

Minamata COP2 Highlights: Thursday, 22 November 2018

The second meeting of the Conference of the Parties (COP2) to the Minamata Convention on Mercury met on Thursday, 22 November 2018. Delegates heard reports from contact groups in the morning, and adopted the rules of procedure for the Implementation and Compliance Committee (ICC) in a brief plenary. They then met in contact groups to consider:

- technical issues, including contaminated sites, interim storage, and harmonized customs codes;
- effectiveness evaluation;
- institutional issues pertaining to Secretariat arrangements; and
- budget and programme of work.

In an evening plenary, the COP elected officers to the COP3 Bureau, and heard report backs from contact groups, with the following requesting additional time for consultation: budget; effectiveness evaluation; and Friends of the President.

The contact group on technical matters submitted a decision on interim storage for approval. The contact group on institutional matters submitted a decision on cooperation between the secretariats of the Minamata Convention and the BRS Conventions.

The US called for the decisions to be projected onto the screen and for time to consider the text, noting that this should be the common practice of the Convention. The RUSSIAN FEDERATION called for the texts to be translated into the official UN languages. Delegates agreed to address these decisions on Friday.

Election of Officers

Delegates elected David Kapindula (Zambia) as President of COP3, by acclamation. Regions then nominated nine Vice-Presidents: Bolocan Svetlana (Moldova) and Karel Blaha (Czech Republic) for the Central and Eastern Europe; Mariscia Charles (Guyana) and María del Mar Solano (Costa Rica) for GRULAC; Nina Cromnier (Sweden) and Alison Dickson (Canada) for the Western Europe and Others Group; Serge Molly Allo'o Allo'o (Gabon) for the African Group; and Mohammed Khashashneh (Jordan) and Adel Jahankhah (Iran) for the Asia and Pacific Group.

Matters for Consideration or Action by the COP

Waste Thresholds: The COP adopted the decision mercury waste thresholds (UNEP/MC/COP.2/L.3). Japan pledged USD 125,000 to support additional expert groups in the intersessional period.

Compliance

CHINA reported on its consultations with interested parties regarding Article 11 of the draft ICC rules of procedure, noting agreement on an amendment stating that "the committee may invite observers to its meetings if the matters under consideration are directly relevant to such observers." NIGERIA suggested limiting observers to two per region.

Delegates then adopted the rules of procedure for the ICC, with China's amendment.

Other Matters

Harmonized Codes: COP2 President Chardonnes reopened this issue and proposed, and delegates agreed, that the contact group on technical matters will consider options to assist parties control trade of mercury added products, taking into account the options reflected in the joint GRULAC- African Group proposal (UNEP/MC/COP.2/CRP 14).

Annexes A and B: The EU called for more time to consult and COP2 President Chardonnes proposed reopening this issue in the evening plenary. CUBA requested clarification whether this issue had already been forwarded to COP3 for further consideration, noting Wednesday afternoon's discussions. Chardonnes noted that the EU had been allocated some time to consult and report back to plenary. In the evening, the EU proposed deferring the issue to COP3. Chardonnes said this would be reflected in the meeting report.

Contact and Other Groups

Friends of the President: In plenary in the morning, David Kapindula (Zambia), Chair, Friends of the President Group, reported agreement on a decision for the date and venue of COP3, and inconclusive deliberations on an Iranian proposal on the Memorandum of Understanding (MOU) with the Global Environment Facility (GEF). NORWAY reported agreement on rotation of the COP President, to be done in alphabetical order by region, starting with the African Group.

Budget: The contact group focused some time on the budget detail sheets (UNEP/MC/COP.2/INF/9) for the programme of work and budget. The Secretariat explained the budget format, noting that it mirrors aspects of the Basel, Rotterdam and Stockholm (BRS) Conventions' budget formats which include, among others:

- conference and meetings;
- capacity building and technical assistance;
- overall management; and
- legal and policy activities.

Delegates discussed details relating to format, budget lines, activities, results-based approach and fund allocations. Views diverged on inputs into the format of the budget, with some making specific suggestions and others preferring a “request” approach that can be considered by the Secretariat.

Some recommended the use of factsheets modeled against the BRS factsheets which integrates mandate, rationale, indicators, means of verification, resources, socio-economic aspects and partners alongside budgetary allocations.

The group also discussed issues relating to the capacity of the Secretariat to address additional requests by parties on the budget, including limitations in staff numbers, capacity of existing staff to conduct the work along with their other responsibilities and the responsibility of the Secretariat to fulfil party requests.

On BRS Secretariat support on budget formulation, the Minamata Secretariat said that work on the budget was not included in shared arrangements for COP2. Delegates agreed that the issue of shared arrangements would continue to be discussed in the contact group on institutional issues in order to explore this collaboration, with delegates recommending that the Co-Chairs discuss areas of alignment on budget issues with the budget group.

