international treaties for discussion at INC7. KENYA proposed the lessons learned from the Global Monitoring Programme on POPs be applied to mercury and requested UNEP to fund production of a similar report on mercury for consideration by COP1.

EGYPT and BELARUS called for establishing consistent and comparable monitoring standards.

**ARTICLE 23. CONFERENCE OF THE PARTIES:** The Secretariat introduced the documents on the draft rules of procedure (UNEP(DTIE)/Hg/INC.6/13) and the draft financial rules for the Conference of the Parties (COP) (UNEP(DTIE)/Hg/INC.6/14).

On rules of procedure, JAPAN, BRAZIL, AUSTRALIA, INDIA, CHILE, CHINA, and ARGENTINA supported consensus-based decision-making. COLOMBIA, supported by the EU, SWITZERLAND and NORWAY, called for retaining the reference to a 2/3 majority voting rule, emphasizing that delegates "should learn from the past" and maintain this



flexibility. NEW ZEALAND expressed support for consensus on matters of substance and allowing majority voting, if necessary, on matters of procedure.

JAPAN underscored the need for the Secretariat to present the budget to the INC for evaluation prior to COP1. Zambia, for the AFRICAN GROUP, suggested the Secretariat present two budget options for comparison and underscored the need to ensure that developing countries, especially SIDS and LDCs, are adequately funded.

The US suggested referring to other MEAs, and not only the BRS, as models for budget allocation.

INC6 established a contact group on rules for further discussion of both issues.

### **CONTACT GROUPS**

**TECHNICAL ISSUES:** On Tuesday afternoon, the contact group continued consideration of CRP.1, which contains four separate forms to provide information for inclusion in the public register of general notifications, as called for in Article 3. The annexes address, respectively: written consent by a party to import mercury; written consent by a non-party to import mercury; certification by a non-party on the source of mercury to be exported to a party; and general notification of consent to import mercury. With regard to calls to include information on sources of mercury, delegates noted the difficulty of obtaining and verifying this information and agreed that the forms should only refer to the two sources specified in Article 3, mercury obtained from primary mining, or excess mercury from the decommissioning of chlor-alkali facilities. On certification, many delegates emphasized the need to simplify requirements for non-parties to supply information about intended use, noting the need to be realistic about what can be provided in a general notification form. The group also agreed changes aimed at ensuring consistency across the four forms.

The contact group concluded its discussions on Article 3 in the evening, agreeing to forward the four forms to the plenary for adoption and to add Annex II of the original Secretariat document UNEP(DTIE)/Hg/INC.6/4, which provides guidance on how to meet the notification requirements contained in paragraph 9 of Article 3.

**FINANCE:** On the specific international Programme (SIP), several developing countries stressed it should be a standalone institution and must be distinguished from the UNEP Special Programme and the GEF. They also expressed concern about potentially sharing funds for Minamata with other conventions. A group of developing countries suggested that the Secretariat develop a roadmap toward establishment of the SIP, including a description of its governance structure and a strategy for resource mobilization. On options for a host institution, delegates discussed asking the Secretariat to outline the pros and cons of various options. They also discussed a participant's suggestion to establish an expert group to work intersessionally on this question and agreed to revisit the issue in future discussions.

Fatoumata Keita-Ouane, UNEP, introduced the Special Programme adopted by UNEA, noting that its executive board is currently being established and will include LDC and SIDS representatives. She said the Special Programme will support institutional strengthening across the chemicals and waste regime, thereby addressing the current fragmented approach.

On guidance from INC6 to the GEF, delegates suggested welcoming and endorsing the GEF6 strategy with regard to Minamata and discussed principles for its programming. They agreed that the guidance would request the GEF to prioritize:

projects that focus on implementation of obligations; activities that allow for early implementation; and activities on mercury reduction emissions and releases.

Participants disagreed over a developed country proposal that applicants should indicate the measures they have taken to mainstream mercury priorities into national budgets and development plans, with some developing countries noting that such commitment is already shown by countries' co-financing of GEF projects.

They debated whether encouraging applicants to choose "the most cost-effective and sustainable and efficient interventions" would create additional hurdles to accessing finance. They also questioned whether GEF would judge this, and discussed the implications for the status of BAT/BEP. Noting that mercury reductions may not be immediately measurable, they debated whether to prioritize activities that seek "maximum" or "significant" mercury reductions, or simply to "enhance reduction" of emissions. Some developing countries suggested prioritizing activities addressing the health impacts of mercury, and participants agreed to mention health and environmental impacts.

The contact group co-chairs will revise the proposed guidance for further consideration on Thursday.

On eligibility criteria for GEF funding, delegates discussed the co-chairs' draft text proposing that support should also be available to developing countries and countries with economies in transition that are taking meaningful steps toward becoming a party. They also discussed what evidence of "meaningful steps" could be provided, including possible letters from ministers to the UNEP Executive Director and the CEO and Chair of the GEF.

### **IN THE CORRIDORS**

While the music of Freddy Mercury continues to be the soundtrack of choice for the INC, the Chair's selection has shifted from the triumphant strains of "We are the Champions," celebrating the successful adoption of the Minamata Convention, to the INC's original theme song: "Under Pressure." As participants enjoyed the cheerful atmosphere of the Swiss-hosted reception on Wednesday evening, many said it was a welcome respite from the hard work that is underway. Several noted that much remains to be done at INC6 to keep work on track for completion ahead of entry into force and the first meeting of the COP.

Issues of finance were chief among the concerns of many delegates. Several participants underscored the need to ensure access to funding for those states that were unable to sign the Convention. Many delegates from developing countries, in particular, were keen to know how the INC's work in Bangkok could pave the way to a simplified method for accessing resources of the GEF's resources, understood as "good enough for an initial phase of the agreement." While delegates partied to the strains of Jessie J's "Price Tag" during the evening reception, singing "it's not about the money, money, money," one delegate reflected on the role of these negotiations within the wider world of international politics. He noted that, when it comes to money, "there are no permanent friends or enemies: only permanent interests."



## MERCURY INC6 HIGHLIGHTS: THURSDAY, 6 NOVEMBER 2014

On Thursday INC6 delegates convened in plenary in the morning to hear reports from Contact Groups and address issues including ASGM, environmentally sound interim storage, mercury wastes and contaminated sites. Contact Groups met during the day to discuss rules and reporting, technical issues, and finance. In the evening, delegates attended a reception hosted by the Government of Thailand before reconvening in the Contact Groups on finance and rules and reporting.

### WORK TO PREPARE FOR ENTRY INTO FORCE AND COPI

**ARTICLE 13. FINANCIAL RESOURCES AND MECHANISM:** Co-Chair Filyk reported on the group's progress, noting members had discussed, *inter alia*: the specific international Programme (SIP); GEF-related issues, including support to facilitate entry into force and early implementation; compatibility with other capacity-building, technical assistance and technology transfer programmes cited in Article 14; and steps to be taken intersessionally.

INDIA emphasized the importance of "real and decentralized" training and capacity building for institutional strengthening. Chair Lugris noted the group would meet in the afternoon to review a non-paper prepared by the co-chairs.

**ARTICLE 3. MERCURY SUPPLY SOURCES AND TRADE:** Co-Chair Nieto-Carrasco reported that the group had completed its work on four notification forms for parties and non-parties. Delegates provisionally adopted the document (UNEP(DTIE)/Hg/INC.6/CRP.4) with minor amendments.

Co-Chair Nieto-Carrasco also reported that the Contact Group had raised additional issues for discussion, notably on guidance to accompany the notification forms, and asked the INC for a mandate to complete this work.

PAKISTAN noted the lack of time to develop detailed guidance at INC6. The EU, JAPAN and NORWAY said the Contact Group should focus on identifying elements for further elaboration by the Secretariat prior to INC7.

SWITZERLAND suggested the guidance address the relationship between mercury stocks and interim storage.

Chair Lugris invited the Contact Group to reconvene during lunch to identify any additional items needed for the implementation of Article 3.

**ARTICLE 7. ARTISANAL AND SMALL-SCALE GOLD MINING (ASGM):** The Secretariat introduced UNEP(DTIE)/Hg/INC.6/16, which contains an initial proposal for guidance and assistance to countries with significant ASGM activities in order to develop national plans. She noted the document

draws on guidance developed under the UNEP Global Mercury Partnership (GMP) and highlighted complementary guidance on health aspects developed by the World Health Organization (WHO).

UNIDO and the Natural Resources Defense Council provided an overview of ASGM-related activities carried out under the GMP. The WHO noted it is currently piloting a suite of technical materials to support implementation of health-related aspects of the Convention.

Nigeria, on behalf of the AFRICAN GROUP, stressed the need for multisectoral engagement. GHANA said that, as a large mercury user, it would benefit from the guidance in finalizing its national action plan.

The EU, supported by many countries, called for intersessional work on the draft guidance. The US noted the contribution made by the GMP in enhancing global understanding on ASGM and said the Secretariat proposals are "sensible and appropriate." SWITZERLAND highlighted the need for complementarity with existing GEF guidelines on enabling activities. PERU emphasized the importance of integrating the various guidance documents to encourage coordinated management at all levels. The ZERO MERCURY WORKING GROUP welcomed multi-stakeholder involvement in developing the draft guidance and called for its timely completion. IPEN called for a simplified document that accounts for the practical challenges faced by affected countries.

INDONESIA and COLOMBIA highlighted the need to recognize national-level challenges and priorities. Paraguay, on behalf of GRULAC, highlighted challenges posed by ASGM in the region.

**ARTICLE 10. ENVIRONMENTALLY SOUND INTERIM STORAGE OF MERCURY OTHER THAN WASTE MERCURY:** The Secretariat introduced the document on development of guidance (UNEP(DTIE)/Hg/INC.6/17) and a submission from the Basel Convention Open-Ended Working Group (UNEP(DTIE)/Hg/INC.6/INF.10), highlighting a potentially relevant chapter on storage.

