



## REPORT OF THE TELECONFERENCE OF THE BUREAU OF THE FIRST AND SECOND MEETINGS OF THE CONFERENCE OF THE PARTIES TO THE MINAMATA CONVENTION ON MERCURY (COP1 AND COP2) 20 DECEMBER 2017

**Attendees:** Mr. Marc Chardonens (President, Switzerland, for the Western European and Others Group), Mr. Mohammed Khashashneh (Jordan, for Asia Pacific), Mr. Karel Blaha (Czechia, for Central and Eastern Europe), Mr. Gregory Bailey (Antigua and Barbuda, for Latin America and the Caribbean), Ms. Nina Cromnier (Sweden, for the Western European and Others Group), and the Secretariat of the Minamata Convention on Mercury.

Mr. David Kapindula (Zambia, for Africa), Mr. Serge Molly Allo'o Allo'o (Gabon, for Africa), Mr. Mitsugu Saito (Japan, for Asia Pacific), Ms. Svetlana Bolocan (Moldova, for Central and Eastern Europe), Mr. Cesar Juarez (Mexico, for Latin America and the Caribbean) were not able to attend the Bureau teleconference.

### 1. Opening of the teleconference and adoption of the agenda

The COP President, Mr. Marc Chardonens welcomed the bureau to their first formal meeting following the end of the first meeting of the Conference of the Parties (COP1). He outlined the main purpose of the meeting as being an opportunity to receive an update on progress made since COP1, an update on the next steps in the implementation of the decisions taken at COP1, and begin strategic planning for COP2.

The agenda was adopted without change.

### 2. Outcomes of COP1

#### a) High Level Segment

In considering the High Level Segment, the President reflected on the large number of ministerial level participants who attended the segment, noting that they had generally expressed appreciation of the interactive discussions held during the parallel round tables. He indicated that the concept of "key take home messages" which had been applied (after its previous successful application at the Basel, Rotterdam and Stockholm conventions COPs) seems to serve as a good compromise between a ministerial declaration and a President's summary. He sought input from the Bureau members, after which he proposed that the Bureau takes note of the successful organization of the High Level Segment and that it recommends that the organization of a possible future High Level Segment should build on the experience of COP1. This approach was supported by the Bureau members.

#### b) Substantive decisions

The President highlighted that a number of important decisions were taken at the first meeting, especially in the technical area. He noted that a number of political and administrative issues were not finalized.

The representative of the secretariat indicated that the first meeting had adopted all of the forms and guidance documents relating to implementation issues which had been presented for consideration, including guidance in relation to mercury supply sources and trade,



exemptions, artisanal and small-scale gold mining, and emissions. Decisions on further technical work were adopted, including decisions on releases, interim storage, mercury waste, contaminated sites, and effectiveness evaluation. The timing and format on reporting was also agreed. The first meeting also adopted decisions on a number of support issues, including guidance to the Global Environment Facility, the guidance to, and operation of the Specific International Programme, and capacity building, technical assistance and technology transfer. Decisions were taken to adopt the rules of procedure, financial rules, and the programme of work and budget for the secretariat. In addition to the formal decisions, further work in relation to trade of mercury compounds, mercury-added products, processes which use mercury, and the review of capacity building, technical assistance and technology transfer was agreed. The Bureau welcomed the report of the secretariat.

### **c) Matters not fully resolved at COP1**

The President noted that there were three topics which were not finally resolved at the first meeting, including the rules of procedure for the Conference of the Parties, the Memorandum of Understanding (MOU) with the GEF, and the permanent arrangements for the Secretariat of the Minamata Convention.

On the rules of procedure, he indicated that there are different understandings on the outcome of the discussion on the EU voting rights. Some had the impression that the COP had agreed that UNEP would provide a written legal opinion on the issue by UNEA. However, according to the report of COP 1, such a decision has not been formally taken.

