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Minamata COP3 Highlights: Wednesday, 27 November 2019

COP3 delegates exchanged initial positions on several agenda items, while Contact Groups and a Friends of the COP President Group met throughout the day and into the evening to develop decisions.

Report on the Credentials of Representatives to COP3

The Secretariat highlighted relevant sections on the rules of procedure with regard to credentials. Mohsen Niziri Asl (Iran) reported on behalf of the COP Bureau regarding the status of credentials, noting that eight parties have not communicated their participation.

The COP President proposed, and parties accepted, that the COP take note of the report as approved by the Bureau.

Matters for Consideration or Action by the COP

Mercury-added products and manufacturing processes in which mercury or mercury compounds are used: Financial Mechanism: Specific International Programme (SIP) to Support Capacity-building and Technical Assistance:

COP President Kapindula took note of reports related to the work of the Governing Board of the SIP (UNEP/MC/COP.3/10/Add.1, UNEP/MC/COP.3/9). Governing Board Co-Chair Reginald Hernaus (Netherlands) said the Board had successfully operationalized the SIP and highlighted the approval of USD 2 million to fund ten projects under the second round of the SIP.

ANTIGUA AND BARBUDA, NIGERIA, and ZAMBIA supported the strengthening of Secretariat support. The AFRICAN GROUP, GUINEA, and IRAN called for more adequate and sustainable financing.

The EU, the US, and SWITZERLAND said matters relating to Secretariat staff should be addressed under the Contact Group on Programme of Work and Budget. The US also called for a reassessment of the governance arrangements of the SIP.

NORWAY announced a EUR 500,000.00 and SWITZERLAND announced a CHF 100,000.00 voluntary contribution to the SIP.

SYRIA called for flexibility in project criteria. SRI LANKA commended the work of the Governing Board.

President Kapindula proposed and parties agreed that further issues will be deferred to the Friends of the President Group while specific issues addressed by parties will be referred to the Contact Group on Programme of Work and Budget.

Financial Mechanism: Review of the Financial Mechanism:

The Secretariat introduced document UNEP/MC/COP.3/11, and called attention to the draft decision for this issue, by which parties would welcome the report and request the Secretariat to prepare draft terms of reference for the second review for consideration at COP4.

GRULAC expressed satisfaction with the document and relevant information on the SIP, including improvements made in transparency and the application process, and called for

strengthening the mechanism. The AFRICAN GROUP said the first round of finance and capacity building have proven inadequate and called for further review of operations. NIGERIA noted that mercury management is best addressed at the regional and subregional levels and called for future reviews to consider this aspect.

Parties adopted the draft decision without amendment.

Capacity-building, Technical Assistance and Technology Transfer:

GRULAC introduced its proposal for a draft decision (UNEP/MC/COP.3/CRP.8), noting that the proposal: emphasizes the relevance of using regional, subregional and national arrangements and centers in delivering technical assistance and capacity building; asks the Secretariat to continue collecting information; and asks the Secretariat and others to help implement regional action plans. The discussion was suspended to allow delegates to review the draft.

Contaminated Sites: The Secretariat introduced the documents (UNEP/MC/COP.3/8, UNEP/MC/COP.3/INF/13). IRAN offered an amendment to the draft decision emphasizing the importance of capacity building, financial resources and technology transfer regarding identification and management of contaminated sites.

All interventions supported adoption of guidance at COP3, with INDONESIA, CHILE, AFRICAN GROUP, LESOTHO, and PERU suggesting adjustments or improvements before adoption. JORDAN said the guidance would need continued improvement. NIGERIA and ZAMBIA suggested that the decision call for pilot testing and periodic updating of the guidance. SOUTH AFRICA called for the Minamata Convention to work closely with the Basel and Stockholm Conventions in all mercury waste matters. IPEN called for following up the guidance with funding to help identify and remediate sites. The EU noted that informal consultations on improving the guidance were close to achieving consensus.

President Kapindula asked parties to work with the EU on improvements in the guidance and to discuss Iran's proposal, and to report back to plenary.

Emissions of Mercury Resulting from the Open Burning of Waste:

The Secretariat presented documents UNEP/MC/COP.3/17 and UNEP/MC/COP.3/INF/16 on waste-related mercury emissions resulting from open burning. Suggested action for parties include considering the information contained in the note and requesting the Secretariat to continue collecting information and making this available on the Convention website.

Noting that data on open burning is lacking, JAPAN supported the proposal and welcomed requests from parties for provision of future technical support. GRULAC, the EU, CHILE, NIGERIA, ARGENTINA, EL SALVADOR, MEXICO, UGANDA, and ZAMBIA also supported continuing to collect and share information. SWITZERLAND and INDONESIA called for further cooperation with the BRS Secretariat on researching mercury emissions. The AFRICAN GROUP suggested forming an intersessional partnership on open burning. GUINEA expressed

concern over the data collection process and called for a deadline for parties to submit information. LEBANON supported GUINEA's proposal and suggested establishing an organizational framework for addressing open burning. KENYA called for further study, including by harmonizing measurement of mercury emissions with dioxins and furans for ease of reporting.

Implementation and Compliance Committee (ICC): The Secretariat highlighted the responsibilities, composition, structure and work of the ICC and noted that the COP is expected to re-elect the 10 members of the Committee and five new members for two terms in accordance with the Rules of Procedure.