The US, supported by the ZERO MERCURY WORKING GROUP, suggested the Secretariat draft an outline and scope of work for the guidelines, to be reviewed by INC7.

The EU emphasized that development of guidance on ASGM should take precedence over guidance on storage. CANADA supported focusing on "bigger priorities," such as ASGM, and expressed support for gathering information on best practices for storage.

CHILE underscored the need for flexibility to allow for implementation by all countries.



INC6 agreed to request the Secretariat to compile and summarize relevant information submitted by governments for consideration at INC7.

**ARTICLE 11. MERCURY WASTES:** The Secretariat presented the relevant documents (UNEP(DTIE)/Hg/INC.6/18 and INF/10).

JAPAN and the US supported commencing work on thresholds and welcomed collection of information on existing national regulations. SWITZERLAND said work on thresholds should start as soon as possible.

The EU said work to identify mercury waste should not endanger priority work on issues such as guidance for countries with ASGM. CANADA said regulation is tighter without thresholds; called for close collaboration with the Basel Convention; and said an information gathering exercise prior to INC7 would “respect” the priority level of this work.

CHILE underscored the need to define the relevant threshold and said technical guidelines should be sufficiently flexible to adapt to each country’s reality. IRAN called for consideration of the needs of developing countries.

KENYA said critical areas for action should be identified and standards and guidance should be provided. BELARUS called for a clear methodology for measuring threshold values of waste.

URUGUAY highlighted a pilot scheme addressing waste from chlor-alkali plants and called for additional support for such projects. JORDAN called for expanding pilot projects. TOGO underscored the need for technical assistance to address contaminated waste and raise awareness domestically.

The AFRICAN UNION COMMISSION highlighted a draft book produced with the support of the GMP containing guidance on mercury storage and disposal.

**ARTICLE 12. CONTAMINATED SITES:** The Secretariat introduced the document on guidance on managing contaminated sites and the proposed way forward (UNEP(DTIE)/Hg/INC.6/19).

The EU and US were not in favor of requesting further work, citing concerns about the Secretariat’s current workload. The US offered to share its updated national guidance.

IRAN suggested finding regional mechanisms to work on the issue. EGYPT suggested conducting a study of the environmental impact of mercury-contaminated sites and offered to share national experiences. PERU stressed that the national action plans already include clean-up of contaminated sites.

TOGO and BELARUS highlighted the need for establishing thresholds to identify sites of contamination and BELARUS proposed creating a website to disseminate information.

IPEN suggested creating an expert group to review the Secretariat’s forthcoming guidance, drawing on BAT/BEP, going into greater depth than the existing two-page guidance produced by the Basel Convention, and considering contaminated sites as a source of mercury release.

## CONTACT GROUPS

**RULES AND REPORTING:** The Contact Group on rules and reporting, co-chaired by David Buchholz (US) and David Kapindula (Zambia), met in the morning and afternoon to discuss the draft rules of procedure for the COP (UNEP(DTIE)/Hg/INC.6/13). In the morning the group made several minor edits to the document text, repeatedly drawing on the text of the Stockholm Convention citing the need to “avoid reinventing the wheel.” They also clarified issues including, for example, the rules for quorum during a subsidiary meeting that is not opened. On Rule 30, a reference to “rotation” was included to allow balanced regional representation in the election of chairs.

In the afternoon, the Contact Group discussed a proposal from Canada (CRP.3) to amend the reporting format drafted by the Secretariat. Delegates were requested to discuss issues related to the scope, structure and style of the questions in the draft form. The Group identified as priorities Articles 3 (mercury

supply sources and trade), 8 (emissions) 9 (releases) and 12 (contaminated sites). Delegates from developing countries said some of the questions on the form were too narrowly formulated and expressed concern that the lack of capacity of many countries would impinge adequate reporting at this stage. Some differences were addressed by adding more flexible answer options. The Group will request permission to continue its work on Friday morning.

**TECHNICAL ISSUES:** The EU proposed content for guidance on forms pursuant to Article 3, noting they cover, *inter alia*: the purpose and scope of the guidance; an explanation of the forms; and how to obtain and submit the forms. Several delegates expressed concern that including information on sources could reopen language already agreed in the Convention and supported limiting the guidance to practical information on how to use the notification forms and public registries. Co-Chair Nieto-Carrasco noted the Contact Group would request further work by the Secretariat on the guidance document, based on the elements agreed by the group.

Due to time constraints, the group was unable to discuss guidance on the factors which may be considered in the identification of stocks of mercury or mercury compounds (UNEP(DTIE)/Hg/INC.6/9) and agreed to ask INC6 to seek submissions from parties on this issue.

**FINANCE:** Co-Chairs Guthrie and Filyk presented a non-paper on guidance to the GEF and a summary of delegates’ views on the specific international Programme (SIP).

Delegates discussed minor changes to decision text on eligibility criteria and provisional guidance to implementation of the GEF6 strategy, as well as text welcoming both the GEF6 strategy and UNEA1’s decision to establish the Special Programme for institutional strengthening at the national level.

Delegates also discussed establishing a group to work intersessionally on the SIP, including on the choice of a hosting institution. They also considered requesting the Secretariat to prepare information on options.

## IN THE CORRIDORS

At INC6, there are no “mercury skeptics.” The challenge of this meeting is not to agree on the urgent need for action on mercury, but to start fleshing out the structure constructed during the first five meetings of the INC.

However, as the steadily growing pile of unfinished business revealed on Thursday, the devil is in the detail. This was illustrated in the technical issues Contact Group, where one expectation was that the perhaps overly simplistic (but user-friendly) notifications format would be balanced by detailed reporting obligations for parties. But this view was not shared by the group dealing with this issue, with the rules and reporting Contact Group opting for a simple “Yes” or “No” format for national reports, emphasizing that flexibility is fundamental to successful implementation of the Convention.

One observer pointed out that while participants share the same broad aim, “they are taking different routes to the same destination.” He said that he was disappointed the issue of contaminated sites gained little traction, but he saw finalizing trade notification forms in the technical issues Contact Group as an “unexpected bonus.”

While several delegates grumbled good-naturedly about the long day, which was extended by late evening Contact Groups, for most, this week has been an easy ride compared to the series of sleepless nights endured by negotiators at INC5. “We’ve got it easy this week,” said one, “Just wait for INC7!”

**ENB SUMMARY AND ANALYSIS:** The Earth Negotiations Bulletin summary and analysis of INC6 will be available on Monday, 10 November 2014 online at: <http://www.iisd.ca/mercury/inc6/>



## SUMMARY OF THE SIXTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE TO PREPARE A GLOBAL LEGALLY BINDING INSTRUMENT ON MERCURY: 3-7 NOVEMBER 2014

The sixth session of the Intergovernmental Negotiating Committee to Prepare a Global Legally Binding Instrument on Mercury (INC6) convened from 3-7 November 2014, in Bangkok, Thailand. INC6 carried out work to prepare for the entry into force of the Minamata Convention on Mercury and for the first meeting of the Conference of Parties (COP1).

Over 300 participants attended the session, representing 122 governments, as well as 29 non-governmental and 13 intergovernmental organizations. Following a round of regional group meetings on Sunday, 2 November, delegates began their work. Issues under consideration included, *inter alia*: importing mercury; registering exemptions; reporting and monitoring; rules of procedure and financial rules for the COP; guidance and assistance to countries with artisanal and small-scale gold mining; storage, wastes and management of contaminated sites; and operation of the financial mechanism.

INC6 was the first of two negotiating sessions planned for the interim period between the adoption of the Minamata Convention and COP1. Delegates initiated discussions on some of the more complex issues with significant policy implications, including the financial mechanism, rules of procedure and financial rules, and possible approaches to reporting. On finance, delegates agreed to establish an open-ended working group to tackle this issue prior to INC7, the final intersessional meeting before COP1.

### A BRIEF HISTORY OF THE GLOBAL ISSUE OF MERCURY

Mercury is a heavy metal that is widespread and persistent in the environment. It is a naturally occurring element and can be released into the air and water through weathering of rock containing mercury ore or through human activities such as industrial processes, mining, deforestation, waste incineration, and burning of fossil fuels. Mercury can also be released from a number of mercury-containing products, including dental amalgam, electrical applications (e.g. switches and fluorescent

lamps), laboratory and medical instruments (e.g. clinical thermometers and barometers), batteries, seed dressings, antiseptic and antibacterial creams, and skin-lightening creams. Mercury exposure can affect fetal neurological development and has been linked to lowered fertility, brain and nerve damage, and heart disease in adults who have high levels of mercury in their blood.

Since 2001, the UN Environment Programme Governing Council/Global Ministerial Environment Forum (UNEP GC/GMEF) regularly discussed the need to protect human health and the environment from the releases of mercury and its compounds.

