

## Minamata COP2 Highlights: Tuesday, 20 November 2018

The second meeting of the Conference of the Parties (COP2) to the Minamata Convention on Mercury met for a second day on Tuesday, 20 November 2018. In the morning, delegates heard reports from contact group discussions on:

- technical matters, specifically mercury waste;
- budget and programme of work; and
- effectiveness evaluation.

They then opened discussions on interim storage, releases, contaminated sites, open burning, the Specific International Programme (SIP), and financial rules.

### Credentials

Karel Blaha, Chair, Credentials Committee, reported on the current state of credentials submissions, calling on delegations that have not done so to submit their credentials as soon as possible.

### Matters for Consideration or Action by the COP

**Interim Storage:** The Secretariat introduced the guidelines on sound interim storage (UNEP/MC/COP.2/5). JAPAN and the US introduced their proposal (UNEP/MC/COP.2/CRP/12), noting the importance of adopting the guidelines at COP2. GRULAC said the guidelines need to take into account the diversity of countries.

The EU, NIGERIA, THAILAND, JORDAN, ZERO MERCURY WORKING GROUP, and INTERNATIONAL POPS ELIMINATION NETWORK (IPEN) supported adopting the guidelines at COP2. CHINA, with INDONESIA, stressed the importance of taking into account country and local specificities. CHINA called for financial resources to enable countries to effectively implement these guidelines, and NIGERIA requested technical assistance and capacity building. JORDAN proposed establishing a work programme to ensure effective implementation of the guidelines. IPEN highlighted the need for resources to be allocated to ensure that interim storage facilities are not overwhelmed by confiscated mercury from illegal sources.

COP2 President Marc Chardonens proposed referring this issue to the contact group on technical matters, with a view to forwarding it for intersessional work. The EU and the US noted that most delegations were ready to adopt the guidelines at COP2.

Delegates agreed to refer the guidelines to the contact group for finalization.

**Releases:** The Secretariat presented the document (UNEP/MC/COP.2/4/Rev.1), noting its recommendation to defer action on guidance until after parties submit their first reports on releases in 2021. NORWAY presented its proposal (UNEP/MC/COP.2/CRP/8) for a stepwise approach to developing guidance, starting with a Secretariat report to COP3. Argentina, for GRULAC, presented a proposal (UNEP/MC/COP.2/CRP/7) noting the importance of having a guideline on methods for identifying point sources so that information is: comparable, trustworthy and relevant to decision making.

The EU supported starting work on releases. The AFRICAN GROUP, the US and THAILAND suggested deferring a decision to allow parties to submit their reports.

SWITZERLAND proposed the Secretariat collect information on point sources. GRULAC said much information is available, but it may not be comparable, nor can it form a basis for measuring effectiveness. IPEN said that information submitted by parties should be decoupled from developing guidance on releases, which he said should be approved at this meeting.

The COP agreed to defer further work on the development of the guidance until parties submit full reports on best available techniques and best environmental practices.

**Contaminated Sites:** The Secretariat introduced the document (UNEP/MC/COP.2/7) and its proposal for a further round of comments.

The EU suggested areas for further work, including the role of inventories of site risks. The AFRICAN GROUP, JORDAN, TOGO and SYRIA called for technical assistance and capacity building. NORWAY suggested revised guidance should include financial models. GRULAC said the Secretariat should submit revised guidance to COP3. The US called for additional discussion on site identification and priority-setting for risk assessments. SWITZERLAND suggested refining the draft decision to specify what input the Secretariat should seek. CHINA suggested including a digest of examples of environmentally sound site treatment. IPEN called for banning trade in mercury and providing clear and effective revised guidance for adoption at COP3.

The issue was forwarded to the contact group on technical matters.

**Financial Mechanism: SIP:** The Secretariat introduced the documents (UNEP/MC/COP.2/9 and INF 16), noting that eligibility requirements and board membership are yet to be agreed. Reginald Hernaus (the Netherlands), Co-Chair of the SIP Governing Board, reported that the Board had approved five (out of 19) projects for capacity-related issues in Argentina, Armenia, Benin, Iran, and Lesotho, and welcomed Norway's contribution to the Programme.

NIGERIA and SYRIA called for information on why some projects had not been approved, with Hernaus responding that this was due to a lack of funds and calling on countries who missed out on project funding in the first round to resubmit their proposals given the recent contributions by Norway and Denmark.

SWITZERLAND announced that, as the arrangements for the Secretariat has been agreed, the CHF 1 million contributed to the SIP made at COP1 would now be available for disbursement.

On resolving outstanding issues, IRAN preferred that funding eligibility should be accorded to parties, and that Board Members should come from Convention parties. KENYA called for also considering project proposals from Minamata Convention signatories.

The COP then agreed that:

- non-parties are not eligible to apply for funding; and
- the SIP Governing Board shall consist of 10 members from parties.

**GEF:** The Secretariat drew attention to Article 13(11) on the review of the financial mechanism. The EU introduced its proposal on terms of reference (ToR) for the review of the Global Environment Facility (GEF) component of the financial mechanism (UNEP/MC/COP.2/CRP/4). President Chardonnes suggested adopting the draft decision contained in the CRP. The US asked for more time to consider the CRP. Citing no opposition to the CRP, Chardonnes gave the adoption of the decision. The US reiterated that it had concerns about the CRP. Chardonnes suggested bilateral discussions between the EU and US and proposed returning to discussion of the decision later.

