



## MINAMATA PREPARATORY MEETING HIGHLIGHTS: MONDAY, 7 OCTOBER 2013

On Monday, 7 October 2013, delegates convened in Kumamoto, Japan, for the intergovernmental preparatory meeting in preparation for the signing of the Minamata Convention on Mercury at the Diplomatic Conference to be held on 10 and 11 October.

### OPENING OF THE MEETING AND ORGANIZATIONAL MATTERS:

Tim Kasten, Head of the UNEP Chemicals Branch, opened the meeting and welcomed delegates on behalf of UNEP Executive Director Achim Steiner. JAPAN welcomed delegates and underscored the objective of the preparatory meeting to agree on resolutions indispensable for the function of the convention.

JAPAN nominated Fernando Lugris (Uruguay), Chair of the intergovernmental negotiating committee (INC), as Chair of the preparatory meeting. Chair Lugris suggested, and delegates agreed, that the preparatory meeting use the INC rules of procedure.

The meeting then elected the following members to the Bureau: Vice-Chair Gillian Guthrie (Jamaica), Rapporteur Nina Crommier (Sweden), Sezaneh Seymour (US), Katerina Sebkova (Czech Republic), Vladimir Lenev (Russian Federation), Oumar Diaoure Cissé (Mali), David Kapindula (Zambia), Yingxian Xia (China) and Mohammed Kashashneh (Jordan).

Chair Lugris introduced the provisional agenda (UNEP(DTIE)/Hg/CONF/PM/1 and 1/Add.1), which was adopted without amendment. He detailed the proposed organization of work (UNEP(DTIE)/Hg/CONF/PM/2), stressing that the main focus of the preparatory meeting's work is the finalization and forwarding of the agreed resolutions to the Diplomatic Conference.

### PREPARATION OF RESOLUTIONS FOR THE CONFERENCE OF PLENIPOTENTIARIES:

The Secretariat introduced the draft resolutions, noting there are four draft resolutions on: arrangements in the interim period; financial arrangements; matters pertaining to other international bodies; and a tribute to the Government of Japan (UNEP(DTIE)/Hg/CONF/PM/3).

Jim Willis, Executive Secretary of the Basel, Rotterdam and Stockholm (BRS) conventions, introduced a decision adopted by the BRS COPs at their 2013 simultaneous extraordinary meetings, expressing their readiness to cooperate with the Minamata Convention (UNEP(DTIE)/Hg/CONF/PM/INF/2). He noted that the BRS conventions had considerable experience

and resources, including staff with technical expertise and a network of regional centres which had: supported parties during ratification processes; provided guidance on best available techniques and best environmental practices (BAT/BEP); and supported inventory preparation.

Noting the meeting's mandate to agree a clean text for the Diplomatic Conference's consideration, Chair Lugris opened discussion on the resolutions, indicating that he would return to the overarching preambular text after the resolutions' text was agreed.

**Resolution on arrangements in the interim period:** On the preambular text, SWITZERLAND proposed that the text refer to the need for "efficient and effective" arrangements. He also proposed text on cooperation with the BRS conventions, and calling on the Secretariat to prepare a work programme for the interim period.

South Africa, for the AFRICAN GROUP, raised some general issues in relation to the draft resolutions, including the importance of the role of academia and civil society, and composition of the BAT/BEP technical expert group.

SWITZERLAND, with NORWAY and the EU, supported including a reference to the BRS conventions' readiness, in the preamble of the document. CANADA and the US voiced concerns about raising the prominence of the role of the other chemical conventions. KENYA and the AFRICAN GROUP proposed including reference to the Rio+20 outcome document in the preamble, while JAPAN urged including reference to the role of the GEF. CHINA, IRAQ and the UAE called for a focus on "consensus rather than negotiations" and retaining simplified and clear text in the resolutions. The US suggested bracketing the text, and Chair Lugris suggested revisiting the paragraph when addressing the paragraphs regarding the BRS COPs, the GEF and Rio+20 outcome document.

Chair Lugris then introduced paragraphs on the resolutions on interim arrangements, explaining that the paragraphs reflect different levels of priorities of the tasks listed therein. The US suggested including a reference to the relevant convention article for each item referred to in these paragraphs, and delegates agreed.

On the paragraph listing those items that need to be adopted at COP1 but should be provisionally adopted in advance, the EU, supported by the US, asked to include a reference to guidance on BAT and BEP.

On a request that the Committee support activities that will facilitate the convention's rapid entry into force and effective implementation, KENYA and COLOMBIA proposed deleting language that this support be "if possible, and without impeding the completion" of the tasks outlined above. The US and the



EU disagreed, while BRAZIL suggested deleting only “if possible.” Stressing the progress already made on mercury use in artisanal small-scale gold mining (ASGM) in recent years, the PHILIPPINES underscored the importance of the activities outlined in this paragraph. IRAQ proposed that the reference to ASGM also address “other activities in this area.” Chair Lugris suggested, and delegates agreed, that a small group consider this paragraph in informal discussions.

On the establishment of a group of technical experts to develop guidance on BAT and BEP in relation to emissions, IRAQ, supported by Nicaragua, on behalf of GRULAC, and BRAZIL, proposed extending the group’s mandate to mercury releases as well.