One bureau member indicated that the issue had been informally discussed, but there had not been any formal decision taken at COP1. Another bureau member noted that the countries involved were from the CEE region, indicated that this was an issue which had not been resolved within regional discussions, and that a legal opinion may be useful, although the bureau member also indicated that a formal decision taken by the COP may not have to follow this opinion. It was further noted by a bureau member that a formal legal opinion would not necessarily assist in the resolution of the issue. The President concluded that there was no decision by COP1 on the issue, and that it will therefore have to be referred to the COP.

On the MOU with the GEF, the President indicated that a legal analysis by UNEP and a similar analysis done by the GEF Secretariat specified that no such MoU is needed to allow the GEF to support the implementation of the Minamata Convention. Further confirmation was provided by the representative of the secretariat, who also indicated that the GEF instrument had already been amended to include the Minamata Convention. The MOU provides a formal structure for the responsibilities, but is not required for countries to be supported in their implementation of the Convention and funds be disbursed. In the ensuing discussion, one bureau member asked whether the MOU would need to be presented to COP2 or whether the issue could be deferred to later meetings of the COP. The secretariat indicated that, on a procedural basis, as COP1 had called for it to come to the second meeting, for consideration, it would need to be presented in some way.

The President indicated that a number of JUSSCANNZ members had highlighted the benefit of having an MOU with the GEF, and had proposed informal consultations prior to COP2. He informed the meeting that Switzerland has had contact with the new government in Iran, and would be happy to explore further as to whether the issue could be agreed in the intersessional period. He then proposed that the secretariat further assesses the situation and that the issue is taken up again at the next bureau meeting to see how to proceed. This last proposal was welcomed by the meeting.



On the provision of the secretariat, the President indicated that this will also require further work, as COP1 was only able to agree that the Minamata secretariat would initially be located in Geneva as a stand-alone secretariat, with arrangements to be reviewed at COP2. He informed the bureau that Switzerland has formalized its offer for a stand-alone secretariat in Geneva as initially agreed upon at COP1. He then proposed that the Bureau continues to discuss how this issue can best be dealt with at COP2, which was supported by the meeting.

### 3. Follow up to the first meeting, and intersessional work to prepare for COP2

The President noted that significant intersessional work is required to prepare for COP2 on technical and operational issues as well as political preparations, and proposed a focus on the following issues, namely, follow-up action taken to date, particularly with regard to the nominations of experts and the Governance Board of the Specific International Programme (SIP), the establishment of the secretariat, the technical work on effectiveness evaluation and timetables to prepare COP2.

#### a. Report on follow up actions taken to date

The representative of the Secretariat provided an update on follow-up actions taken since COP1, including the finalization and publication of the report of the meeting (advance English version available online), requests circulated with regard to the intersessional work, including the nomination of experts on effectiveness evaluation, interim storage, waste and contaminated sites, and the call for submission of the members for the Governing Board of the SIP. She indicated that the bureau members had submitted nominations of members for the effectiveness evaluation group, although there were still some outstanding nominations from GRULAC.

With respect to the establishment of the Secretariat, the representative of the Secretariat indicated that Ms. Rosanna Silva-Repetto had been appointed as Executive Secretary *ad interim*. Ms. Silva-Repetto currently serves as a senior legal officer in the Corporate Services Division of the United Nations Environment Programme in Nairobi. She has previously worked in the Panama office of UNEP, as well as on the regional seas programme. Ms. Silva-Repetto will take up her appointment in early February 2018 on an *ad interim* basis for less than one year, pending recruitment of the permanent Executive Secretary. The other secretariat positions will be based on approved staffing adopted at the first meeting, and will be advertised, with some likely to be filled by current staff.

The Presidency thanked the secretariat for this information, and noted that there are good reasons to have nominated an Executive Secretary on an interim basis to allow for the preparation of COP2 and, that the nomination process for the permanent position will require a much longer process. He stressed that the selection of the Executive Secretary *ad interim* should not prejudice the nomination of the permanent Executive Secretary.

