

## **REPORT OF THE BUREAU OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE ON MERCURY**

**Wednesday, 12 January 2017**  
**Haikou, Hainan Province, China**

**Participants** – Mr. David Kapindula (Zambia, for Africa), Mr. Mohammed Khashashneh (Jordan, for Asia Pacific), Mr. Xia Yingxian (China, for Asia Pacific), Mr. Alojz Grabner (Slovenia, for Central and Eastern Europe), Mr. Vladimir Lenev (Russian Federation, for Central and Eastern Europe), Ms. Gillian Guthrie (Jamaica, for Latin America and the Caribbean), Mr. Fernando Lugris (Uruguay, for Latin America and the Caribbean), Ms. Nina Cromnier (Sweden, for the Western European and Others Group), Ms. Rowena Purcell Watson (USA, for the Western European and Others Group), Mr. Felix Wertli (Switzerland, as Observer for the incoming COP1 Presidency), and the interim Secretariat for the Minamata Convention on Mercury. Apologies were received from Mr. Oumar Diaouré Cissé (Mali, for Africa).

### **1. Opening of the Bureau Meeting**

1. The Bureau meeting was opened at 9 a.m. by Mr. Fernando Lugris, Chair of the Intergovernmental Negotiating Committee (INC). Recalling the opening address by Madame Song Xiaozhi (Deputy Director General, Department of International Cooperation, Ministry of Environmental Protection, China) at the Indaba meeting<sup>1</sup> the day before, and the active and constructive role played by the Government of China in the mercury negotiations, Mr. Lugris thanked Mr. Xia, for the excellent preparations and the warm hospitality extended to the Indaba participants and Bureau members convening on Hainan Island in China.

### **2. Adoption of the Agenda**

2. The provisional agenda was adopted.

### **3. Review of the Preparations and Expectations for Activities required by the end of the First meeting of the Conference of Parties to the Minamata Convention (COP1), including reflections from the Indaba Consultations**

3. Mr. Lugris opened the discussions on the preparations and expectations for the activities to be completed by the end of COP1 with a re-cap of key items of discussion of the previous day's Indaba meeting. Firstly, he drew the Bureau's attention to the draft provisional COP1 agenda. The draft provisional COP1 agenda presented to the Bureau priority matters for action that are required to be finalized by the end of COP1 as set out by the Convention Text, the Final Act of the Conference of Plenipotentiaries, and by the

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<sup>1</sup> On Tuesday, the Chair of the Intergovernmental Negotiating Committee convened an informal Indaba meeting of Bureau members, Co-Chairs of INC7 Contact Groups, and regional group coordinators to reflect on the outcome of INC7, and the required progress towards the successful implementation of the Minamata Convention, for the benefit of the Bureau meeting that convened the following day.

Intergovernmental Negotiating Committee (see Item 5 of the draft provisional COP1 agenda). In addition, the draft provisional COP1 agenda lists a set of matters for action by the Conference of Parties which either do not have a specific timeframe, or where the time frame is longer and actions are not required to be completed by the first meeting. As some items are ready for action by COP1 (having been prepared by the INC), and some items require some initiating action at COP1 (to enable action by COP2 or other set time lines), the draft provisional COP1 agenda also includes this group of items (see Item 6 of the draft provisional COP1 agenda). The Bureau agreed to all items that are set for action by COP1 (Item 5), and after some deliberations on the second set of items (Item 6) also agreed to clear these items for consideration and action by COP1 as well. The draft provisional agenda for COP1 was therefore cleared and agreed upon.