**24TH SESSION OF THE UNEP GC/GMEF:** In February 2007, GC-24/GMEF discussed the issue of mercury extensively and participants' preferences for international cooperation on mercury ranged from starting a negotiating process for a legally binding instrument, to incorporating mercury into existing agreements, or concentrating on voluntary actions, especially through partnerships. Delegates agreed in Decision 24/3 IV that a "two-track" approach could be employed to take forward actions on mercury, while keeping open the path to a binding instrument in the future. The UNEP Executive Director was requested to prepare a report on mercury emissions and strengthen the UNEP Mercury Partnership. An *ad hoc* open-ended working group (OEWG) of government and stakeholder representatives was established to review and assess options for

### IN THIS ISSUE

A Brief History of the Global Issue of Mercury . . . . .	1
INC6 Report . . . . .	3
Work to Prepare for Entry into Force and COP1 . . . . .	4
Report on the Activities of the Interim Secretariat . . . . .	10
Other Matters . . . . .	10
Closure of the Meeting . . . . .	10
A Brief Analysis of INC6 . . . . .	10
Upcoming Meetings . . . . .	11
Glossary . . . . .	12

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Nicole de Paula Domingos, Ph.D., Wangui Mwangi, Delia Paul, and Jessica Templeton, Ph.D. The Digital Editor is Kiara Worth. The Editor is Pamela Chasek, Ph.D. <pam@iisd.org>. The Director of IISD Reporting Services is Langston James "Kimo" Goree VI <kimo@iisd.org>. The Sustaining Donors of the *Bulletin* are the European Commission (DG-ENV and DG-CLIMATE) and the Government of Switzerland (the Swiss Federal Office for the Environment (FOEN) and the Swiss Agency for Development Cooperation (SDC)). General Support for the *Bulletin* during 2014 is provided by the German Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMUB), the New Zealand Ministry of Foreign Affairs and Trade, SWAN International, the Finnish Ministry for Foreign Affairs, the Japanese Ministry of Environment (through the Institute for Global Environmental Strategies - IGES), the United Nations Environment Programme (UNEP), and the International Development Research Centre (IDRC). Specific funding for coverage of this session has been provided by the Swiss Federal Office for the Environment (FOEN). Funding for translation of the *Bulletin* into French has been provided by the Government of France, the Wallonia, Québec, and the International Organization of La Francophonie/Institute for Sustainable Development of La Francophonie (IOF/IFDD). The opinions expressed in the *Bulletin* are those of the authors and do not necessarily reflect the views of IISD or other donors. Excerpts from the *Bulletin* may be used in non-commercial publications with appropriate academic citation. For information on the *Bulletin*, including requests to provide reporting services, contact the Director of IISD Reporting Services at <kimo@iisd.org>, +1-646-536-7556 or 300 East 56th St., 11D, New York, NY 10022 USA.



<http://enb.iisd.mobi/>

enhanced voluntary measures and new or existing international legal instruments for addressing the global challenges posed by mercury.

Decision 24/3 IV includes the following priorities: to reduce atmospheric mercury emissions from human sources; to find environmentally sound solutions for the management of waste containing mercury and mercury compounds; to reduce global mercury demand related to use in products and production processes; to reduce the global mercury supply, including considering curbing primary mining and taking into account a hierarchy of sources; to find environmentally sound storage solutions for mercury; to address the remediation of existing contaminated sites affecting human and environmental health; and to increase knowledge on areas such as inventories, human and environmental exposure, environmental monitoring and socioeconomic impacts.

#### **FIRST MEETING OF THE OEWG ON MERCURY:**

The first meeting of the OEWG to Review and Assess Measures to Address the Global Issue of Mercury was held from 12-16 November 2007 in Bangkok, Thailand. The OEWG discussed options for enhanced voluntary measures, and new or existing international legal instruments on mercury. Delegates agreed on intersessional tasks to be undertaken by the Interim Secretariat, including analyses of: financial considerations of a free-standing convention, a new protocol to the Stockholm Convention and voluntary measures; sustainable technology transfer and support; implementation options; organization of response measures; costs and benefits for each of the strategic objectives; meeting demand for mercury if primary production is phased out; major mercury-containing products and processes for which effective substitutes exist; and funding available through the Global Environment Facility and the Strategic Approach to International Chemicals Management.

#### **SECOND MEETING OF THE OEWG ON MERCURY:**

The second meeting of the OEWG on Mercury convened in Nairobi, Kenya, from 6-10 October 2008. The OEWG discussed: elements to be addressed by a mercury framework; the type of framework to be used; and the capacity-building, financial and technical support required to deliver on identified elements. Delegates agreed on one legally binding option and three voluntary options for consideration by the UNEP GC.

#### **25TH SESSION OF THE UNEP GOVERNING**

**COUNCIL/GMEF:** UNEP GC-25/GMEF took place from 16-20 February 2009 in Nairobi, Kenya. Decision GC 25/5 agreed to further international action consisting of the elaboration of a legally binding instrument on mercury, which could include both binding and voluntary approaches, together with interim activities, to reduce risks to human health and the environment. It also requested the Executive Director to convene one OEWG meeting in 2009, and an intergovernmental negotiating committee (INC) commencing its deliberations in 2010 with the goal of completing its work by GC-27/GMEF in February 2013. Agreement could not be reached on “leaving the door open” to consider other heavy metals, but the decision does recognize that the mandate of the INC may be supplemented by future GC decisions.

**AD HOC OEWG TO PREPARE FOR THE INC ON MERCURY:** This meeting convened from 19-23 October 2009 in Bangkok, Thailand. The *Ad Hoc* OEWG agreed to recommend rules of procedure to the INC, as well as intersessional work for the Secretariat to prepare documentation for the INC, including options for the structure of the instrument and a description of options for substantive provisions.

**INC1:** The first session of the INC to prepare a global legally binding instrument on mercury convened from 7-11 June 2010 in Stockholm, Sweden. Delegates exchanged views on key elements of a convention, including: objectives; structure of the instrument; capacity building and technical and financial assistance; compliance; issues of supply, demand, trade, waste and storage; atmospheric emissions of mercury; and awareness raising and information exchange. The key outcome of INC1 was a request to the Secretariat to draft “elements of a comprehensive and suitable approach” to a legally binding instrument, which would serve as a basis for negotiation at INC2.

**INC2:** The second session of the INC convened from 24-28 January 2011 in Chiba, Japan. INC2 marked the first opportunity for delegates to start textual negotiations on potential elements for the mercury instrument, contained in a paper prepared by the Secretariat. INC2 achieved a first full reading of the paper and mandated the Secretariat to prepare a new draft text for further negotiation at INC3.

**INC3:** The third session of the INC convened from 31 October - 4 November 2011 in Nairobi, Kenya. INC3 completed a comprehensive review of the text of the draft instrument and requested the Secretariat to compile a revised draft text based on plenary negotiations, the reports of the INC3 contact groups, and the work of the legal group.

**INC4:** INC4 convened from 27 June - 2 July 2012 in Punta del Este, Uruguay. Progress was achieved on storage, wastes and contaminated sites, and options were narrowed on articles related to information and reporting. Views diverged on compliance, finance and control measures for products and processes, with discussions focusing on laying out the range of positions. Delegates requested: INC Chair Fernando Lugris (Uruguay) to clean up the negotiating text and, in cooperation with the Co-Chairs of the Contact Groups, present possible compromise articles where there was divergence among countries; the Secretariat to analyze in cooperation with the World Health Organization the extent to which the other provisions of the draft mercury instrument reflect the content of Article 20 *bis* on health aspects; the Secretariat to present a draft of the final act for consideration by INC5 to determine work from the moment of the signature of the instrument until its entry into force; and intersessional work on emissions and releases.

**INC5:** The fifth session of the INC convened from 13-19 January 2013 in Geneva, Switzerland. Delegates successfully completed the negotiation of a new global treaty on mercury: the Minamata Convention on Mercury. INC5 addressed several complex policy and technical issues, including mercury air emissions and releases to water and land, health aspects, and phase-out and phase-down dates for products and processes. A final compromise was reached late Friday night, based on a package addressing outstanding issues related to the preamble, finance and compliance. The Minamata Convention’s major

highlights include: the ban on new mercury mines, the phase-out of existing ones, control measures on air emissions, and the international regulation of the informal sector of artisanal and small-scale gold mining.

**27TH SESSION OF THE UNEP GOVERNING COUNCIL/GMEF:** UNEP GC/GMEF took place from 18-22 February 2013 in Nairobi, Kenya. Decision GC.27/L.4 welcomed the completion of negotiations of the mercury treaty, authorized the Executive Director to provide an interim secretariat to the instrument prior to its entry into force, and invited parties to the Basel, Rotterdam and Stockholm Conventions to consider steps to facilitate cooperation and coordination with the Minamata Convention.

**DIPLOMATIC CONFERENCE OF PLENIPOTENTIARIES ON THE MINAMATA CONVENTION ON MERCURY AND ITS PREPARATORY MEETING:** The Minamata Convention on Mercury was adopted on Thursday, 10 October 2013 in Kumamoto, Japan. The Diplomatic Conference started with a two-day open-ended inter-governmental Preparatory Meeting on 7-8 October, during which participants negotiated resolutions on elements of the Final Act, including on: promoting and preparing for the early implementation of the mercury instrument; arrangements for the interim period between the signing of the instrument and its entry into force, such as arrangements for financial and technical assistance during that period; and secretariat arrangements. This was followed by the Diplomatic Conference of Plenipotentiaries on 10-11 October, attended by over 1,000 participants from over 140 countries, intergovernmental organizations and non-governmental organizations (NGOs). The Convention was signed by 91 countries and the European Union (EU).

### INC6 REPORT

On Monday, 3 November, Fatoumata Keita-Ouane, Head, UNEP Chemicals Branch, welcomed delegates to the sixth session of the INC. She highlighted that the Minamata Convention has gained 128 signatories and seven ratifications since its adoption.

INC Chair Fernando Lugris (Uruguay) called on parties and stakeholders to maintain momentum following adoption of the Convention, mobilize “new champions,” and ensure effective implementation through specific actions to achieve a “genuine impact for our populations and the environment.”

Suphot Tovichakchaikul, Deputy Permanent Secretary, Ministry of Natural Resources and Environment, Thailand, welcomed delegates to Thailand, highlighted his government’s domestic actions to reduce mercury emissions, and underscored the need to communicate to the general population the importance of reducing anthropogenic mercury emissions.

Ibrahim Thiaw, Deputy Executive Director, UNEP, congratulated the seven countries that have already ratified the agreement, as well as the Global Environment Facility (GEF) for providing substantive financial support, and urged other countries to ratify the convention.

Naoko Ishii, CEO and Chairperson, GEF, highlighted the GEF6 decision to allocate US\$141 million for implementation of the Minamata Convention over the next four years, and

called for greater inclusion of the private sector in this process. Delegates then watched a video produced by the GEF Secretariat encouraging early ratification of the Minamata Convention.