Claudia Sorina Dumitru (Romania), ICC Chair, presented the Report on the work of the ICC of the Minamata Convention on Mercury (UNEP/MC/COP.3/13) and drew attention to Appendix I on draft TOR for the ICC, Appendix II on draft decision, and Appendix III on a draft template for written submissions from parties with respect to their own compliance.

LEBANON called on the committee to focus on the spirit of national implementation especially in the context of developing countries.

President Kapindula proposed the adoption of the Draft Decision in Appendix II on the TOR. The US and the EU responded with amendments.

IRAN did not agree with amendments and said he was not in a position to adopt a decision. GRULAC requested more time to view the document with amendments.

CHILE requested written proposals from the US and the EU and requested that the plenary adopt the draft decision without the US's proposed amendments.

CHILE, supported by SWITZERLAND, EU, CHINA, and GRULAC, proposed that the TOR be adopted without amendments.

IRAN, CHILE, and GRULAC proposed addressing the matter in the Friends of the President Group.

The US supported requesting that minor adjustments be submitted in writing for consideration of the parties, as initially suggested by CHILE.

The President proposed that the US, EU and interested parties submit their comments to the Secretariat, to be considered the next day. GRULAC, IRAN, and CHILE expressed reservations regarding this approach.

Other Matters: Reporting

The Secretariat reminded parties of the 31 December 2019 deadline for the submission of the first biennial reports on implementation measures, effectiveness, and possible challenges in meeting the objectives of the Convention, as per document UNEP/MC/COP.3/INF/26. Parties were invited to report based on four questions, three pertaining to Article 3 (mercury supply sources and trade) and one concerning Article 11 (mercury wastes).

GUINEA requested additional clarification on reporting criteria and guidance.

CANADA introduced a CRP, prepared together with NORWAY, SWITZERLAND, and the EU, that provides draft guidance on national reporting, requesting the Secretariat to initiate a review and update of guidance as necessary, with a decision at COP4.

PERU called on parties to reflect on reporting issues associated with trade. PANAMA noted difficulties with international trade forms on mercury. GUINEA called for a decision on whether the proposed CRP could serve as official guidance. CANADA encouraged additional work on reporting guidance and urged parties to submit national reports in a timely manner.

INDEPENDENT ECOLOGICAL EXPERTISE requested consideration of additional reporting mechanisms to guide NGOs. The Secretariat informed him that reporting is only open to parties.

A decision on the CRP was postponed to a later date.

Venue and Date of COP4

President Kapindula noted that Indonesia had been confirmed as the host of COP4 (UNEP/MC/COP.3/22/Add.1) and proposed the dates of 31 October to 5 November 2021 for COP4. Delegates adopted this proposal.

Contact Groups

Effectiveness Evaluation Contact Group: During the morning, Co-Chair Kateřina Šebková (Czech Republic) reported that, on Tuesday, the Group had finished a first reading on monitoring arrangements, outstanding issues, and TOR for the effectiveness evaluation committee and monitoring group, and started drafting the TOR for the modelling group.

On Wednesday afternoon, this Group focused on the functions and structure of the modelling and monitoring groups respectively. Some parties proposed integration of the modelling group into the monitoring group while others preferred a separation of the two groups. One party highlighted the need for monitoring to be done at the regional scale and integrated into global scale. The Group also discussed a submission by the US and Japan on a draft TOR of the modelling group.

Technical Matters Contact Group: During the morning, Co-Chair Silvija Klinins (Latvia) reported that, on Tuesday, the Group had a constructive discussion on customs codes and the Co-Chairs had been entrusted with drafting a decision capturing the elements of agreement.

In the afternoon, the Group considered draft decisions on customs codes and review of Annexes A and B. Parties were instructed to consult informally and bring compromises to the group on Thursday.

In the evening, the African Group presented a new CRP on phaseout of dental amalgam, following which delegates discussed the draft decision on waste thresholds, particularly whether to adopt a threshold for the indicative list of waste contaminated with mercury or mercury compounds.

Friends of the President Group: During the morning, Chair Nina Cromnier (Sweden) reported that informal consultations on Tuesday regarding the proposal on cooperation between the Secretariats of the Minamata Convention and the BRS Conventions had resulted in a revised proposal to be considered by the Friends Group. During the afternoon, Chair Cromnier said the group agreed on a draft decision on this topic.

Programme of Work and Budget Contact Group:

On Wednesday morning, COP President David Kapindula announced that Yun Insini (Indonesia) and Reginald Hernaus (the Netherlands) would serve as Co-Chairs of the Contact Group on Programme of Work and Budget.

In the Corridors

There was great cheer among participants as new funding pledges were announced in plenary towards realizing the goal of making mercury history. The EU announced EUR 500,000 to support capacity building on trade and emissions yesterday, while Norway announced EUR 500,000 and Switzerland announced CHF 100,000 for the SIP today. Participants were more somber when looking at the schedule for the remaining two days of COP3. Although most of Thursday will be focused on the work of the contact groups, issues such as releases must still be discussed in plenary. Some noted that the number of decisions that delegates will need to work through was daunting; in particular, the Technical Matters Contact Group was highlighted as having a particularly heavy slog to get clean text on up to six decisions by the close of COP3 on Friday. As participants collected their souvenir bottles from the Swiss Government, some said in passing that they might need them to stay hydrated for the long days ahead.