

Minamata COP3 Highlights: Monday, 25 November 2019

The third session of the Conference of the Parties (COP3) on the Minamata Convention on Mercury opened on Monday, 25 November 2019. Following opening statements by the host Government, the Executive Director of UNEP, the Executive Secretary of the Convention and the COP President, delegates discussed several agenda items, established contact groups to continue the discussions, and agreed that COP4 would convene in Indonesia.

Opening Plenary

Bruno Pozzi, UN Environment Programme (UNEP), opened COP3. Marc Chardonens, Director, Federal Office for the Environment, Switzerland, warned that delays in implementation would only increase the complexity and costs of addressing problems caused by mercury.

Inger Andersen, Executive Director, UNEP, highlighted four areas needing action to reduce mercury exposure globally: artisanal and small-scale gold mining (ASGM); stemming mercury trade; reducing emissions from coal burning; and e-waste. She also stressed the importance of improving the science-policy interface to ensure science-based action, and promoting cooperation across borders, organizations and instruments.

Rosanna Silva Repetto reflected on her two-year tenure as Minamata Convention Executive Secretary, noting progress in several areas, including the Specific International Programme to Support Capacity Building and Technical Assistance (SIP) and the Global Environment Facility (GEF) in supporting the 114 parties.

COP3 President David Kapindula (Zambia) urged for consensus on key items, including elements of financial mechanism and rules of procedures. He referred to issues carried over from COP2, including the effectiveness evaluation and the proposal to amend Annex A, urging parties to avoid leaving a legacy of unresolved issues.

Siti Nurbaya Bakar, Minister of Environment and Forestry (INDONESIA), reflected on her country's progress made on eliminating mercury, highlighting Indonesia's National Action Plan for Artisanal and Small Scale Gold, the promotion of alternative technology processes in ASGM and addressing illegal users of mercury in her country.

In regional statements, Gabon, on behalf of the AFRICAN GROUP, urged consideration of amendments to Annex A on mercury-added products. He also proposed that pilot projects be implemented to test new guidelines and evaluate efficiencies, reiterated the need to establish threshold values on waste release to improve impact on health, and underscored the need for sustainable and timely financing.

Iran, for the ASIA-PACIFIC GROUP, stressed that effective implementation relies on provision of adequate financial resources, technical assistance and technology transfer. He said Amendment of Annex A proposed by African Countries requires further review.

Moldova, for Central and Eastern Europe (CEE), said CEE countries are acting to implement the Convention and urged countries that which have not yet ratified it to do so.

Colombia, for the Latin America and Caribbean Group (GRULAC), emphasized her region's interest in work on trade, emissions, contaminated sites and open burning.

Finland, for the European Union (EU), stressed the importance of the reviews of Annexes A and B, the Convention's effectiveness evaluation, and adopting a framework for cooperation between the secretariats of the Minamata and the Basel, Rotterdam and Stockholm (BRS) Conventions.

Koichiro Matsunaga reflected on his experience with fetal Minamata disease and urged Parties to take action on mercury exposure.

Organizational Matters

Delegates adopted the agenda (UNEP/MC/COP.3/1 and Add.1) and organization of work (UNEP/MC/COP.3/2) with no amendments. President Kapindula invited parties to submit their nominations by Tuesday evening.

Rules of Procedure for the COP

The Secretariat introduced the item on COP rules of procedure and President Kapindula invited parties to consider removing bracketed text remaining in rule 45, specifically in Paragraph 1 on the option to take a decision on matters of substance by means of voting, should all efforts to reach consensus fail, and paragraph 3, on the mechanism used to decide whether a matter before the Conference of the Parties should be considered a matter of substance or a matter of procedure.

ARGENTINA supported a voting mechanism by consensus, noting a preference for a 2/3rd majority, noting that if there are doubts regarding the nature of an issue, it should be determined to be "substantive" by default. They proposed the elimination of text on making decisions by simple majority, recommending the use of the Chair's authority on the substantive nature of a matter.

The AFRICAN GROUP proposed adoption of Paragraph 1 as is and encouraged pursuing all possibilities to reach decisions by consensus, and if that fails, for a vote to be held in Paragraph 3.

BRAZIL agreed on consensus-based decision making and urged for parties to have a greater role in deciding if matters are procedural or substantive.

SWITZERLAND said a possibility of voting is not a contradiction in procedure.

IRAN agreed to maintain some brackets or remove bracketed text and NIGERIA recommended removal of some bracketed text.

President Kapindula noted that there was no consensus and deferred the matter to COP4.

Matters for Consideration or Action by the COP

Financial Rules: The Secretariat introduced this item (UNEP/MC/COP.3/15) and drew attention to items relating to appropriate measures when payment measures are not agreed upon, and procedures as it relates to least developed countries (LDCs) and small island developing States (SIDS).

CANADA objected to the lifting of brackets in relation to the paragraph on LDCs and SIDS while Argentina urged to keep the text in reference to developing countries in the Article.

IRAN reiterated the need to keep categorization of developed and developing countries only and objected to the removal of the brackets.

Noting that there was no consensus on the bracketed text, President Kapindula deferred the matter to COP4.

Secretariat: UNEP presented its proposal for a framework for sharing relevant secretariat services between the Minamata and BRS Conventions (UNEP/MC/COP.3/16), highlighting its recommendation to have the Minamata Secretariat purchase services on a cost recovery basis from the BRS Secretariat. The Minamata Secretariat then presented its report on cooperation between the two secretariats during the intersessional period (UNEP/MC/COP.3/19), followed by a report from the BRS Secretariat on its activities and BRS COP decisions relevant to the Minamata Convention (UNEP/MC/COP.3/INF/6).