Keita-Ouane invited delegates from three countries that have ratified the Minamata Convention to make introductory remarks. Serge Molly Allo’o Allo’o, Gabon, looked forward to support from the GEF and other parties for bolstering human resource capacity, conducting scientific studies, addressing artisanal and small-scale gold mining (ASGM), and accessing alternatives to products such as dental amalgams. Bangaly Dioumessy, Guinea, urged signatory countries to undertake early ratification, stating that his country has prioritized protection of public health and the environment. John Thompson, US, commended the work of the Secretariat, governments, NGOs and industry in facilitating implementation of the Minamata Convention. He noted that his country has reduced the use of mercury-added products by more than 97% domestically, is updating mercury-related guidelines for fish consumption, and has proposed new regulations to reduce mercury pollution from dental wastewater.

**ORGANIZATIONAL MATTERS:** Chair Lugris proposed structuring discussions around four broad areas: items necessary for the effective implementation of the Convention upon its entry into force; matters required by the Convention to be decided upon by the COP at its first meeting; items to be adopted by the committee on a provisional basis pending formal adoption by COP1; and activities to facilitate rapid entry into force of the Convention and its effective implementation. He noted that most of the Committee’s work would be undertaken in plenary, but issues requiring more detailed technical or procedural considerations could be referred to contact groups. Delegates then adopted the meeting’s agenda (UNEP(DTIE)/Hg/INC.6/1 and Add.1).

INC6 confirmed the election of three new Vice-Chairs to the Bureau: Sezaneh Seymour, US, to replace John Thompson, US; David Kapindula, Zambia, to replace Abiola Olanipekun, Nigeria; and Alojz Grabner, Slovenia, to replace Katerina Sebkova, Czech Republic.

**OPENING STATEMENTS:** Declaring that INC6 represents a new phase of negotiations that must primarily address implementation, the European Union (EU) highlighted regional legal efforts to accelerate its ratification process.

Japan, on behalf of the Asia-Pacific Group, welcomed the adoption of the Minamata Convention and expressed support for its effective implementation.

Zambia, on behalf of the African Group, underscored the “urgent need” for political engagement and invited the Secretariat to deliver presentations to ministers on the importance of mercury elimination in African countries. He also underscored the need to simplify the mechanisms for accessing funds under the GEF.

Paraguay, on behalf of the Latin American and Caribbean Group (GRULAC), emphasized the group’s commitment to ratification, highlighted the importance of the Special Programme for strengthening institutional support for the chemical conventions and called for financial support and technical assistance for developing countries.

Russia, on behalf of the Central and Eastern Europe Group, declared that the Minamata Convention a “story of success,” adding that mercury is a global problem that must be addressed internationally with continuous and predictable funding.

Jordan stressed the importance of establishing national chemical units that can contribute to international synergies and highlighted sub-regional activities for Arab countries on early ratification.

Switzerland highlighted recent activities conducted with UN Institute for Training and Research (UNITAR) and the Secretariat of the Basel, Rotterdam and Stockholm (BRS) Conventions, notably on ASGM in Africa and Latin America.

China expressed commitment to early ratification. Nepal, Egypt, Iran and Nigeria highlighted national actions towards implementation. India said international funds are insufficient to address mercury emissions. Senegal credited the Secretariat’s technical support of francophone countries with accelerating ratification.

Chile expressed concern about the availability of funds for ongoing implementation in the medium term, saying available GEF resources could be “diluted” with the addition of this new convention. Egypt said the GEF financial mechanism and the specific international Programme (SIP) should work together to ensure adequate resourcing for implementation and, noting that his country is a transit point, called for establishing notification systems on the transport of hazardous waste. Iran said effective implementation will depend on financial contributions and underscored the importance of common but differentiated responsibilities.

Norway, as Chair of the UNEP Global Mercury Partnership (GMP) Advisory Group, reported on outcomes of its 30 October - 1 November 2014 meeting, highlighting draft guidance on ASGM and coal combustion, as well as a study on the economics of conversion, which helps countries determine phase-out dates for mercury-added products. He called for increased participation of governments in the GMP.

UNITAR highlighted its global project, funded by Switzerland, to support 15 countries during 2014-2015 to accelerate ratification.

The UN Industrial Development Organization (UNIDO) outlined its support for national programmes on ASGM as part of the Minamata Convention Initial Assessments (MIA) under GEF5 and GEF6.

The South Asia Co-operative Environment Programme highlighted its activities on capacity development and regional cooperation. The World Health Organization (WHO) announced the preparation of new guidance on ASGM.

The Zero Mercury Working Group emphasized that ensuring compliance is a key challenge. The International POPs Elimination Network (IPEN) underscored that contaminated sites are critical as they harm public health and the environment. The Coalition for Mercury-Free Drugs called for the elimination of mercury from medical and dental products. The World Alliance for Mercury-Free Dentistry highlighted the importance of fixed national targets, awareness raising and technical support in phasing out mercury in dental amalgam.

The FDI World Dental Federation welcomed the consensus on a phase-down approach to dental amalgam, as reflected in the Convention text.

### **WORK TO PREPARE FOR ENTRY INTO FORCE AND COPI**

**ARTICLE 3. MERCURY SUPPLY SOURCES AND TRADE:** On Tuesday, the Secretariat introduced the relevant documents in plenary, namely on: the provision of written consent or general notification for the import of mercury (UNEP(DTIE)/Hg/INC.6/3); register of notification of consent to import mercury (UNEP(DTIE)/Hg/INC.6/4); required content for certification to be provided for import by a non-party (UNEP(DTIE)/Hg/INC.6/5); and factors that may be considered in the identification of stocks of mercury or mercury compounds (UNEP(DTIE)/Hg/INC.6/9).

In response to a question from Iran, the Secretariat clarified that the Convention does not preclude re-export but “exporting non-parties” are asked to verify that the mercury does not come from a prohibited source. Several delegates highlighted the importance of notification procedures that place responsibility on the exporting countries and the need for enhanced information sharing among them. India and Pakistan cautioned against excessive attention to trade discussions, saying these are “counter-productive.”

The US introduced a proposal to specify distinct forms for parties and non-parties. The issue was referred to the Contact Group on Technical Issues, co-chaired by Jimena Nieto-Carrasco (Colombia) and Karel Blaha (Czech Republic), for further discussion, using the US proposal as a starting point. The Contact Group discussed this issue on Tuesday, Wednesday and Thursday.

With regard to information to be provided by the importing party on the purpose, delegates called for specifying whether it relates to environmentally-sound interim storage or excess mercury from the decommissioning of chlor-alkali plants, as allowed for under the Convention. With regard to shipment information to be provided by the exporting country, some delegates called for inclusion of additional information, such as transit countries and sources of mercury, in line with the principle of informed consent. Others cautioned against expanding the scope of the Convention and noted that such information can be requested under existing national laws.

On certification, many delegates emphasized the need to simplify requirements for non-parties to supply information about intended use, noting the need to be realistic about what can be provided in a general notification form. The group also agreed on changes aimed at ensuring consistency across the four proposed forms and to incorporate Annex II of the original Secretariat document (UNEP(DTIE)/Hg/INC.6/4), which provides guidance on how to meet the notification requirements contained in paragraph 9 of Article 3 of the Convention.

On Thursday, the Contact Group worked under an expanded mandate to explore additional guidance pursuant to Article 3, based on proposals submitted by the EU. Several delegates expressed concern that including information on sources could reopen language already agreed in the Convention and supported limiting the guidance to practical information on how to use the notification forms and public registries. Due to time constraints,

the group was unable to discuss guidance on the factors that may be considered in the identification of stocks of mercury or mercury compounds (UNEP(DTIE)/Hg/INC.6/9) and agreed to ask INC6 to seek submissions from parties on this issue.

On Friday, delegates adopted the submission of the Co-Chairs of the Contact Group on technical issues (UNEP(DTIE)/Hg/INC.6/CRP.5), containing the agreed outcome of the group on forms to be used in relation to Article 3 of the Convention. INC6 also adopted the group's proposed elements for additional guidance pursuant to Paragraph 12 of Article 3 to be developed by the Secretariat prior to INC7 (UNEP(DTIE)/Hg/INC.6/CRP.9).

**Final Outcome:** INC6 adopted the four forms contained in UNEP(DTIE)/Hg/INC.6/CRP.5:

- Form A for the provision of written consent by a party to import mercury. This form is not required by the Convention in cases where the importing party has provided a general notification of consent in accordance with Article 3, paragraph 7;
- Form B for the provision of written consent by a non-party to import mercury. This form is not required by the Convention in cases where the importing non-party has provided a general notification of consent in accordance with Article 3, paragraph 7;
- Form C for non-party certification on the source of mercury to be exported to a party to be used in conjunction with Forms A or D, when required; and
- Form D for general notification of consent to import mercury.

UNEP(DTIE)/Hg/INC.6/CRP.9 is organized in three sections. Section I outlines elements of guidance for parties on how to use the forms pursuant to Article 3, including a clarification on the scope of the article, and advised on when to use the various forms, the role of registers and how to use them, and how to obtain and transmit the form. Section II refers to guidance pursuant to paragraph 5(a), on identifying individual stocks of mercury or mercury compounds exceeding 50 metric tons, as well as sources of mercury supply generating stocks exceeding 10 metric tons per year. Section III provides space for including additional elements, to be identified via submissions from parties and other relevant actors in the intersessional period.

**ARTICLE 6. EXEMPTIONS AVAILABLE TO A PARTY UPON REQUEST:** The Secretariat introduced three documents relating to this item in plenary on Tuesday: UNEP(DTIE)/Hg/INC.6/6 on the format for registering exemptions; UNEP(DTIE)/Hg/INC.6/7 on information to be supplied when registering an exemption; and UNEP(DTIE)/Hg/INC.6/8 on the register of exemptions to be maintained by the Secretariat. She noted that the documents draw on the format adopted by the Stockholm Convention.

The US introduced its proposal calling for, *inter alia*: combining information in the two annexes proposed by the Secretariat into one integrated, simplified form and shortening the descriptions of product categories to include only products that parties are required to phase out.