Technical Issues: In morning plenary, contact group Co-Chair Silvija Kalniņš (Latvia) reported finalized draft decisions on waste thresholds and releases. The contact group then met, initially to finalize the text of the guidelines on the environmentally sound interim storage of mercury other than waste mercury, dealing with competing proposals on such issues as regional storage, public consultations, and closure of a facility. Delegates agreed to adopt the guidelines and call on parties to take them into account in complying with their obligations under Convention Article 10 (interim storage). Delegates also agreed to note that the guidelines may need to be revised in future to ensure that they continue to reflect best practice.

The group then reviewed a Co-Chairs’ draft of a decision on guidance on the management of contaminated sites. GRULAC announced that, while work can proceed on the language of the decision, until a separate decision is approved on harmonized customs code, they intended to bracket the entire decision on contaminated sites. Several delegations called for the draft decision to be enhanced by new elements requiring the Secretariat to be assisted by an expert consultant. They also proposed laying out a roadmap or timeline for parties to submit information, calling for the experts appointed by decision MC-1/20 to provide advice on guidance revision. Delegates also suggested that the experts be asked to develop a recommended framework and initial decision tree for the management of contaminated sites.

The group also examined and revised the list of information to be requested from parties, including on, *inter alia*:

- situations site-specific to mercury;
- tiered approaches to prioritizing management of sites;
- common terms and concepts;
- the interface between contaminated site policies and land-use planning;
- proven and emerging remediation techniques;
- socioeconomic and cultural considerations during site remediation; and
- approaches on financing site management.

Institutional Issues: Contact group Co-Chair Nina Crommier (Sweden) presented a revised version of the draft on Secretariat arrangements (UNEP/MC/COP/2/CRP.6) based on the work of a smaller working group which highlights, among other things:

- the legal autonomy of the respective Secretariats of the Minamata and the BRS convention;

- maximizing the effective and efficient use of resources of the Minamata Convention;
- sharing of relevant secretariat services with the BRS Conventions as performed by UNEP, as appropriate;
- to implement relevant arrangements as soon as feasible; and
- an operative proposal, prepared together with the Executive Secretary of the Minamata Convention and with the support of the Executive Secretary of the Basel and Stockholm Conventions and the UNEP part of the Rotterdam Convention.

The contact group approved the draft decision and forwarded it to plenary.

Effectiveness Evaluation: The contact group met briefly in the afternoon and heard a summary of the Co-Chairs’ draft decision on the mandate for the *ad hoc* group of experts on effectiveness evaluation. The Co-Chairs noted that two larger issues which had been raised were not included in the draft decision: a monitoring plan and the GEF project role. The Legal Adviser provided clarification on whether or not members of the expert group may bring support staff and the provision as written was struck. The contact group recessed for informal consultations leading up to its early evening session during which the group worked through the draft decision line-by-line.

They discussed adding clauses to the preamble relating to:

- the impact of data gaps on the effectiveness evaluation;
- developing terms of references for global monitoring arrangements;
- inviting the GEF to support in data collection; and
- guidance to the GEF.

Moving on to Annex 1, they reviewed the amended mandate for the *ad hoc* expert group and worked swiftly through the draft document to prepare it for presentation in plenary.

In the Corridors

With one day left to negotiate outstanding issues, most of the day was spent in contact group discussions. Each group seemed to be driven by a different spirit though. In the technical issues group, delegates worked collaboratively and in a positive spirit, trying to build on their work from Wednesday which saw the finalization of decisions for intersessional work on waste thresholds and releases. The group discussing the budget engaged in what some viewed as “terse exchanges,” centered around the lack of information on issues parties had requested related to the budget; while in the institutional issues group, delegates used bilateral talks to clear away any confusion that remained on agreed text related to Secretariat arrangements. “There is a lot of wordsmithing today, and we just have to be careful everybody understands these words in the same way,” smiled one delegate, hunched over text.

In an evening plenary, the adoption of decisions was hampered when delegates objected to the conduct of the meeting. Calling for the decisions to be put up on the screen for delegates to review before adoption, the US pointed to “some of the irregularities at this meeting” as their main reason for insisting on this process. “I don’t mind adopting them tomorrow,” said one delegate, “as long as we adopt them.”

As delegates returned to what might be all-night discussions on outstanding matters, some were optimistic that there was a “glimmer of hope” to reach agreement. “We are not leaving until we finish this,” said one delegate, rushing into the budget group, “we’re so close!”

The Earth Negotiations Bulletin summary and analysis of COP2 will be available on Monday, 26 November 2018 at <http://enb.iisd.org/mercury/cop2/>