He further noted that the bureau has been involved in the selection process of MEA executive secretaries by having one member in the selection Panel, and informed that the UNEP Deputy Executive Director has assured that this procedure will be followed also for the nomination of the permanent Executive Secretary of the Minamata Convention. He informed the bureau that, within JUSSCANNZ, there was a slight confusion as some members had the impression that the bureau is normally not involved in the selection process, and that they therefore were



suggesting to continue with the standard practice that UNEP should be fully in charge of the nomination.

A bureau member indicated that he felt it was a good idea for the bureau to have a role in the selection. It has been a good practice in the BRS secretariat, and he had participated in previous selections. In his view, the bureau members are serving as the representatives of the Parties in this matter, and therefore should be part of the process. Responding to a question, the President also indicated that this practice is also used in the Convention on Biological Diversity. The Bureau welcomed the nomination of the Executive Secretary *ad interim* and the involvement of the Bureau in the selection of the permanent Executive Secretary.

### **b. Technical work – planned meetings**

The President requested the secretariat to confirm the planned face to face meeting on effectiveness evaluation. The secretariat indicated that, following an offer to host the meeting by the Government of Canada, the meeting is planned to be held in Ottawa, Canada, from 5 to 9 March 2018. While the related COP1 decision had indicated that the meeting would be held in January or February, it proved challenging to select dates in this period, given the interest of avoiding overlaps with the SAICM regional meetings, as well as ensuring suitable dates for the host government.

The President thanked the secretariat for this update, and noted that other technical work will be undertaken by virtual meetings. The Bureau welcomed the work so far undertaken and requested to be up-dated at its next meeting.

### **c. Timetable of events and activities in preparation for COP2**

The President noted that there are a number of events related to the Convention to be held prior to COP2, and invited the secretariat to present an overview. The representative of the secretariat indicated that the Governing Board of the SIP will need to meet, with the possibility of two meetings being held prior to COP2. One possibility will be to hold the first meeting in the margins of the SAICM intersessional meeting in early March. It is anticipated that there will be one meeting of the Implementation and Compliance Committee. While dates are not firmly set, the current plan is that the meeting could be held in April.

Subject to the availability of funding, regional meetings to prepare for COP2 would be held. With the second meeting being scheduled at the end of November 2018, it is envisaged that the regional preparatory meetings could be held during October, at which time the COP2 meeting documents should be available in languages.

In discussion, one bureau member indicated that the proposed dates for COP2 of 19 to 23 November 2018 have an overlap with the Nagoya Protocol meeting, and asked whether there was a possibility to adjust the dates of the meeting. The representative of the secretariat indicated that the dates of the second meeting of the COP were driven partly by the availability of the conference venue in Geneva, as well as the availability of conference services. A number of other important meetings will be held around the proposed dates, hence flexibility is limited both in terms of space and also with clashes with other meetings. The President further indicated that, in addition to the concerns already highlighted by the secretariat, the dates had been accepted by COP1.



#### 4. Plans for future Bureau meetings – timing and venue

The President presented options for possible timing and venue for a face to face bureau meeting. He provided three possible options, namely a meeting early in 2018, i.e. in January/February to involve the bureau in the development of the agenda and proposed documents for COP2, a meeting in early summer, i.e. before possible regional preparatory meetings to discuss strategy/major issues for COP2, or a meeting after the regional meetings, to prepare for COP 2 based on the outcomes of the regional meetings. Following discussions, it was agreed that a teleconference would be arranged in February to consult on a number of issues, including meeting the new Executive Secretary *ad interim*, discuss the hiring of secretariat staff and consider the agenda and documents for COP2. A face to face meeting would be held in September in advance of the regional preparatory meetings to discuss preparations for the COP.

#### 5. Other matters

No other matters were raised.

#### 6. Closing of the meeting

The President thanked all attendees for their participation, and thanked the secretariat for their organization. He indicated that the secretariat would prepare and circulate a report. He closed with best wishes for the season.