



MERCURY INC7 HIGHLIGHTS: SATURDAY, 12 MARCH 2016

INC7 delegates convened in plenary on Saturday morning to address issues related to reporting (Article 21) and effectiveness evaluation (Article 22). Delegates then worked in contact groups until the Swiss break in the evening. In the morning, Chair Lugris announced that Zambia had deposited its instrument of ratification, bringing the total number of ratifications to date to 24.

WORK TO PREPARE FOR ENTRY INTO FORCE AND COPI

ARTICLE 8. EMISSIONS: In the morning plenary, Co-Facilitator John Roberts, UK, reported progress on meeting with parties to understand various positions on guidance required under Article 8. Interested delegates met briefly in an informal consultation in the afternoon.

ARTICLE 14. FINANCIAL RESOURCES AND MECHANISM: Contact group Co-Chair Gillian Guthrie (Jamaica) reported on the progress of the group on the guidance to the GEF, and the report of the *ad hoc* expert group on finance. She noted divergent views on the eligibility of non-parties for GEF financing, and agreement on programme priorities under the GEF.

ARTICLE 21. REPORTING: The Secretariat introduced the draft reporting format as amended by INC6 (UNEP(DTIE)/Hg/INC.7/10) and the compilation of information on the frequency of reporting under other MEAs, along with available data on the submission of reporting rates under other agreements (UNEP(DTIE)/Hg/INC.7/11). Many countries supported a simple, efficient, non-burdensome, facilitative reporting scheme.

GRULAC, the EU, NORWAY and ARGENTINA preferred a four-year reporting cycle and an electronic format, and called for the reporting forms to be translated into all six UN languages. The US, IRAN, SWITZERLAND and CHINA also supported a four-year reporting cycle.

NORWAY noted the need for the forms to be made available in an offline format to ensure full accessibility, proposed supplements to the reports to track the Convention's effectiveness, and preferred a two-year reporting cycle for trade data. JAPAN supported a flexible four-year reporting cycle, allowing countries to report at any time within this four-year period.

GRULAC stressed that the effectiveness of the Convention should not be measured solely by reporting requirements, and called for national and regional support for implementation of the Convention.

The AFRICAN GROUP called for the reporting scheme to be aligned with reporting under the BRS Conventions, and preferred annual or biennial reporting on trade.

CANADA said the reporting cycle should balance transparency and administrative burden, and be separate from other MEAs. PERU said reporting requirements should be clear, simple and specifically related to national priorities.

IRAN said the amount of reporting required is "excessive" compared to other international conventions and urged considering the different levels of financial and technical capacity among parties. The US said that there is no need to submit additional data that could be demonstrated through a description of a party's experience.

CHINA and THAILAND said the reporting requirements should not overburden parties. INDIA called for simplification of the format to ensure better implementation and called for capacity building to support reporting.

PAKISTAN said reporting should be used to understand the effectiveness of the Convention and not to "name and shame."

Noting that national reports under the Basel and Stockholm Conventions provide critical information on implementation, BRS CONVENTIONS said that enhanced cooperation among conventions will be beneficial to countries working under the Minamata Convention.

The ZMWG called for collection of data on mercury production and trade, as such information is not available elsewhere, and called for financial assistance to be made available via the SIP to support capacity building and training for reporting.

IPEN said, *inter alia*, aligning reporting with the three-year cycle of ASGM reporting would encourage greater compliance and said trade in mercury by-products should be included in notification documents.

Chair Lugris proposed, and delegates agreed, to establish a contact group on reporting to be co-chaired by Silviija Kalniņš (Latvia) and David Kapindula (Zambia).

ARTICLE 22. EFFECTIVENESS EVALUATION: The interim secretariat introduced the compilation and analysis of the means of obtaining monitoring data in relation to the effectiveness evaluation (UNEP(DTIE)/Hg/INC.7/12).

JAPAN introduced a proposal submitted with the US (CRP.4) suggesting that a technical expert group be established to develop a comprehensive global monitoring approach. The US said that the evaluation must identify the baseline, what will be measured and how. She supported using the 2013 UNEP Global Mercury Assessment, potentially with other data sources, as the baseline.

The EU observed that effectiveness evaluation would evolve over time, saying that in the short term the evaluation will draw upon parties' reports. SOUTH AFRICA suggested discussing these issues together.

The AFRICAN GROUP, supported by CHINA, suggested including technical assistance and capacity-building efforts under the Convention in the effectiveness evaluation.



KENYA said the expert group could also identify the primary parameters for monitoring mercury in air, water, soil and food, and called for monitoring some diseases caused by mercury.

GHANA highlighted the Stockholm Convention Global Monitoring Plan as a useful practice for helping regions collect data.

CANADA and SWITZERLAND recommended starting technical work before COP1.

PERU highlighted regional cooperation, saying that high-level annual meetings among Venezuela, Ecuador and Peru have led to joint action on mercury, including data exchange, regulation, and measures on waterway pollution.

SENEGAL stressed the need for financial resources to support data collection.

