

Outline Co-chairs' summary

1. Summary of process

The UNEA Resolution 5/12 on the Environmental Aspects of Minerals and Metals Management:

(2) Requests the Executive Director, subject to available resources, to convene transparent and inclusive intergovernmental regional consultations, including with relevant international organizations, with regional and multilateral environmental agreements, and with relevant stakeholders acting as observers, to feed into a global intergovernmental meeting, with the aim of developing non[1]prescriptive proposals to enhance the environmental sustainability of minerals and metals along their full life cycle, in line with the 2030 Agenda for Sustainable Development;

(3) Decides that the intergovernmental regional consultations will: (a) Take stock of existing activities and actions in the public and private sectors and by other relevant stakeholders to enhance the environmental sustainability of minerals and metals and identify, among other things, best practices, responsible business practices, standards, guidelines, technical tools, environmentally sustainable technologies and the use of renewable energy in mining; (b) Identify opportunities for enhanced international cooperation, including with a view to fostering capacity-building and technological, technical and scientific cooperation in the mining sector, in particular with developing countries; (c) Identify possible ways forward for consideration by the Environment Assembly at its sixth session, as appropriate;

The co-chairs of this consultation process are H.E. Ms. Saqlain Syedah, High Commissioner and Permanent Representative of Pakistan to UNEP and Ms. Martine Rohn-Brossard, Deputy Head of International Affairs Division of the Swiss Federal Office for the Environment - as appointed by H.E. Ms. Leila Benali (President of UNEA-6 and Minister of Energy Transition and Sustainable Development of Morocco).

Five intergovernmental regional consultations for each United Nations regional group were held to implement UNEA Resolution 5/12 on Environmental Aspects of Minerals and Metals Management:

- i. The Group of Eastern European Region States ('EEG') in Geneva on 24-25 April 2023.
- ii. The Group of Western European and Other States ('WEOG') in Paris on 27-28 April 2023.
- iii. The Group of Latin American and Caribbean States ('GRULAC') in Santiago on 17-18 May 2023, hosted by Chile.
- iv. The Group of Asia and Pacific States ('AP') in Bangkok on 15-16 June 2023.
- v. The African Group of States ('AG') in Dakar on 5-6 July 2023, hosted by Senegal. The regional consultations were held in hybrid format. For each regional group, nominated national focal points and representatives from Member States attended the meetings, along with relevant international organisations, and UNEP accredited observer organisations.

The Global Intergovernmental Meeting on the implementation of the United Nations Environment Assembly (UNEA) Resolution 5/12 on Environmental Aspects of Minerals and Metals Management was held in Geneva on 7th-8th September 2023.

2. Agenda item 1: Opening of Meeting

3. Agenda item 2: Adoption of the Agenda

4. Agenda item 3: Outcomes from Intergovernmental Regional Consultations

5. Agenda item 4: Technical Panel Discussion

6. Agenda item 5: Discussion on Non-Prescriptive Proposals

a. Cross-cutting issues relevant to all or multiple NPPs

- Technical assistance and financial support, technology transfer for developing countries.
- Importance of knowledge exchange. Wording of NPPs: Not 'establish' best practice but 'exchange'.
- Importance for any measure or initiative to be adaptable to local conditions, and relevant to national capacities and frameworks.
- Need to avoid duplication with other existing agencies, instruments and initiatives.
- Find opportunities to leverage existing instruments.
- Regional experience can inform other regions.
- Importance of meaningful community engagement and 'free, prior and informed consent' in all processes.
- Transparency and access to information across the life cycle.
- Need to focus on enhancing renewable energy in mining sector, and along whole value chain.
- Intersection between this discussion and human rights, social issues, and climate change.
- Prevalence of artisanal and small scale mining in certain regions requires specific attention.
- Mining sector suffers from a legitimacy crisis.
- Mining impacts on biodiversity need to be considered.
- Mainstreaming of gender in mining should be taken into account.

b. Summary of consultations on specific NPPs

Cluster A: POLICIES AND TOOLS

1. Global assessment of existing instruments

- Broad support.
- Emphasis on the importance to address the whole life cycle.
- Also should address sustainability around social and economic sectors.
- Need to consider differing local / national context in making any recommendations.
- There was discussion about scope, criteria and objective of the global assessment.
- Must look beyond instruments from industry.
- Need to collaborate and take into account other organisations / process.
- Request to clarify 'global action plan' part of the NPP.