Guinea requested clarification on who should request exemptions. The EU emphasized the need for all notifications to be made publicly available on the Convention's website. Norway and Switzerland supported using the Stockholm Convention as

a starting point. Several delegates emphasized that countries should only be required to "justify" their request when applying for an extension, not during their initial request for exemption.

Discussions on this item took place in the Contact Group on technical issues on Tuesday evening, using the integrated draft submitted by the US. Divergent views were expressed on whether to include a detailed list of product and process sub-categories, with the majority calling for a simple and flexible format that allows countries to describe the products and processes for which they seek exemption and their reasons for doing so.

The agreed text was submitted to plenary on Wednesday in the form of a submission of the Co-Chairs, which included modifications to the form to reflect the non-binding and flexible nature of exemption requests. The Contact Group also agreed that the electronic register of exemptions to be maintained by the Secretariat will include a hyperlink to the explanatory statement provided by countries in their notification form and that this information will be publicly available.

INC6 provisionally adopted the submission by the Co-Chairs on Wednesday. It will be forwarded to COP1.

**Final Outcome:** The final document (UNEP(DTIE)/Hg/INC.6/CRP.4) contains two exemption forms relating to mercury-added products and processes that use mercury, as well as a proposed format for the register of exemptions from the phase-out dates listed in Annex A of the Convention.

**ARTICLE 7. ARTISANAL AND SMALL-SCALE GOLD MINING:** The Secretariat introduced UNEP(DTIE)/Hg/INC.6/16, which contains an initial proposal for guidance and assistance to countries with significant ASGM activities in order to develop national plans. She noted the document builds on guidance developed under the GMP and highlighted complementary guidance on health aspects developed by the WHO.

UNIDO and the Natural Resources Defense Council (NRDC) provided an overview of ASGM-related activities carried out under the GMP. The WHO noted it is currently piloting a suite of technical materials to support implementation of health-related aspects of the Convention.

The African Group emphasized the need for multisectoral engagement, while GRULAC highlighted challenges posed by ASGM in the region. The EU, supported by many countries, called for intersessional work on the draft guidance. The US noted the contribution made by the GMP in enhancing global understanding on ASGM and said the Secretariat proposals are "sensible and appropriate." Switzerland highlighted the need for complementarity with existing GEF guidelines on enabling activities. Peru emphasized the importance of integrating the various guidance documents to encourage coordinated management at all levels. The Zero Mercury Working Group welcomed multi-stakeholder involvement in developing the draft guidance and called for its timely completion. IPEN called for a simplified document that accounts for the practical challenges faced by affected countries.

**Final Outcome:** INC6 agreed that the guidance developed under the GMP should serve as the basis for preparing guidance on the development of national action plans on ASGM, and

to request the Secretariat to revise that guidance as required to address all areas set out in Annex C to the Convention, for further consideration at INC7.

**ARTICLE 8. EMISSIONS:** On Tuesday, the Secretariat introduced UNEP(DTIE)/Hg/INC.6/10, which sets out the terms of reference for the group of technical experts on Best Available Techniques and Best Environmental Practices (BAT/BEP), as agreed during the group's first meeting.

John Roberts (UK), Co-Chair of the BAT/BEP Expert Group, reported the outcomes of the group's second meeting and noted the group's aim to ensure consistency with standards and techniques adopted by the other chemicals conventions. He said a third meeting would be held in March 2015 to finalize a full draft report for review by parties ahead of INC7.

Responding to questions on guidance available to countries, the Secretariat highlighted the UNEP toolkit as a useful starting point and said additional studies may be required to determine a baseline and monitor progress on sources relevant to Article 8. In response to a question from Belarus on how to provide technical input, Chair Lugris noted that this may be done via both the designated experts and the review process that will be undertaken once the draft report becomes available.

**Final Outcome:** INC6 adopted the amended rules of procedure of the BAT/BEP Expert Group, as contained in UNEP(DTIE)/Hg/INC.6/10. Annex I contains proposals for amendments to the rules of procedure of the INC for use by the group of technical experts. Annex II contains rules of procedure of the Expert Group to develop the guidance called for in Article 8 of the Convention.

**ARTICLE 9. RELEASES:** On Tuesday, the Secretariat introduced document UNEP(DTIE)/Hg/INC.6/15 containing initial information on sources of releases and methodology for the development of inventories. The document highlights ongoing work by the BAT/BEP Expert Group to develop guidance on methodologies for the preparation of inventories of emissions, as called for in Article 8 of the Convention.

Guinea asked if countries should wait for the conclusion of this work before taking action. The Secretariat emphasized that the Toolkit for Identification and Quantification for Mercury Releases is functional, and said ongoing work is on the nature of the formal guidance on the methodology for preparing inventories of releases, to be adopted by COP1.

**Final Outcome:** INC6 took note of the Secretariat report and anticipated reviewing the final report of the Expert Group at INC7.

#### **ARTICLE 10. ENVIRONMENTALLY SOUND INTERIM STORAGE OF MERCURY, OTHER THAN WASTE MERCURY:**

The Secretariat introduced a document on development of guidance (UNEP(DTIE)/Hg/INC.6/17) and a submission from the Basel Convention Open-Ended Working Group (UNEP(DTIE)/Hg/INC.6/INF.10) on Thursday. The first document notes that COP10 of the Basel Convention adopted guidelines on mercury waste, which were updated in 2013 for future adoption. It suggests INC6 provide further input to the Secretariat to assist the preparation of draft guidelines on the interim storage of mercury intended for future use, for

consideration at INC7, drawing on information available within the Basel Convention and the work of the GMP, as well as on information to be provided by governments.

The US and the Zero Mercury Working Group suggested the Secretariat draft an outline and scope of work for the guidance, for consideration at INC7. The EU and Canada favored prioritizing work on ASGM.

**Final Outcome:** The meeting report (UNEP(DTIE)/Hg/INC.6/L.1) notes that INC6 decided to request countries to provide the Secretariat with information on sound mercury interim storage practices that they have adopted and successfully implemented. INC6 also requested the Secretariat to: prepare, for consideration at INC7, a compilation and summary of the information provided by countries; identify relevant aspects of work undertaken by the Basel Convention Secretariat; and propose a road map for work on guidelines for interim storage of mercury.

**ARTICLE 11. MERCURY WASTES:** On Thursday, the Secretariat presented documents on consideration of the thresholds for identification of mercury waste (UNEP(DTIE)/Hg/INC.6/18) and on the status of work on the updating of technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury under the Basel Convention (UNEP(DTIE)/Hg/INC.6/INF/10). The documents note existing guidelines under the Basel Convention and WHO guidance on medical waste, and suggest that INC6 may wish to request the Secretariat to assist in the preparation of a proposal for thresholds applicable to mercury wastes, and to request governments to provide additional information on the national use of thresholds, for consideration at INC7.

Japan, the US and Switzerland favored commencing work on thresholds and welcomed collection of information on existing national regulations. The EU preferred prioritizing guidance for countries with ASGM. Canada said regulation is tighter without thresholds, called for close collaboration with the Basel Convention, and suggested an information gathering exercise be conducted prior to INC7.

Jordan and Uruguay called for technical assistance for expanding pilot projects, and Togo noted the need for domestic awareness raising. The African Union Commission highlighted a draft 'Practical Sourcebook on Mercury Storage and Disposal' produced by UNEP and the International Solid Waste Association under the GMP.

**Final Outcome:** The addendum to the meeting report (UNEP(DTIE)/Hg/INC.6/L.1/Add.1) notes that INC6 decided to request countries to provide information to the Secretariat on their use of mercury waste thresholds and the levels established, and to request the Secretariat to compile such information for consideration by INC7.

**ARTICLE 12. CONTAMINATED SITES:** On Thursday, the Secretariat introduced the draft document on guidance on managing contaminated sites and the proposed way forward (UNEP(DTIE)/Hg/INC.6/19).

The EU and US were not in favor of requesting further work, citing concerns about the Secretariat's current workload. Iran suggested finding regional mechanisms to work on the issue. Egypt suggested conducting a study of the environmental impact

of mercury-contaminated sites and offered to share national experiences of clean-up with regard to other contaminants. Peru stressed that national action plans already include clean-up of contaminated sites and said that producing guidance is, therefore, unnecessary.

Togo and Belarus highlighted the need to establish thresholds to identify sites of contamination, and Belarus noted that, given the lack of technical capacity in some countries for identifying sites of contamination, the absence of guidance could be a barrier to ratification.

IPEN suggested creating an expert group to review the Secretariat's forthcoming guidance, drawing on BAT/BEP, going into greater depth than existing Basel Convention guidance, and recognizing contaminated sites as a source of mercury release.

**Final Outcome:** The addendum to the meeting report (UNEP(DTIE)/Hg/INC.6/L.1/Add.1) notes that INC6 decided to defer further consideration of the issue until INC7, while encouraging countries to continue to make progress on a national and regional basis and to share and disseminate relevant knowledge.

**ARTICLE 13. FINANCIAL RESOURCES AND MECHANISM:** On Tuesday, the Secretariat introduced documents on: the operation of the financial mechanism, particularly in relation to the SIP, to support capacity-building and technical assistance (UNEP(DTIE)/Hg/INC.6/20); input to preliminary draft guidance on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources (UNEP(DTIE)/Hg/INC.6/21); progress towards development of a Memorandum of Understanding (MOU) between the COP to the Minamata Convention and the GEF Council (UNEP(DTIE)/Hg/INC.6/23); and examples of MOUs between the GEF Council and governing bodies of other multilateral environmental agreements (MEAs) (UNEP(DTIE)/Hg/INC.6/INF/8).

In the ensuing plenary discussion, many developing countries said countries that have taken steps towards ratifying the Convention should be eligible for GEF funding. China underscored the importance of ensuring the GEF's accountability to the Convention, and India stressed the need for a working relationship between the two.