4. Mr. Lugris then turned to the draft documents list for COP1 and recalled that this list was presented by the interim Secretariat to the bureau meeting held in August 2016 and the Indaba meeting for technical consideration the day before. Noting that the Indaba supported all the draft documents proposed on the matters stipulated for action by COP1 (Item 5), he focused the Bureau's attention on the draft documents on items for action by a Conference of Parties (Item 6) as there had been some suggestions for streamlining during the Indaba meeting. The Bureau reviewed this list of documents and agreed to decrease the number of documents required for this agenda item. The Bureau agreed separate documents were required for the following five subjects under agenda Item 6:

- 6 (e) Guidance in relation to emissions (Article 8),
- 6 (f) Guidance in relation to best available techniques and best environmental practices (Article 9),
- 6 (g) Guidance on interim storage (Article 10),
- 6 (h) Definition of mercury waste thresholds (Article 11), and
- 6 (i) Guidance on the management of contaminated sites (Article 12).

The Bureau further concluded that a short consolidated document would capture relevant information for the remaining matters of action under Articles 3, 4, 5, 14 and 16 of the Minamata Convention. The final list of documents agreed on by the Bureau for COP1 is annexed to this report.

#### **4. Strategic Discussion on the organization of work for a successful conclusion of COP1**

5. Mr. Lugris then turned the Bureau's attention to the organization of work and flow of the remaining negotiations for COP1, including whether the Bureau still deemed it necessary for an eighth session of the intergovernmental negotiating committee to be convened immediately prior to COP1. Reflecting on the further consultations within regions, the Indaba conversation the day before, on the spirit of and efforts towards inclusivity of Parties and Observers for COP1 deliberations, and in the context also of logistical and budgetary considerations, the Bureau concluded that it was best to utilize the five and a half negotiating days for COP1 only. Therefore, subject to entry into force, the First meeting of the Conference of the Parties to the Minamata Convention on Mercury will open on Sunday, 24 September 2017 at 3 p.m. and close on Friday, 29 September 2017 at 6 p.m. The meeting will be held in Geneva, Switzerland upon the generous invitation of the Government of Switzerland.

6. Based on a mechanism used successfully by other Conference of the Parties at their first meeting, the Bureau agreed that COP1 will meet both in plenary and also as a Committee of the Whole. This Committee will have a greater focus on technical matters and other remaining issues from the INC-process. Furthermore, the Bureau agreed that smaller groups (including a legal group if necessary) may be established by the Committee as needed. The intent of the Committee would be to focus on resolving outstanding issues, drawing on the provisional agenda and its priorities, and not to open any issues which have already been agreed upon and provisionally adopted by the INCs. The Committee would strive to keep with the level of ambition set for COP1, and look to set the future direction of the Minamata Convention as a universal global agreement.

7. To reach this ambition level, Mr. Lugris underlined the importance of intersessional discussions, including progress on the Specific International Programme of the financial mechanism, and the location and arrangements of the permanent secretariat. The latter is important also for the preparation of the draft budget for the Convention. He also referred to the remaining technical work (including ongoing intersessional work) on reporting and effectiveness evaluation, as well as on interim storage, waste and contaminated sites.

8. Mr. Lugris then turned the deliberations to the work of the Bureau and its hand over of the baton to the next Bureau. The current Bureau and the incoming COP1 Bureau will hold a joint meeting at lunch time on Sunday, 24 September 2017, prior to the opening of the First meeting of the Conference of Parties. Regions will need to use the intersessional period, including the BRS Regional Preparatory Meetings and the Minamata Working Sessions in March, and the Minamata Convention Regional Preparatory meetings in July to deliberate and decide on the incoming Bureau members from their regions. The term of the incoming Bureau extends to the end of COP2. That is, the incoming Bureau guides COP1 and also prepares and oversees the running of COP2. It was noted that when regions consider their nominations for the incoming bureau members, they keep in mind the need for the nominees to be in Geneva from Sunday, 24 September and for the duration of COP1, as well as available intersessionally between COP1 and COP2 for deliberations and preparations for that COP. Given the fruitful deliberations the Indaba format has offered the Minamata journey at different times throughout the negotiating process, the Swiss observer noted that the incoming Presidency may well be open to include such a format also to assist the incoming Bureau in its work.