2. Metals certification

- Potential interest in *international* guidelines to support development of *national* standards and certifications.
- Would need to be supported by capacity-building, at national level.
- Possibility of conflicting with existing certificate scheme.
- Scope of Res. 5/12 on environment, requires inclusion of partners who can complement expertise (e.g. conflict, security, human rights social issues, criminal activities).
- Need to add partners to complement UNEP mandate and capacity.

3. Environmental peer review

- Moderate support.
- Valuable process to advance thinking and share practices, without imposing specific rules

- upon countries.
 - Could focus on implementation action.
 - South-South and also triangular cooperation could be promoted.
 - What constitutes 'peer' in a multilateral space (rather within regional context where may be more similarity)
 - Needs to remain voluntary.
 - Could start with pilot project.
- 4. Global Sand Observatory**
- Broad support.
 - Want precise mandate to support cost-effectiveness.
 - Some concern about mandate – paragraphs (e) and (f)
 - Emphasis that policy element should be non-prescriptive for States, GSO is about exchange of best practices, and providing guidance for improving policies.
 - Focus on data-sharing, with transparency and verification functions also important.
 - Different view on definitions / categories of sand.
 - Importance to link with other agencies working on this issue.
 - Question around funding, and who could be represented on the steering committee.
- 5. Capacity-Building, Technical Assistance etc to improve environmental sustainability of mining**
- Broad support.
 - Include facilitation of technology transfer, upskilling and financial support.
 - Without this other NPPs / instruments are ineffective
 - A suggested focus on regulation and research.
 - Consider how to provide training / capacity building / awareness opportunities for young people.

Cluster B VALUE CHAIN ASPECTS

- Suggestion to merge various different NPPs relating to tailings, and also mine closure, into one text / NPP.
- 6. Circular Economy, Sustainable Consumption and Production**
- Support of concept and importance of circular economy and SCP.
 - Concept can be better promoted.
 - Not sure about term 'promoting' in NPP.
 - Re-mining tailings and important new area.
 - Call for better coordination across UN agencies.
 - Call to link SCP and Resolution 5/11 on circular economy, and other MEA and international processes on critical minerals.
 - Technology transfer, access to finance, and opportunities for capacity building.
 - Important components:
 - Transparency across supply chain.
 - Sustainable design. Move away from planned obsolescence.
 - Demand reduction.
 - Alternative materials.
 - Recycling.
 - For recycling, access to technology and skill-set, and economies of scale are challenges, particularly in developing countries. Important to share regionally and internationally.

- Circular economy concepts can reduce new mines, and also bring additional benefits to global South through focus, not only on primary production, but also value added throughout supply chain.

7. Tailings

- Suggestion to cluster 4 tailings NPPs.
- Industry standards dominate, and government lacks capacity: requests for strengthening of national regulations / guidelines, and greater technical assistance and capacity-building.
- Consider how to build upon UNECE conventions and body of work.
- Re-processing of tailings not specified in any NPP.
- Re-processing of tailings is an opportunity but also presents risks – and may mean the same community is impacted twice.
- Interest in support on identifying and managing toxicity of tailings.
- Took note of existing standards and guidelines, but national legislative and capacity gaps remain.
- International databases to identify hotspots and share information.
- Link between tailings and human health and human rights, including right to healthy environment.