The EU supported rapid establishment of the technical group, proposing amendments to ensure: participants’ expertise; two co-Chairs; a fixed number of five observers; extending the list of potential stakeholder participation to include ‘parties’; and transparency in group proceedings via the web. The Chair noted that the EU’s remarks would be included in the report of the meeting. JAPAN opposed limiting the number of observers, noting that there were many technical sectors that would need to be covered.

JORDAN, opposed by the US, expressed concerns about the balance of geographic representation proposed in the draft resolutions and favored following the composition and approach to observers of the Stockholm Convention Persistent Organic Pollutants Review Committee (POPRC).

JAPAN, supported by INDONESIA, proposed the Asia-Pacific region have more than five seats as many countries in the region have significant mercury emissions.

NORWAY, supported by COLOMBIA, asked whether the resolution should also include text on consideration of arrangements for the permanent secretariat. KENYA suggested text requesting the UNEP Executive Director to prepare an analysis on the basis of UNEP(DTIE)/Hg/CONF/PM/INF3, which sets out four options for the provision of the secretariat in the interim period. SWITZERLAND opposed any reference to the document or the four options. ZAMBIA proposed also requesting the UNEP Executive Director to facilitate activities at the regional and country level to support the implementation of the Minamata Convention in an efficient and effective manner, and in close cooperation with the BRS conventions secretariats.

On the continuation of secretariat service provision, SWITZERLAND, requested an addition of text on “making full use of BRS expertise,” but JAMAICA cautioned against contravening the Convention text, and BRAZIL suggested leaving the issue of the permanent Secretariat to the UNEP Executive Director.

COLOMBIA requested adding text on “developing infrastructure and capacity” to the text on States in the position to provide assistance, with INDONESIA reminding that Article 14 of the Convention refers to technical assistance and technology transfer.

On a reference to GEF support, CANADA, with JAMAICA, but opposed by NORWAY and the US, requested adding “early implementation” before ratification, and “enabling” before activities.

**Resolution on financial arrangements:** On the preamble, JAMAICA proposed a reference to the specific circumstances and needs of small island developing States. The GEF Secretariat explained that they were in contact with their legal advisors in Washington DC regarding the text, and undertook to clarify several issues by the morning. SWITZERLAND called for including references to the BRS conventions, while IRAN favored using “utilizing” instead of “building” regarding the experience gained by the BRS conventions in this resolution as

well. The EU suggested adding two paragraphs to the resolution, on welcoming the outcomes of the August 2013 country-led meeting in Bangkok that developed the terms of reference for a special programme to support institutional strengthening at the national level for implementation of the BRS conventions, the future Minamata Convention and the Strategic Approach to International Chemicals Management (SAICM), and welcoming the role of the special programme. COLOMBIA requested that Parties see the text before discussing it and proposed acknowledging pledges for interim financing already put forward.

**Resolution on matters pertaining to other international bodies:** On paragraphs relating to the Basel Convention, and the preparation and development of technical guidelines on the environmentally sound management of mercury wastes, several countries underscored these have already been adopted by the Basel Convention. On inviting relevant bodies of the Basel Convention to cooperate with the INC and COP, CANADA favored deleting reference to identifying thresholds for mercury content in waste and updating the technical guidelines for mercury content in waste. The US disagreed and called for instead deleting the references to close cooperation in developing guidelines on the interim storage of mercury and requirements for managing mercury wastes under the Minamata Convention. The EU opposed deleting any activities listed in the invitation. JAMAICA stressed the need to draw a line between Minamata Convention and Basel Convention responsibilities.

SWITZERLAND, EGYPT, IRAQ and PAKISTAN asked to include a reference to guidance on contaminated sites.

**Tribute to the Government of Japan:** SWITZERLAND expressed appreciation for Japan’s strong support for the resolution. JAPAN noted its appreciation for the resolution, highlighting that a reference to the long-term suffering of the people and their communities in the Minamata region would encourage revitalization in the region.

At the close of the plenary session, Chair Lugris explained the Secretariat would prepare a text reflecting agreed changes for consideration on Tuesday. A contact group, chaired by Alf Wills (South Africa), was established to address all references to enhanced cooperation and coordination, and issues relating to the permanent secretariat. Informal groups were tasked with considering: the paragraph requesting the INC support activities required or encouraged by the Convention, the establishment of the BAT/BEP technical expert group, and the resolution on financial arrangements.

### IN THE CORRIDORS

On Monday, delegates convened with a clear task before them: to finalize the ultimate piece of the puzzle that will allow for the adoption in just a few days of the Minamata Convention on Mercury, the fruits of so many hours of their labor throughout the INC process. At the outset, Chair Lugris stressed the importance of completing a first reading of the resolutions to allow any necessary informal consultations to take place overnight. As the meeting worked on in plenary, well past its scheduled close of 6pm (and without translation), it became clear that there was one more late night ahead before claiming the prize.

Yet many were already looking past this final hurdle. In the shorter term, the halls were abuzz with the impact Typhoon Danas might have on the impending arrival of plenipotentiaries and opening ceremonies in Minamata. In the longer term, the call for “50 by 2015” and the prospect of entry into force by 2016, which some senior representatives viewed as quite achievable, was complemented by side events emphasizing means of hitting the ground running in tackling mercury.