9. The Bureau also shortly considered the requirements to select the members of the Implementation and Compliance Committee at COP1. Regions will be able to use the regional preparatory meetings to consider their nominees.

## **5. High Level Segment at COP1, Mercury Week and other COP1-related events**

10. The Bureau next turned to the High Level Segment at COP1. It was decided that the High Level Segment will convene under the title: "Make Mercury History". The High Level Segment will be hosted by the

President of Switzerland, Ms. Doris Leuthard, and will open on Thursday, 28 September at 3 p.m., and close on Friday, 29 September at 1 p.m. Following a presentation by the interim Secretariat to the Indaba meeting the day before, and after some further discussion by the Bureau, it was decided that the High Level Segment should consist of three elements: Ministerial-level Roundtables on Thursday afternoon, a high-level celebration event on Thursday evening, and a plenary high-level dialogue panel on Friday morning. The High Level Segment will bring particular attention to mercury and the work of the Minamata Convention around the topics of "Oceans", "Land" and "Air", while keeping cross-cutting topics such as health and human rights. Various Bureau members emphasized the need for a high level of ambition with regard to the special invitees and attendance of the High Level Segment, and also to look at special invitees from various regions and from various communities. A Bureau member also raised the idea of having a Special Ambassador for the Minamata Convention. A draft concept note on the High Level Segment is appended to this Bureau report.

11. The Bureau also briefly turned to the issue of a Ministerial Declaration emanating from COP1. Various Bureau members put forward various perspectives on a Declaration. One Bureau member pointed out that the recent Conference of the Parties of the Convention of Biological Diversity concluded with a Ministerial Declaration which was prepared and agreed upon prior to the meeting, thus not taking away negotiating time for other matters at that meeting. Some Bureau members said that they oppose a Ministerial Declaration given other items were more important to conclude at COP1, while others said that the historic milestone of the Convention's Entry into Force and the first meeting of the Conference of Parties with a large number high-level dignitaries and Ministers in attendance should be celebrated through a Ministerial Declaration. The Chair concluded that the issue may need to be revisited closer to the time of COP1.

12. The First meeting of the Conference of Parties will be accompanied by the "Mercury Week", a set of targeted, multi-faceted activities from 22 to 28 September. The interim Secretariat had given a more detailed briefing of plans towards this week during the Indaba meeting, including mentioning that the interim Secretariat is working with the Swiss government, the City of Geneva and the Canton of Geneva in this regard, as well as reaching out to local and international scientists and researchers, the world of art and advocacy, youth initiatives, the human rights community, the development community, the legal community, and specifically also to Japan and the Minamata community. The intent is to utilize the conference venue, including the publically accessible parts, as well as the premises of key partners such as the World Health Organisation, the International Labour Organisation and the others, as extended areas of activities to bring greater awareness to mercury and the Minamata Convention. The intent of the Mercury Week is to pique broader public and more specific expert attention to mercury and the Minamata Convention in an accessible, informative, educational and collaborative manner.

13. The Bureau also considered the issue of side events at the COP. During past meetings, the emphasis had been on negotiations. A number of Bureau members noted that care should be taken not to crowd the timetable with side events, given the number of important negotiating items that need to be concluded. The Bureau recalled that specific events were part of celebratory moments in the Minamata journey and that in

this context, for COP1, it seems fitting to have a selected number of specific events that, for example, take delegates back to the original Minamata story, and also ones that make linkages to enhanced implementation. A number of Bureau members noted that such events should not happen at the time of the High Level Segment. Following some discussion, the interim Secretariat was mandated to look carefully at organizing a limited number of complementary thematic events around lunch times, also noting that stakeholder events and information exchanges would also form part of the "Mercury Week", and the exhibition space planned for both for inside and outside the conference venue.

14. The run-up to COP1 will also see Entry into Force celebrations, led by Japan in Minamata. The Indaba meeting was briefed by a representative of Japan on their planning in this regard. In addition, it was noted that Switzerland is likely to host an event in Geneva, and the Global Environment Facility one in Washington DC. The need for a celebratory event in Nairobi was also noted by a Bureau member, given that the original decision to begin the negotiations for an international agreement on mercury was taken in Nairobi, and also in view of Nairobi as headquarters for the UN Environment Programme (UN Environment).