8. Closure

- Suggestion to merge NPPs on mine closure.
- Re-emphasis on prevalence of abandoned and un-closed mines. Inventory strongly supported.
- Financing is a major obstacle to management of closure, and legacy sites also.
- Possible trust fund or monitoring capacity – but questions around which institution is best-placed.
- Governments need to take mine closure into account at licensing / mine design phase.
- Importance of effective financial guarantees – idea of more research into options.

CLUSTER C

Two groups suggest to cluster NPPs, e.g. 18, 19, 20 – ‘global agreements’

9. Open-ended / technical WG

- Support from several delegations.
- Opportunity for shared experiences.
- Suggestion that may need multiple sub-groups e.g. framed around full life-cycle, or different NPPs.
- This Working Group could also help with cohesion across different international agencies and processes, and synergies with others e.g. IRP.
- Who is membership? Could consider to include NGOs in this NPP.
- How is it resourced?

10. Multi-stakeholder dialogue

- Can be a productive way to connect stakeholders and gather information from different actors.
- Important to create mechanisms for communities that live around mines, providing a safe place to raise concerns, and accountability for follow-up [*new proposed NPP*]
- This NPP could serve a purpose to prevent or correct misinformation.
- Concern that this may just duplicate NPP on Working Group.

11. Cooperation between IOs

- Significant support in principle.
- One group suggested the NPP is phrased too generally, and needs refining.
- Important to focus on existing mechanisms and promote further collaboration and cooperation.
- Several IOs and secretariats mentioned (ISO, IGF, EITI, UNECE, CBD, BBNJ, ISA, IRP, Science Policy Panel)
- Would be helpful to have consolidated list of all relevant international mechanisms.

12. Collaboration with MEAs

- Call to add Basel Convention to list, as highly relevant on waste streams from mining, e-waste, other waste containing metals, re-mining, transport of waste, battery recycling and many other cross-over points.
- Also Convention to Combat Desertification – relevant to land restoration of mine sites.
- Mention also of (regional) Aarhus Convention, which expressly applies at regional and global level as well as national.

a. Minamata

- Broad support.
- Increase in ASM.
- Concern that Minamata work that is operating effectively remains under-funded.
- Should fund and promote existing mechanisms, not create new ones.
- Acknowledging projects including Planet Gold (and related gold traceability work), and the Mercury partnership, and well as support to national action plans.

b. CBD / DSM

- Emphasised as important issue, requiring stringent governance.
- Some concern about overlap with existing processes including the International Seabed Authority.
- Noted that several countries position of calling for a moratorium or precautionary pause on seabed mining, including on the basis of concerns over environmental impacts, and application of the precautionary principle.
- Noted an IUCN Resolution on establishing a moratorium, and support from other actors e.g. Office of High Commission for Human Rights, science community.
- Focus on DSM could be shifted towards improving land-based mining, recycling and other circular economy approaches first.
- But recognising there is diversity of views across different States on this issue.

13. International agreement on mining

- Participants mentioned that the discussions are not yet mature enough to consider an international treaty.
- It is important to focus on existing mechanisms and promote further collaboration and cooperation with other platforms such as those previously mentioned (e.g. ISO, OECD, ICMM, IGF, EITI, UNECE, CBD, BBNJ, ISA, IRP, Science Policy Panel, Basel, Minamata)

14. International SDGs mineral programme

- This seemed generally supported, SDGs important.
- But one group said it is covered elsewhere and not a priority.

15. LAC network

- Support from two LAC countries in the group.
- Good to exchange positive and negative experiences, and seek harmonisation of laws.
- Could be extended to wider experts, not only 1 region.

16. Escazu

- An observer gave this NPP strong support, as the Escazu Agreement hinges on meaningful communication with communities.
- One group sees this as too regional, for an NPP, unless it covers wider participation and wider instruments relating to access to information / justice, for example the Aarhus Convention.

7. Agenda item 6: Report Back from the Discussions on the Non-Prescriptive Proposals

8. Agenda item 7: Consideration of the Draft Co-Chairs' Summary of the Meeting

9. Agenda item 8: Other Matters

10. Agenda item 9: Closing Meeting

11. Next steps