The EU proposed a draft decision (UNEP/MC/COP.3/CRP.3), co-sponsored by Congo, Costa Rica, Gabon, Mali, Norway, Senegal, Switzerland and Thailand, supporting purchase of services from the BRS Secretariat and asking UNEP to establish inter-secretariat working groups. The AFRICAN GROUP, CANADA, MEXICO and URUGUAY supported the proposal, while BRAZIL, COLOMBIA, CHINA, and IRAN called for further discussion. A Friends of the President Group chaired by Nina Crommier (Sweden) open to all Parties was tasked with developing a draft decision.

Effectiveness evaluation: President Kapindula called attention to the Report on the work of the Implementation and Compliance Committee of the Minamata Convention on Mercury (UNEP/MC/COP.3/13) and background information on mercury monitoring (UNEP/MC/COP.3/INF/15).

The Secretariat introduced the Report of the *ad hoc* technical expert group for effectiveness evaluation (UNEP/MC/COP.3/14), which includes policy questions relating to proposed indicators, monitoring indicators, proposed institutional arrangements and first evaluation cycle.

The Co-Chairs of the technical expert group on effectiveness, Katerina Šebková, Czech Republic, and Mohammed Khashashneh, Jordan, presented elements of the report, highlighting monitoring arrangements, mercury data and availability.

In the ensuing discussions, IRAN proposed the inclusion of more than two representatives per region, thus increasing the number of experts.

The EU supported the evaluation framework proposed by the *ad hoc* group and proposed the inclusion of a member of the implementation and compliance committee on the effectiveness evaluation committee. CANADA supported elements of the framework and raised issues including indicators, monitoring arrangements and sufficiency of funds. GRULAC highlighted the need for clear and measurable indicators. CHINA proposed an increase in the number of experts and underscored the value of effective data approved by parties.

The AFRICAN GROUP called for including monitoring of mercury releases into freshwater systems. NORWAY commented on the critical role of the attribution report. The US stressed prioritizing the streamlining of indicators, calling for clarity on monitoring arrangements. PALAU called for recognition of issues faced by SIDS, especially biohazards for fish stocks.

IPEN emphasized ensuring alignment with the Sustainable Development Goals (SDGs), especially among African populations. UNEP drew attention to its recent completion of an assessment report on mercury waste. Inuit Circumpolar Council highlighted crosscutting issues, such as climate impacts on permafrost.

Mercury-added products and manufacturing processes in which mercury or mercury compounds are used: Review of Annexes A and B: The Secretariat introduced the document (UNEP/MC/COP.3/4) and its proposed decision to establish a group of experts to assist the Secretariat in preparing a report on Party measures or strategies implemented to address products listed in Annex A, Part I (products apart from dental amalgam).

THAILAND, with CHINA, disagreed with including harmonization of customs codes within the mandate of the proposed expert group. The EU said the report to COP4 should cover the technical and economic feasibility of non-mercury alternatives to Annex A products without phaseout dates. ARGENTINA, with CHILE, stressed that analysis of information submitted on national measures and strategies must only be made by the COP, not the Secretariat. CHINA said any Annex A review should include discussion of economic and technical feasibility of mercury-free alternatives. The US expressed concern that the proposed review process was unnecessarily burdensome. ZERO MERCURY noted two products to add that were not recognized when Annex A was agreed, gold plating and rocket fuel for launching satellites.

A Technical Matters Contact Group was tasked with developing a draft decision on review of the Annexes.

Proposal to amend Annex A: The Secretariat introduced this item (UNEP/MC/COP.3/21), following the proposal to amend Annex A, led by the countries of Botswana, Chad, Gabon, Guinea Bissau, Niger and Senegal, which had requested that the proposed amendment be considered.

The AFRICAN GROUP emphasized the need for a clear phase out date of 2024 for dental amalgam, noting that dental amalgam currently comprises 21% of mercury emissions.

SWITZERLAND and PERU expressed concerns for the timeframe. CHINA noted the financial and technical implications of a speedy phase out of amalgam use and recommended further study on substitutes.

Venue and Date of COP4

Siti Nurbaya Bakar, Minister of Environment and Forestry, Indonesia, presented Indonesia's bid to host COP4 in Bali on 1-6 November 2021. Colombia respectfully withdrew her country's bid to host COP4 and offered to host a preparatory meeting. Parties endorsed Indonesia as host of COP4 and will decide on the dates by Wednesday.

In the Corridors

As COP3 opened, many delegates expressed optimism that under President Kapindula's steady hand and with improved COP preparatory and organizational work, this meeting would be able to log solid decisions by the end of the week on the long list of pending items. "All these decisions have to be adopted at this COP if we are to fully transition to the implementation stage," said one delegate.

Not everyone agreed on the contents of a minimally-acceptable set of COP3 outcomes, however. Many African delegates said a COP3 decision on phasing out dental amalgam was a priority. Some developing country delegates said a robust discussion on means of implementation was a must. Others said COP3 should adopt a decision on intersessional work, to bring specialized expertise on harmonized system codes for mercury-added products, for example. Many stressed the need to take decisions at COP3, noting that the next COP would not convene until 2021.