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**Twenty-sixth session of the Governing Council/
Global Ministerial Environment Forum**
Nairobi, 21–24 February 2011
Item 4 (a) of the provisional agenda*
Policy issues: state of the environment

Chemicals management including mercury

Report of the Executive Director

Addendum

**Outcome of the second session of the intergovernmental negotiating
committee to prepare a global legally binding instrument on
mercury**

Summary

The present addendum provides a brief report, as indicated in chapter IV (a) of document UNEP/GC.26/5/Rev.1, on the outcomes of the second session of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury, which took place in Chiba, Japan, from 24 to 28 January 2011.

* UNEP/GC.26/1.

1. The second session of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury, which was hosted by the Government of Japan, was held in Chiba from 24 to 28 January 2011.
2. Some 450 representatives attended a technical briefing on the morning of 23 January, immediately before the session. At this technical briefing, organized by the United Nations Environment Programme (UNEP) and its partners within the Global Mercury Partnership, updated information was presented on relevant technical topics for the negotiations including: the results of the study requested through paragraph 29 of Governing Council decision 25/5 to examine mercury emissions from key industry sectors and to report on the techniques available and costs related to mercury release abatement; the outcome of the Global Forum on Artisanal and Small-Scale Gold Mining, held in Manila in December 2010; and mercury storage and stabilization, the treatment of mercury recovered as waste in oil and gas production and on the status and progress of technical guidance being developed by the Government of Japan in relation to best practices for the management of mercury-containing wastes. Representatives welcomed the technical briefing as an excellent way of conveying information directly related to the issues under negotiation. A similar briefing was organized before the committee's first session, and additional briefings are planned for future sessions. The regional groups held consultations during the afternoon of 23 January.
3. The committee's second session was attended by representatives of 122 Governments, one regional economic integration organization, 11 intergovernmental organizations and more than 50 non-governmental organizations, with over 650 participants in attendance in total. Opening remarks were delivered by Ms. Khalida Bouzar, Deputy Director of the UNEP Division of Technology, Industry and Economics; Mr. Shoichi Kondo, Senior Vice-Minister of the Environment, Japan; and Mr. Katsuaki Miyamoto, Mayor of Minamata, Japan.
4. Following the opening remarks the session participants viewed a video presentation entitled "Minamata disease: memory and prayer", which depicted the events surrounding the contamination of Minamata Bay with mercury in the 1950s and the subsequent development of Minamata disease, which was a neurological syndrome caused by severe mercury poisoning. After the video presentation Ms. Sumiko Kaneko, whose family had experienced great hardship as a result of the disease and who is a storyteller at the Minamata Disease Municipal Museum, gave an account of her personal experiences. Lastly, a representative of a civil society organization presented the committee with a sculpture by Mr. Nicolás García Uriburu of Argentina symbolizing the irreversible consequences of mercury contamination, intended to inspire the committee in its deliberations. The Chair accepted the sculpture on behalf of the committee and expressed thanks for the gesture.
5. The committee launched its negotiations at its first session by considering all issues identified for inclusion in the instrument by the Governing Council in decision 25/5. As a result of those discussions, the committee had mandated the secretariat to prepare, based on the views expressed by Governments during its first session and in submissions provided subsequently, a document setting out the draft elements of a comprehensive and suitable approach to mercury (UNEP(DTIE)/Hg/INC.2/3).
6. At the outset of its second session, the committee commended the secretariat on its preparation of the draft elements paper and agreed to use it as a basis for negotiation during the session. The draft elements were considered to provide a useful framework for the exploration of the various topics that the mercury instrument needed to consider. The draft elements covered the following sections: objectives and definitions; measures to reduce supply of mercury; measures to reduce intentional use of mercury; measures to reduce releases of mercury to air, water and land; transitional measures; financial resources, technical and implementation assistance; awareness-raising, research and monitoring, and communication of information; institutional arrangements; settlement of disputes; further development of the Convention; and final provisions.
7. During the session, the committee completed its first review of the draft elements in plenary meeting. For several topics, including storage, waste and contaminated sites; artisanal and small-scale gold mining; and emissions to air and releases to water and land, contact groups were established to allow further detailed discussions. For some other topics, including the scope of the preambular recitals of the future treaty; the primary mining of mercury; mercury-added products, processes and transitional measures; financial resources, technical and implementation assistance; and awareness-raising, research and monitoring, and communication of information, the Chair requested the assistance of bureau members to facilitate the gathering of the views from representatives in more detail. Brief reports from the co-chairs of each contact group and the various facilitators were presented in plenary meeting.

8. The committee agreed that after its second session the secretariat would prepare, for consideration at its third session, a new draft text of the comprehensive and suitable approach to mercury called for by Governing Council decision 25/5. The new draft text would be based upon the draft elements prepared for the second session, and would reflect views on the possible content of the mercury instrument, as expressed by parties at the second session and as submitted by parties to the secretariat in writing by 25 March 2011. The full range of party views would be indicated in the new draft text through the use of brackets, multiple options or other appropriate means. Any written views submitted to the secretariat would be posted on the UNEP mercury programme website.
 9. The committee also agreed that the secretariat should, within available resources, prepare for consideration by the committee at its third session a further comparative analysis of options for financial mechanisms to support the mercury instrument and information on atmospheric emissions of mercury from the oil and gas industry.
 10. The committee noted a need for an intersessional meeting of the bureau and requests from several regional groups for consultations before its third session. It requested the secretariat to facilitate the proposed meetings and called upon Governments in a position to do so to provide the necessary financial support.
 11. The committee also established a legal group, chaired by Ms. Susan Biniiaz (United States of America), to review the draft provisions prepared in plenary meeting or by other groups and to examine the consistency of the provisions throughout the draft and harmonize them as necessary, to provide advice on the legal questions arising from the preparation of the draft text, and to prepare provisions for the instrument as requested.
 12. The mercury negotiations process will involve five sessions of the committee, with the last of these sessions to be held prior to the twenty-seventh regular session of the UNEP Governing Council/Global Ministerial Environment Forum, in February 2013. The committee was informed about progress with regard to the hosting of the remaining sessions. It is expected that the committee's third session will be held in Burkina Faso from 30 October to 4 November 2011. The committee also welcomed the decision by the Executive Director, as the convener of the intergovernmental negotiating committee under decision 25/5, to accept the offer made by the Government of Japan during the committee's first session, in June 2010, to host the diplomatic conference at which the global legally binding instrument on mercury would be signed.
 13. The committee's full report on the work of its second session is currently under preparation. It will be available under the symbol UNEP(DTIE)/Hg/INC.2/20.
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