The WORLD HEALTH ORGANIZATION (WHO) offered its expertise in human bio-monitoring and assessing mercury levels in food, and highlighted potential cooperation with its collaborating center in Japan, the National Institute for Minamata Disease. The BRS CONVENTIONS highlighted evaluation-related activities under the Stockholm Convention, mentioning monitoring of chemical levels in surface water and in human milk and blood, and the work of the Arctic Monitoring Assessment Programme.

ZMWG supported establishing an expert group to develop the framework and methodology for effectiveness evaluation, based on representation from different geographic regions.

IPEN urged that the proposed technical expert group on a global monitoring approach be open to observers. The BIODIVERSITY RESEARCH INSTITUTE noted that information on monitoring mercury levels is available and supported the establishment of a technical expert group on this issue. Delegates forwarded further consideration of the effectiveness evaluation arrangements under the Convention, as well as the proposal from the US and Japan, to the contact group on reporting.

ARTICLE 23. CONFERENCE OF THE PARTIES:

During the morning plenary, Chair Lugris announced that the contact group on rules would convene on Saturday to consider the financial rules. Chair Lugris also called for further informal discussions of rules of procedure.

CONTACT GROUPS

FINANCE: In the contact group, delegates finalized consideration of the report by the Co-Chairs of the *ad hoc* working group of experts on financing established at INC6, and discussed proposals for the hosting arrangements for the SIP and its duration. Many developing countries preferred that the duration of the SIP be unlimited, while one developed country preferred that it be time-limited. One developing country pointed to discussions on the need for the SIP to be under periodic review, and suggested that its duration also be considered under this review. Others called for further discussions on related issues in order to determine the SIP's duration.

In their discussions on options to host the SIP, they considered a proposal for UNEP to act as the secretariat of the SIP, which would report to a Minamata-SIP executive board operating under the authority of the Minamata COP. They also considered a proposal that suggests that the SIP be established as a subsidiary body of the Minamata COP; financed by the Convention's voluntary trust fund; and serviced by the Minamata secretariat. Delegates considered the budgetary implications of each of the proposed structures, with some requesting clarification on the administrative and hierarchical arrangements related to the establishment of the SIP. The group will continue its work on Sunday.

RULES: The contact group on rules met in the afternoon. Co-Chair Andrew McNee (Australia) outlined the main issues to be discussed, including: the nature of contributions and how they are described; the nature of support that can be provided by the COP and which parties can receive support; the financial mechanisms and interactions between the convention and the UN/UNEP; and host country contributions.

On the way in which contributions are described, discussion focused on whether or not contributions should be characterized as "voluntary." Some countries supported voluntary contributions, with one country underscoring the importance of considering the implications for domestic budgeting processes. Others said that the nature of contributions is related to the effectiveness of the convention and that other conventions do not describe contributions as voluntary.

The group then reviewed the text paragraph-by-paragraph, discussing, *inter alia*, core funds versus earmarked funds; harmonizing the Minamata Convention with the BRS Conventions in terms of a programmatic budget; and the role of the UNEP Executive Director regarding budget authorization.

TECHNICAL ISSUES: The contact group on technical issues met in the afternoon and continued to discuss the draft guidance to assist parties in completing the forms required under Article 3. Delegates compared a revised draft proposed by the EU (UNEP(DTIE)/Hg/INC.7/CRP.1) with a proposal by Norway and Switzerland (UNEP(DTIE)/Hg/INC.7/CRP.3). Delegates edited for clarity the draft guidance for the provision of written consent to movements of mercury (Form A). Regarding shipment information to be provided by the exporting party, they agreed to mention that, if the mercury is to be disposed of, the procedures for transboundary movements of waste in Article 11.3 should be followed, and that in such cases, the form should not be used unless the party has applied Article 3.9 on providing a general notification of consent. Delegates completed work on Form A, with the exception of one reference to Article 3.9 in guidance for information to be provided by the importing party, on which two countries will consult to ensure its accuracy.

IN THE CORRIDORS

Saturday marked the halfway point of INC7, and many delegates used the milestone to consider their progress. Some signs of budding frustration started to appear. One observer pointed to what he perceived to be a lack of political will to establish the procedures to support a strong Convention, and others noted what they characterized as a slow pace of work both in plenary and in some contact groups.

In the technical issues group, limited progress was made on editing the guidance on import-export consent forms. Trying to balance the need for simplicity (as the forms will be translated into UN languages) with accuracy (as the language must not stray beyond the scope of the Convention), one delegate spoke for many in the room when she pleaded, after two and a half hours, "Let's pick the language and move on. We have to move on."

Headway was made in some areas. For example, one delegate reported "good progress" in the BAT/BEP informal consultation, where delegates managed to resolve all outstanding issues in the 200-page draft – save one, which one seasoned negotiator suggested could be "unresolvable" by this technically-focused INC because it involves a political decision.

Some veterans of this negotiating process characterized Day Three as the traditional "day of frustration" that comes before delegates begin to find common ground. Many hoped that the chance to relax at the Swiss Break in the evening would prepare delegates for more rapid progress toward a successful conclusion to the INC process.