Several developed countries supported the GEF's focus on initial assessment activities and ASGM. They stressed efficiency concerns and the need to avoid duplication of activities supported by the SIP, the GEF trust fund, and the UN Environment Assembly (UNEA) Special Programme for institutional strengthening in the chemicals and waste regime.

A Contact Group on finance, co-chaired by Gillian Guthrie (Jamaica) and Greg Filyk (Canada), convened on Tuesday, Wednesday, Thursday and Friday.

On Tuesday, the group discussed: eligibility for GEF financing, elements of an MOU between the COP and the GEF Council; and GEF guidelines for initial assessment activities. They favored defining broad principles to inform GEF programming and recommending flexible access to GEF funds to support countries' steps towards ratification.

On Wednesday, the group discussed formulation of the SIP. Several developing countries stressed that the SIP should be a standalone institution, and suggested that the Secretariat develop

a roadmap towards its establishment, including: a description of its governance structure; a strategy for resource mobilization; and options for a host institution. They discussed a suggestion to establish an expert group to work intersessionally.

In terms of broad principles, they agreed to request the GEF to prioritize: projects that focus on implementation of obligations; activities that allow for early implementation; and activities on mercury reduction emissions and releases. They disagreed over a proposal from a developed country that applicants should indicate the measures they have taken to mainstream mercury priorities into national budgets and development plans, with some developing countries noting that such commitment is already shown by countries' co-financing of GEF projects, and expressing concern about the possible introduction of additional hurdles. Noting that mercury reductions may not be immediately measurable, they debated whether to prioritize activities that seek "maximum" or "significant" mercury reductions, or simply to "enhance reduction" of emissions. They agreed to mention health and environmental impacts.

The Co-Chairs compiled a summary of discussions and put forward a non-paper for the group's further consideration on Thursday, covering eligibility criteria for access to GEF funds, provisional guidance to implementation of the GEF6 strategy, and views on the SIP. Delegates discussed the possibility of establishing an expert group to work intersessionally on the SIP and expressed differing views regarding the group's possible composition and scope of work.

The Contact Group resumed the discussion on Friday morning, agreeing to convene an *Ad Hoc* Working Group of Experts to undertake intersessional work on the SIP. Delegates discussed the timeline and sequencing of the Working Group's activities, and stipulated that the group should meet at least once, and should undertake preparatory work beforehand. They differed on whether to expand the representation of some developing countries in the group, finally agreeing to stay with the model employed under the Stockholm Convention.

Delegates considered the Contact Group's submission in plenary on Friday afternoon. The US and EU requested that the Co-Chairs' summary of discussions on the SIP be set out as an annex to the document, as agreed in the Contact Group. With this amendment, the document was adopted. GRULAC reported that it has nominated Brazil, Argentina and Cuba to participate in the *Ad Hoc* Expert Group on financing. Chair Lugris asked other regional groups to forward their nominations.

**Final Outcome:** Based on adoption of the Contact Group's submission (UNEP(DTIE)/Hg/INC.6/CRP.8), INC6 requests that financial support be accessible to developing countries and countries with economies in transition who are: parties to the Convention; signatories to the Convention undertaking activities to facilitate early implementation and ratification; and non-signatories to the Convention undertaking enabling activities, provided that those states are taking meaningful steps towards becoming a party, as evidenced by a letter from the relevant minister to the Executive Director of UNEP and to the CEO and Chairperson of the GEF.

INC6 welcomes the GEF6 Chemicals and Waste Focal Area Strategy as it relates to mercury and requests the GEF to consider: enabling activities, particularly on initial assessment

and national action plans for ASGM; and activities to implement the Convention, affording priority to those that relate to legally-binding obligations, facilitate early implementation on entry into force, allow for reduction in mercury emissions and releases, and address the health and environmental impacts of mercury.

INC6 requests the Secretariat to continue to collaborate with the GEF Secretariat on the elaboration of an MOU between the GEF Council and the COP for consideration at INC7 and adoption at COP1, taking into account INC6 discussions and experience gained under the relevant MEAs.

INC6 also welcomes the UNEA Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm Conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management, and looks forward to the early start of its operations, in particular regarding institutional strengthening for ratification and early implementation of the Minamata Convention.

On the SIP, possible elements and processes are compiled in an annex. This list includes, *inter alia*: definition of capacity building and technical assistance; scope of the SIP; status as an independent or “stand alone” programme; and governance or administrative structure, including its duration and hosting institution to be determined by COP1.

INC6 also establishes an *Ad Hoc* Working Group of Experts on Financing, which will meet once intersessionally before INC7, with a mandate to develop for consideration by COP1 a proposal for the hosting institution for the SIP, as well as guidance on the SIP’s operation and duration. It requests the Secretariat to invite and compile comments from INC parties on this mandate, and to prepare a document outlining options for hosting institutions for the SIP, in order to inform the work of the Working Group. It establishes the Working Group, comprising two Co-Chairs appointed by INC6, as well as experts from each of the five UN regional groups: three from Africa, five from Asia and the Pacific, two from Central and Eastern Europe, three from Latin America and the Caribbean, and six from the Western European and Others Group, with the GEF Secretariat invited to participate as an observer, and the possibility for the Co-Chairs to invite other technical advisors. The regions are to nominate their representatives for the Working Group by 31 December 2014, and the Co-Chairs are asked to report to INC7 on the Group’s work.

**ARTICLE 21. REPORTING:** The Secretariat introduced the draft proposal on reporting format and frequency (UNEP(DTIE)/Hg/INC.6/11/Rev.1) on Tuesday. Canada then introduced its proposal on the reporting format (UNEP(DTIE)/Hg/INC.6/CRP.3), noting it allows for updates to be provided without having to transcribe previously submitted information, similar to the approach taken under the Basel Convention.

Japan supported Canada’s proposal and establishment of a four-year reporting cycle. Norway, Switzerland and the EU called for a user-friendly electronic reporting system and supported a four-year cycle for most information, with more frequent reports on information related to trade flows. The African Group suggested reporting should occur more frequently to allow for effective monitoring of the Convention’s implementation. Namibia highlighted the need for funds to

support information gathering for reporting purposes. The Zero Mercury Working Group said information should be collected frequently, noting that the Montreal Protocol requires annual reporting on CFC production and trade.

The US said the first round of reporting should occur no later than one year after the Convention’s entry into force, as the information will be essential to early implementation. He proposed harmonizing reporting with the three-year reporting required on ASGM and, with China and Iran, suggested distinguishing between aspects of the Convention with and without explicit reporting obligations. Pakistan, supported by India, favored keeping the reporting format simple and in strict accordance with Article 21, with the option to further elaborate reporting requirements as countries build capacity

Several countries called for close cooperation with the BRS Secretariat to avoid duplication of work. INC6 referred this issue to a Contact Group on rules and reporting, co-chaired by David Buchholz (US) and David Kapindula (Zambia).

The Contact Group on rules and reporting discussed reporting on Thursday and Friday, considering issues related to the scope, structure and style of the questions in the draft reporting form (CRP.3). The Contact Group identified as priorities Articles 3 (mercury supply sources and trade), 8 (emissions) 9 (releases), and 12 (contaminated sites). Delegates from developing countries said some of the questions on the form were too narrowly formulated and expressed concern that the lack of capacity of many countries would impede adequate reporting at this stage. Some differences were addressed by adding more flexible options for answers. The Contact Group did not address the issue of the frequency of reporting and recommended taking this up at INC7. The Contact Group also suggested that INC6 request the Secretariat to compile statistical information regarding frequency of reporting in other MEAs. On Friday, in plenary, Chair Buchholz reported on the outcomes of the Contact Group discussions, and delegates adopted the submission of the Co-Chairs on the draft reporting format.

**Final Outcome:** The draft reporting format of the Minamata Convention (UNEP(DTIE)/Hg/INC.6/CRP.12) contains instructions on how to complete the reporting form, and a four-part questionnaire. The introductory section notes that each party to the Convention shall report to the COP on the measures it has taken to implement the provisions of the Convention, as well as the effectiveness of such measures and possible challenges in meeting the objectives of the Convention. Parties are encouraged to fill in the electronic version of the questionnaire, which is available on the Convention website. It further notes that subsequent to the first report, the Secretariat will send out an electronic version of a party’s previous national report so that it can be updated, as appropriate.

**ARTICLE 22. EFFECTIVENESS EVALUATION:** On Wednesday, the Secretariat introduced an initial compilation of information on methodologies for acquiring monitoring data (UNEP(DTIE)/Hg/INC.6/12) on the presence and movement of mercury in the environment as well as levels of mercury in biotic media and vulnerable populations. The Secretariat noted that the information was provided in view of the need for COP1 to establish arrangements to evaluate the effectiveness of the Convention no later than six years after its entry into force.

Several developed countries offered to share observation data and monitoring methodologies, including from the Arctic Monitoring and Assessment Programme and the Global Monitoring Plan on Persistent Organic Pollutants under the Stockholm Convention.

The US outlined a proposed roadmap, comprising: compilation by the Secretariat of available data; an intersessional process for submissions from countries and stakeholders; preliminary analysis by the UNEP Global Partnership for Mercury Transport and Fate Research of compiled data sources relevant to an evaluation; and provision of recommendations to INC7.

India and Bangladesh called for strengthening monitoring facilities. Peru highlighted the value of regional efforts on monitoring and response including the establishment of laboratories and cooperation on the transport of hazardous substances. Noting that regional arrangements under the Stockholm Convention have worked well, Canada said there is no expectation for monitoring facilities to be established in each country.

Kenya proposed the lessons learned from the Global Monitoring Programme on POPs be applied to mercury and requested UNEP to fund production of a similar report on mercury for consideration by COP1. Egypt and Belarus called for establishing consistent and comparable monitoring standards.