## **6. Logistical Planning for COP1**

15. The interim Secretariat outlined that the dates for COP1 are now set as starting on Sunday, 24 September at 3 p.m. and continuing until Friday, 29 September at 6 p.m. More extended time will be made available for regional preparations, which can start on Saturday, 23 September at 3 p.m. and go on until 6 p.m., and again can meet on Sunday, 24 September from 10 a.m. to 1 p.m. A reception hosted by the Government of Switzerland as COP1 host is foreseen for Saturday evening which would allow time for cross-regional discussions as well.

16. Further the interim Secretariat outlined that based on the discussions and decisions of this Bureau meeting, invitation letters will be sent out as soon as practicable via regular channels to all relevant focal points and through the permanent missions for broadest possible outreach. The invitation letters to COP1 will include the request for nominations, and specifically the details of the participant for whom funding is requested from the different eligible countries. It is important to have these names by the deadline set, in light of the strict administrative processes and financial rules that the interim Secretariat is bound to follow to be able to make the required travel support available for the specific delegates. Funding will be made available to both Parties and Observers for a Minister, and one technical person for COP1. It was noted that the additional funded participants must be at the Minister level to be eligible for funding, as was the case for the Conference of Plenipotentiaries. This additional attendance is a special arrangement for COP1 in the spirit of inclusivity and enabled by the generosity of the Swiss government. The expectation is that the COP1 may see 1000 participants, considering also the Ministerial delegations. Furthermore, the interim Secretariat also informed that it will release an online registration platform for COP1 registration.

16. The interim Secretariat briefed that it is working on all documents, with early internal deadlines, so as to have the working documents ready in languages by the time the regional preparatory meetings convene in July.

17. The interim Secretariat further briefed that during the meetings of the intergovernmental negotiating committee credentials were not required, however, credentials are required for Parties at COP1 and that the invitation letter will give clear guidance in this regard. It is very important that all due preparations are made for the full credentials prior to COP1. All relevant information regarding the preparations of the credentials, and on submitting them to the interim Secretariat will also be made available on the Minamata Convention webpage, including for the credentials to be submitted in original (not as a copy) either before or at COP1. A credentials committee will be established at COP1, composed of the Bureau, who will review the credentials received with assistance from the interim Secretariat.

18. The interim Secretariat lastly, briefed that it is seeking to engage a communications company to develop attractive branding for COP1, a logo for the COP1 meeting, and also to work on the use of the conference centre.

#### **7. Fundraising for intersessional work, COP1 and the interim Secretariat**

19. The interim Secretariat outlined that it is continuing to work on raising funds for intersessional work. Further, the interim Secretariat also thanks Switzerland for the significant amount already made available for the convening of COP1, and also thanked the EU and other donors for their generous support.

#### **8. Next Bureau Meeting before COP1**

20. Mr. Lugris then turned the Bureau's attention to the date and location of the next Bureau meeting. He outlined that that this Bureau meeting would be focused on strategy and on the specific messages to convey to all the regions in their preparations during July, to enable all to come to Geneva together in September with a clear vision of the way forward. He also noted the importance of using the intersessional period productively for informal dialogue, including through email, telephone calls, or where possible, meetings, to come together on the remaining outstanding items, including effectiveness evaluation, the Specific International Programme, the permanent secretariat, and the budget. Mr. Lugris noted that tradition has been to hold this important bureau meeting back-to-back with the first regional preparatory meeting, also to take advantage of some Bureau members already convening in one location. Switzerland also offered to host this Bureau meeting. The interim Secretariat will consult on the possible dates and venue options for the meeting.