IRAN objected, supported by SYRIA, CUBA and the RUSSIAN FEDERATION, asking how this situation differed from Monday's decision taken on the Memorandum of Understanding (MOU) with the GEF. After some discussion, the Convention's Legal Adviser clarified that the decision had been gavelled as adopted but would be discussed again later.

IRAN, with the RUSSIAN FEDERATION, requested, and the Legal Adviser clarified, the limitations placed on observer states during decision making mode. NAMIBIA proposed, as a way forward, that Iran could appeal the decision at a later stage.

IRAN then objected to the adoption of the draft decision related to the MOU with the GEF, and Chardonnes deferred the matter to a Friends of the President group for further consideration.

**Financial Rules:** The Secretariat highlighted outstanding items related to the financial rules (UNEP/MC/COP.2/14), particularly two references to the specific needs and circumstances of developing countries, in a section addressing parties' adherence to contribution payments. COP2 President Chardonnes proposed deleting the bracketed texts, referring to developing countries. The EU supported resolving outstanding issues.

ARGENTINA, supported by BRAZIL, IRAN, the AFRICAN GROUP, NIGERIA, CHINA, PERU, SYRIA, CUBA and VENEZUELA, preferred retaining the reference to developing countries.

VENEZUELA, ARGENTINA and CUBA requested clarification of processes related to countries in arrears resulting from special circumstances. ARMENIA proposed inclusion of "countries in transition," and PALESTINE proposed inclusion of "countries under occupation."

CENTRAL AND EASTERN EUROPE (CEE) proposed that regional groups should further discuss this matter.

COP2 President Chardonnes proposed the establishment of a contact group, which was opposed by the EU and the US, who noted a lack of consensus. IRAN requested that the contact group include a Co-Chair from a developing country. President Chardonnes said this would be addressed on Wednesday morning.

Chardonnes suggested Cuba and the Secretariat discuss payment arrears which are a result of inter-bank challenges. CUBA, supported by VENEZUELA, protested that it was not a bilateral issue and should be discussed in plenary because it touched on the secretariat arrangements and could affect the efficiency and implementation of the Convention. The Secretariat promised a "more precise answer" on Wednesday.

**Open Burning:** The Secretariat introduced the document (UNEP/MC/COP.2/16). The EU, SAMOA and THAILAND supported the proposal that the Secretariat continue compiling information and engaging as appropriate with the BRS Secretariat. The US said due to limited information it is not possible to assess the open burning of waste's contribution to global mercury emissions, and did not support the Secretariat engaging further with the BRS Secretariat.

NIGERIA and KENYA supported collecting additional information. JORDAN highlighted the problem of burning medical waste. SRI LANKA and GRULAC called for technical assistance.

Delegates agreed that the Secretariat shall continue to engage with the BRS Secretariat and provide an update at COP3.

### Contact Groups

**Budget:** The group continued discussions on the budget, focusing on the general and special trust funds. They also began discussing draft decision text. Delegates discussed *inter alia*:

- savings resulting from BRS Secretariat support;
- allocation of voluntary contributions;
- programme support costs; and
- scale assessment criteria for country contributions.

Delegates requested an update of voluntary contributions and addressed specific budgetary items including translation services, funding of scientific matters, anticipated surplus amounts, reporting services and website and outreach costs.

**Technical Matters:** The contact group reviewed the proposals related to emissions and interim storage, and solicited parties' proposal submissions by email for amending the proposed draft decision on contaminated sites. It also held an initial round of drafting for the decision on ToR for intersessional work on waste thresholds, but paused this work until further discussions on relevant policy principles are held.

**Effectiveness Evaluation:** The contact group met in the afternoon and focused on better defining the expert group's tasks around policy relevant objectives so as to inform monitoring programme design. Delegates discussed whether conducting cost-benefit analyses fits into the expert group's mandate and what the COP means by "cost-effectiveness." They also discussed:

- modeling;
- filling in monitoring gaps;
- identifying sources of data; and
- technical inputs.

**Institutional Matters:** The contact group exchanged views on cooperation between the Minamata Secretariat and the BRS Secretariat, discussing options related to:

- informal versus institutionalized arrangements;
- joint services approach; and
- the purchasing-services approach.

Delegates also considered the benefits and challenges of shared arrangements for logistics, participants and documents management; and agreed to address the EU proposal on cooperation between the two secretariats (UNEP/MC/COP.2/CRP.6) at a later stage.

### In the Corridors

Tuesday afternoon's plenary was largely taken up by tense, protracted debates over procedural issues brought forward by Iran, the Russian Federation and a few others, clearly unhappy about the manner in which the MOU with the GEF was adopted on Monday. "We cannot have a double standard," said one irate delegate, alluding to an adopted decision that had been reopened again for comment, saying "both issues must be addressed in the same way." During the various ten-minute adjournments during this debate, one delegate confided that "this could all have been avoided if we had access to the documents in time," commenting on a common complaint by delegates about the delayed publication of documents on the COP2 intranet site.

As delegates took a "Swiss Break" in the evening, with these issues still hanging in the air, one seasoned observer suggested that the COP should stop rushing the decision-making process. "If you give delegates enough time during decision making, you avoid wasting precious time trying to rectify decisions hurriedly taken."