**Final Outcome:** The addendum to the meeting report (UNEP(DTIE)/Hg/INC.6/L.1/Add.1) notes that INC6 requests that the Secretariat seek information on the availability of monitoring data from all governments and relevant organizations and prepare a compilation and analysis of the means of obtaining monitoring data for consideration by INC7. It adds that emphasis should be given to the: capacity-building needs of developing countries and countries with economies in transition; role played by regional activities; and value of partnerships.

**ARTICLE 23. CONFERENCE OF THE PARTIES:** On Wednesday, the Secretariat introduced the documents on the draft rules of procedure (UNEP(DTIE)/Hg/INC.6/13) and the draft financial rules for the COP (UNEP(DTIE)/Hg/INC.6/14).

On rules of procedure, Japan, Brazil, Australia, India, Chile, China, and Argentina supported consensus-based decision-making. Colombia, supported by the EU, Switzerland and Norway, called for retaining the reference to a two-thirds majority voting rule, emphasizing that delegates “should learn from the past” and maintain flexibility. New Zealand expressed support for consensus on matters of substance and allowing majority voting, if necessary, on matters of procedure.

On financial rules, Japan underscored the need for the Secretariat to present the budget to the INC for evaluation prior to COP1. The African Group suggested the Secretariat present two budget options for comparison and underscored the need to ensure that developing countries, especially small island developing states and least developed countries, are adequately funded. The US suggested referring to other MEAs, in addition to BRS, as models for budget allocation.

INC6 established a Contact Group on rules for further discussion of both issues, to be co-chaired by David Buchholz and David Kapindula.

**Rules of Procedure:** The Contact Group discussed this issue on Thursday (UNEP(DTIE)/Hg/INC.6/13). The group made several minor edits to the document text and, citing the need to “avoid reinventing the wheel,” repeatedly drew on the text of the Stockholm Convention. On Rule 30 of the draft rules of procedure of the COP, a reference to “rotation” was included to allow balanced regional representation in the election of chairs. The Contact Group did not reach agreement on Article 45, which deals with decision-making, due to divergent views on whether substantive matters should be adopted by a two-thirds majority instead or only by consensus.

On Friday, Co-Chair Buchholz reported the outcomes of the Contact Group’s work to plenary, noting that the document still contained bracketed text. INC6 agreed to forward the draft rules of procedure as an annex to the meeting report for future consideration.

**Final Outcome:** The draft rules of procedure for the COP to the Minamata Convention (UNEP(DTIE)/Hg/INC.6/CRP.10) contains 60 rules organized in 14 sections, as follows.

- Section I, containing rules 1 and 2, explains the scope of the rules of procedure and definitions of relevant Convention bodies;
- Section II sets out rules 3 to 5, on conduct of meetings;
- Section III contains rules 6 to 8 on observers;
- Section IV explains rules 9 to 16 on the agenda for meetings;
- Section V sets out rules 17 to 21 on representations and credentials;
- Section VI contains rules 22 to 25 on election of officers;
- Section VII covers rules 26 to 31 relating to subsidiary bodies;
- Section VIII sets out rules relating to the work of the Secretariat, in rules 32 and 33;
- Section IX covers the conduct of business at sessions of the COP, as contained in rules 34 to 43;
- Sections X and XI cover voting procedures and elections, respectively, and contain rules 44 to 53;
- Section XII covers rules around languages and sound recordings, explained in rules 55 to 58;
- Sections XIII and XIV refer to amendments to the rules of procedure (Rule 59) and overriding authority of the Convention (rule 60).

**Financial Rules:** The Contact Group on rules and reporting discussed financial rules on Thursday, addressing three elements: nature of contributions; the difference between the core budget and other trust funds; and the value of harmonizing the budget template. Delegates were unable to reach agreement on a number of issues, including possible consequences of payment defaults.

On Friday, Co-Chair Buchholz reported the outcome of the Contact Group’s work to plenary. INC6 adopted the submission by the Co-Chairs (UNEP(DTIE)/Hg/INC.6/CRP.11).

**Final Outcome:** The final document on financial rules for the Conference of the Parties, its subsidiary bodies and the Secretariat of the Minamata Convention on Mercury proposes eight financial rules and an annex containing a procedure for the allocation of funding from the voluntary Special Trust Fund for facilitating the participation of parties in meetings of the Conference of the Parties.

## REPORT ON THE ACTIVITIES OF THE INTERIM SECRETARIAT

On Friday afternoon, the Secretariat presented the relevant documents (UNEP(DTIE)/Hg/INC.6/22; UNEP(DTIE)/Hg/INC.6/INF.3, 4, 5, 6 and 7), reviewing its work to organize INC6, including preparation of the meeting and working documents, and its work to support the BAT/BEP Expert Group in preparation of guidance on emissions. He also noted that the Secretariat had, *inter alia*, organized working groups for meetings of technical experts, and organized eight sub-regional workshops to support ratification and early implementation of the Minamata Convention.

Several delegations thanked the Secretariat for its work. Paraguay, on behalf of GRULAC, called for mobilization of technical and financial support for workshops to facilitate better preparation for COP1. Colombia, supported by Chile, underscored the value of regional coordination and called for a regional meeting with documents “in hand” before INC7.

Emphasizing the value of “joining forces” in the chemicals and waste cluster, Switzerland encouraged the Secretariat to further strengthen its collaboration with all of its partners. Jordan called for continued collaboration between the Secretariat and relevant partners.

The EU underscored that activities supporting institutional strengthening are essential for the rapid and effective functioning of the Convention and welcomed coordination with the BRS Secretariat. China called for the Secretariat to conduct awareness-raising activities prior to entry into force of the Convention.

The WHO expressed interest in broadening and deepening discussions with ministries of health through activities such as workshops. UNIDO noted that since the adoption of the Convention it has assisted six countries with development of MIAs and said it looks forward to continued collaboration. UNITAR noted it has scaled up activities related to ratification and early implementation, including through initiation of seven country projects. UNEP said that, *inter alia*, it will continue to work in close collaboration with the Secretariat to encourage countries to complete their national action plans.

### OTHER MATTERS

On Friday afternoon, the US suggested that the Secretariat invite proposals to host the permanent Secretariat of the Minamata Convention, to be considered at INC7. Brazil, Australia, Japan, Kenya, Cameroon and Nigeria supported this proposal and INC6 agreed to reflect this request in the meeting report.

Jordan expressed willingness to host INC7 and welcomed support from donors. Chair Lugris asked the Committee to take note of this offer.

### CLOSURE OF THE MEETING

On Friday afternoon, delegates adopted the draft report (UNEP(DTIE)/Hg/INC.6/L.1 and Add.1) with minor amendments.

Chair Lugris thanked all participants for their excellent work, noting that the meeting’s outcomes will guide the work of INC7 and COP1. Observing that “some friends come and go,” Chair Lugris expressed appreciation for the expertise and leadership of

Fatoumata Keita-Ouane, Head of the UNEP Chemicals Branch, who is retiring before the next meeting. Keita-Ouane said her “time with the chemicals family has been a great privilege.”

Chair Lugris gavelled the meeting to a close at 6:20 pm.

## A BRIEF ANALYSIS OF INC6

*“How do you eat a whale? One bite at a time.”*

– Delegate to INC6

The interim period between adoption of a Convention and its entry into force is a peculiar time in which countries must build a strong bridge between intent and implementation. Success in this endeavor will require agreement on clear rules, effective procedures, and strong institutions, as well as the financial provisions that will underpin most of the work of the Convention. Financial issues are thus strongly connected to broader issues of governance.

Highlighting UNEP Executive Director Achim Steiner’s description of the Minamata Convention as the “happy convention,” Chair Fernando Lugris encouraged delegates to demonstrate strong commitment to protecting human health and the environment from the adverse effects of mercury by working cooperatively and constructively on the tasks before them. Throughout the week, delegates identified the issues they consider to be vital for the transition towards the implementation phase of the Convention. Issues related to finance, technical guidance on monitoring mercury supply and trade, reporting, and rules for the COP formed the core of contact group negotiations.

This analysis evaluates how INC6 tackled a number of these key issues to enhance the quality of work prior to and during INC7, the final interim session.

### LAYING THE GROUNDWORK FOR COP1

INC6 was very much about setting the stage for the entry into force and implementation of the Minamata Convention. Recognizing the complexity of some of work ahead, the Committee frontloaded some of the most challenging issues, such as elaboration of the rules that will guide the functioning of the Conference of Parties, including rules for decision-making for the COP, with some delegates advocating a provision for voting and others calling for consensus-based decision-making only. Delegates also struggled to reach agreement on reporting, debating how flexible reporting mechanisms could be without compromising effective compliance with parties’ obligations under the Convention.

Overall, discussions of technical issues suffered from a familiar problem in this negotiating process: delegates must reach agreement on some difficult issues before they are able to unlock others. For example, before parties can formally establish a permanent Secretariat to facilitate implementation, they must agree on financial rules. Similarly, agreement on rules of procedure will be required for the COP to hold its first meeting.

In addition to these challenges, there were some smooth negotiations during the week. One observer highlighted the “unexpected” consensus on the format and content of trade notification forms that will help parties track mercury imports and exports. While some delegations wanted forms to require governments to list all possible sources of mercury, most argued that such exhaustive information exceeds the requirements

of the Convention, which only obliges governments to list mercury from two key sources: primary mercury mining and the decommissioning of chlor-alkali plants. Delegates in the latter camp, which ultimately prevailed, noted that many governments already have at their disposal robust domestic mechanisms and legislation that enable them to gather more detailed information. This compromise illustrates the fine balance that the Convention will need to maintain to ensure that the actions of all stakeholders can be monitored without unduly burdening governments.

However, reaching agreement on notification forms is just a start. Much of the text relating to reporting requirements under the Convention, seen by many as a cornerstone of effective governance of mercury emissions, remains bracketed and will likely require extensive negotiation at INC7. For example, the issue of reporting guidelines proved to be a sticking point, as some developed countries pushed for increasing the detail required to include information such as quantity of emissions and timeframes for action. This was resisted by delegates from developing countries who cited concerns about lack of capacity to provide such extensive data. Noting the limited availability of concrete data and technology to measure mercury emissions, one complained, “I cannot drive at 500km an hour if I don’t have a decent road!”