21. Mr. Lugris also noted that the interim Secretariat, drawing from the Indaba and Bureau discussions in Haikou is working on a draft Scenario Note. Mr. Lugris mentioned that input would be collected electronically on the draft, and that a teleconference meeting of the Bureau may be called to reflect on the



Scenario Note if required. He mentioned it is important to agree on the Scenario Note in February to ensure it can be a guide to the Minamata components during the BRS Regional Preparatory meetings in March.

22. One Bureau member raised the issue of invitation letters being sent out potentially before the Minamata Convention has entered into force. The interim Secretariat clarified that the letter will include the caveat that the invitation is sent in the context of the understanding that the dates proposed for COP1 are subject to entry into force. The intent of sending the letters at this time, in addition to the save-the-date notifications that have already been sent, is to more formally block the dates in the calendars of high level participants and delegates.

23. The interim Secretariat also noted the provisional dates of the Minamata Convention Regional Preparatory meetings as follows, noting that the week of 17 July was intentionally left free given that the 13th International Conference on Mercury as a Global Pollutant convenes from 16-20 July in Providence, Rhode Island:

- Asia-Pacific, 5-7 July 2017 at the UN compound in Bangkok, Thailand<sup>2</sup>
- Africa, 11-13 July 2017 at the UN compound in Nairobi, Kenya
- Central and Eastern Europe, 12-13 July 2017 with the Regional Centre in Brno, Czech Republic
- GRULAC, 25-28 July 2017 with the Regional Centre in Buenos Aires, Argentina

## **9. Any other matters**

24. Lastly, Mr. Lugris also drew the Bureau's attention to the importance of work on mercury and the implementation of the Minamata Convention through other ministries and other fora, including regional ministerial fora, and especially through the Global Environment Facility and its upcoming replenishment-related meetings.

## **10. Closure of the bureau meeting**

25. In closing, Mr. Lugris thanked the Bureau members for their hard work over the past two days. He further commended the interim Secretariat for the efficient preparations of the Indaba and Bureau meetings, while noting the significant amount of work ahead until COP1. He also thanked Mr. Xia and his team for the warm hospitality extended throughout the visit to Haikou. Mr. Xia in turn thanked the long-standing Bureau for coming to China for the second time in the Minamata journey. He noted that for China, and for him personally, it had been very meaningful to have this meeting in China.

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<sup>2</sup> Dates have been updated following the Bureau meeting.

## Overview of Upcoming Meetings in 2017 related to the Minamata Convention on Mercury

### March

9-10 March	Minamata Convention Working Sessions in Asia, Bangkok, Thailand <i>back-to-back with BRS Regional Preparatory meetings convening from 6-8 March</i>
17 March	Minamata Convention Working Sessions in Africa, Dakar Senegal <i>back-to-back with BRS Regional Preparatory meetings convening from 14-16 March</i>
24 March	Minamata Convention Working Sessions for Eastern and Central Europe, Riga, Latvia <i>back-to-back with BRS Regional Preparatory meetings convening from 21-23 March</i>
27 & 31 March	Minamata Convention Working Sessions for GRULAC, Sao Paulo, Brazil <i>back-to-back with BRS Regional Preparatory meetings convening from 28-30 March</i>

### July

5-7 July	Minamata Convention Asia Pacific Regional Preparatory meeting, Bangkok, Thailand
11-13 July	Minamata Convention Africa Regional Preparatory meeting, Johannesburg, South Africa
12-13 July	Minamata Convention Central and Eastern Europe Regional Preparatory meeting, Brno, Czech Republic
16-20 July	13th International Conference on Mercury as a Global Pollutant, Providence, Rhode Island
25-28 July	Minamata Convention GRULAC Regional Preparatory meeting, Buenos Aires, Argentina

### September

22-28 September	Mercury Week
23-24 September	Minamata Convention Regional Preparatory meetings, Geneva, Switzerland
24-29 September	First meeting of the Conference of Parties of the Minamata Convention on Mercury
28-29 September	Minamata Convention on Mercury COP1 High Level Segment