#### **MONEY, MONEY, MONEY: A “PERMANENT INTEREST”**

Once again, finance was a key concern at INC6, as delegates worried about the financial implications of the new rules that would come with entry into force of the Minamata Convention. At the start of the meeting, delegates were welcomed with the reminder that the Sixth Replenishment of the Global Environment Facility (GEF) had, in April 2014, allocated US\$141 million for mercury-related projects. Many delegates were buoyed by this promised funding, which they considered to be a “good amount for this initial phase.” Several, however, expressed regret about the “highly complex criteria” to access these funds. The GEF sought to allay these concerns with a presentation highlighting approved projects designed to foster early implementation. In this regard, many welcomed the 2014 UNEA resolution to establish a Special Programme to support institutional strengthening, acknowledging that this as a step that will facilitate access to GEF funding.

Another milestone on the road to implementation of the Minamata Convention in developing countries was agreement at INC6 to establish the *Ad Hoc* Working Group of Experts on Financing. Through this group, countries should have the opportunity to shape and define the scope of the SIP to ensure that it best serves their needs. However, the Working Group is likely to face two issues in tackling this important task. First, there is a question about sequencing of activities. The Working Group will develop the substantive focus of the SIP but, to some extent, capacity needs to be built for countries most in need of this support to fully engage in the task of providing input to the SIP. At this stage, GEF6 only began in July 2014, and the UNEA Special Programme, which was established for exactly this purpose, is not yet operational and has no funding. “You need to have capacity building before implementation, not afterwards,” noted an insider, referencing the possibility

that operationalization of the Special Fund may be significantly delayed.

Second, there is a risk that the Working Group will be preoccupied with the political question of where the host institution for the SIP will be located, rather than with the substantive questions of the definition and scope of the SIP. Observers noted that the momentum is there for the Minamata Secretariat to be hosted as part of the Basel, Rotterdam and Stockholm Conventions Secretariat in Geneva. However, other options may be put forward, with rumored possibilities including the UNEP Secretariat in Nairobi or UN Headquarters in New York.

#### **WILL THE MINAMATA CONVENTION BE A WHALE OR A SHARK?**

Sharks and whales both have big appetites but they behave differently. While a baby whale stays close to its mother, a newborn shark is born ready to swim away. Whether the Minamata Convention will be a newborn shark or the baby of a BRS whale remains to be seen. The question of the Convention’s future was hinted at during Friday afternoon in plenary, during which several countries expressed interest in discussing possible homes for the Minamata Secretariat. In the corridors, it was clear that some participants favorably reflected on the possibility of having a fourth Convention under the BRS Secretariat, but there is a wide range of views on this point. According to one seasoned delegate, joining Minamata with BRS is a significant decision that will rely heavily on a “fair evaluation” of the results of a review of this unique combined Secretariat for chemicals and waste. A review of the synergies among the three Conventions is currently being discussed under the BRS Conventions. Reflecting on this, the delegate added while it is easy to focus on the budget and the functioning of secretariats, such essential bureaucratic issues can take on outsized importance: “MEAs are tools to achieve environmental and public health goals and sometimes people tend to forget their purposes.”

As INC6 came to a close, delegates noted that with just eight ratifications to date, the Convention has a long way to go before entry into force. The agenda for INC7 is certainly larger than desired and some raised concerns regarding its expected complexity and length. Many noted that INC6 felt like a “lull” between intense negotiating rounds, as participants were able to defer the difficult issues to INC7. The brief respite was welcomed by most, but several were already looking forward to the possibility of meeting in the Middle East for the first time in history of this process.

### **UPCOMING MEETINGS**

**Joint Meeting of the Bureaux of the Conferences to the Parties to the Basel, Rotterdam and Stockholm Conventions:** The Joint Bureaux of the Conferences of the Parties (COPs) to the Basel, Rotterdam and Stockholm Conventions are expected to agree to the organization of work of the upcoming Basel, Rotterdam and Stockholm COPs and other organizational matters related to the back-to-back meetings. **dates:** 11-12 November 2014 **location:** Geneva, Switzerland **contact:** Basel, Rotterdam

and Stockholm Secretariat **phone:** +41-22-917-872 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** http://synergies.pops.int/

**Joint 10th Meeting of the Conference of the Parties to the Vienna Convention and the 26th Meeting of the Parties to the Montreal Protocol:** MOP 26 is scheduled to consider a several issues, including nominations for critical- and essential-use exemptions and other draft decisions. **dates:** 17-21 November 2014 **location:** Paris, France **contact:** Ozone Secretariat **phone:** +254-20-762-3851 **fax:** +254-20-762-0335 **email:** ozoneinfo@unep.org **www:** http://conf.montreal-protocol.org/meeting/mop/cop10-mop26/

**Second Meeting of the SAICM OEWG:** The second meeting of the Strategic Approach to International Chemicals Management Open-Ended Working Group is expected to: review and prioritize proposals for emerging policy issues in preparation for the fourth session of the International Conference on Chemicals Management (ICCM4); consider proposals for the inclusion of new activities in the Global Plan of Action; consider the outcomes of regional meetings; and identify priority issues for consideration at ICCM4. **dates:** 15-17 December 2014 **location:** Geneva, Switzerland **contact:** SAICM Secretariat **phone:** +41-22-917-8532 **fax:** +41-22-797-3460 **email:** saicm.chemicals@unep.org **www:** http://www.saicm.org/

**Third Meeting of the Group of Technical Experts on Best Available Practices/Best Environmental Techniques (BAT/BEP):** This meeting is expected to finalize a full draft report containing technical guidance for parties on *inter alia*: how take into account differences between new and existing sources of emissions and minimize cross-media effects; determining goals and in setting emission limit values; and a methodology for preparing inventories of emissions. **dates:** March 2015 **location:** TBD **contact:** Sheila Logan, Interim Mercury Secretariat **phone:** +41-22-917- 8511 **fax:** +41-22-797-3460 **email:** mercury.chemicals@unep.org **www:** http://www.mercuryconvention.org

**Basel COP-12, Rotterdam COP-7 and Stockholm COP-7:** The 12th Meeting of the Conference of the Parties (COP) to the Basel Convention, seventh meeting of the COP to the Rotterdam Convention, and seventh meeting of the COP to the Stockholm Convention are expected to convene back-to-back in May 2015. **dates:** 3-14 May 2015 **location:** Geneva, Switzerland **contact:** Basel, Rotterdam and Stockholm Secretariat **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** http://synergies.pops.int/

**48th Meeting of the GEF Council:** The GEF Council meets twice per year to approve new projects with global environmental benefits in the GEF's focal areas, and to provide guidance to the GEF Secretariat and agencies. **dates:** 2-4 June 2015 **location:** Washington D.C., US **contact:** Secretariat **phone:** +1-202-473-0508 **fax:** +1-202-522-3240/3245 **email:** secretariat@thegef.org **www:** http://www.thegef.org/gef/node/10108

**12th International Conference on Mercury as a Global Pollutant:** Since its inception in 1990, the ICMGP has provided a forum for researchers and policy makers to explore important advances in mercury research and to facilitate collaborations. As the first conference to be held after the adoption of the Minamata

Convention, ICMGP 2015 will focus on challenges relating to the implementation of the Convention. **dates:** 14-19 June 2015 **location:** Jeju City, Republic of Korea **contact:** Conference Secretariat **phone:** +82-70-8766-9567 **fax:** +82-2-579-2662 **email:** info@mercury2015.com **www:** http://mercury2015.com/

**ICCM4:** The fourth session of the International Conference on Chemicals Management has been tentatively scheduled to be held in Geneva, nine months after the second meeting of the Open-ended Working Group. **dates:** 28 September-2 October 2015 **location:** Geneva, Switzerland **contact:** SAICM Secretariat **phone:** +41-22-917-8532 **fax:** +41-22-797-3460 **email:** saicm.chemicals@unep.org **www:** http://www.saicm.org

**Ad Hoc Working Group of Experts on Financing:** The Working Group will discuss the development of the specific international Programme (SIP) under the Minamata Convention, including options for its duration and hosting institution. **dates:** TBD **location:** TBD **contact:** Sheila Logan, Interim Mercury Secretariat **phone:** +41-22-917-8511 **fax:** +41-22-797-3460 **email:** mercury.chemicals@unep.org **www:** http://www.mercuryconvention.org

**INC7:** As mandated in the resolution on arrangements in the interim period adopted by the Conference of Plenipotentiaries on the Minamata Convention on Mercury, the intergovernmental negotiating committee on mercury will meet 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 to facilitate the rapid entry into force of the Convention and its effective implementation upon its entry into force. **dates:** TBD **location:** TBD **contact:** Sheila Logan, Interim Mercury Secretariat **phone:** +41-22-917-8511 **fax:** +41-22-797-3460 **email:** mercury.chemicals@unep.org **www:** http://www.mercuryconvention.org

For additional meetings and updates, please visit <http://chemicals-l.iisd.org/>

## GLOSSARY

ASGM	Artisanal and small-scale gold mining
BAT	Best available techniques
BEP	Best environmental practices
BRS	Basel, Rotterdam and Stockholm Conventions
COP	Conference of the Parties
GEF	Global Environment Facility
GMP	Global Mercury Partnership
GRULAC	Latin American and Caribbean Group
INC	Intergovernmental negotiating committee
IPEN	International POPs Elimination Network
MEAs	Multilateral environmental agreements
MIA	Minamata Convention Initial Assessments
MOU	Memorandum of Understanding
SIP	Specific international Programme
UNEA	United Nations Environment Assembly
UNEP	United Nations Environment Programme
UNIDO	United Nations Industrial Development Organization
UNITAR	United Nations Institute for Training and Research
WHO	World Health Organization