

## COP-4.2 Highlights Monday, 21 March 2022

The opening day of the resumed Fourth Meeting of the Conference of the Parties of the Minamata Convention on Mercury (COP-4.2) initiated discussions on amending Convention Annex A (mercury-added products) and B (manufacturing processes in which mercury or mercury compounds are used), and on how to evaluate the effectiveness of the Convention.

In opening statements, Wayan Koster, Governor, Bali, Indonesia, welcomed delegates and expressed strong support for international efforts to reduce eliminate mercury.

Monika Stankiewicz, Executive Secretary, Minamata Convention, provided an overview of the ambitious agenda of COP-4.2, and urged special attention to the recommendations of the UN Environment Programme (UNEP) Executive Director's to strengthen the Convention's Special International Programme on capacity building and technical assistance (SIP).

Inger Andersen, Executive Director, UNEP, drew attention to the recently concluded Fifth United Nations Environment Assembly, which agreed to establish a science-policy panel on the sound management of chemicals and waste. She noted how this will impact the Minamata Convention's work.

Siti Nurbaya Bakar, Minister of Environment and Forestry, INDONESIA, expressed hope that COP-4.2 will allow Parties to "bridge our differences and expand our similarities" on key issues such as effectiveness evaluation. She explained that an "alarming increase" in global illegal mercury trade prompted Indonesia to propose a nonbinding Bali Declaration on combatting such trade.

Nurbaya formally opened COP-4.2 by striking a traditional Indonesian gong. Rosa Vivien Ratnawati, COP4 President, noted that, despite pandemic challenges, "no action is not an option."

In regional statements, Botswana, for AFRICA, highlighted two proposed amendments: a phaseout of fluorescent mercury lamps by 2025 and a ban on mercury in dental amalgam for children and breastfeeding and pregnant women by 2024.

Sri Lanka, for the ASIA-PACIFIC, called for maintaining and scaling up finance and technology transfer, bearing in mind the principles of common but differentiated responsibilities and respective capabilities. France, for the EUROPEAN UNION and its member states, called for COP-4 to agree on a functional framework for its first effectiveness evaluation, which, she said, must be completed by 2023.

The EU and the US, also on behalf of Australia, Canada, Iceland, Japan, New Zealand, Norway, Switzerland, and the United Kingdom, condemned Russian military aggression in Ukraine and called on Russia to cease hostilities.

Colombia, for the LATIN AMERICAN AND CARIBBEAN GROUP (GRULAC), underlined the need for the GRULAC to receive technology assistance and technology transfer to meet the obligations of the Convention and called upon donor countries to increase their financial support to developing countries.

AFRICA, ASIA-PACIFIC, GRULAC and EU regional groups expressed support for the proposed Bali Declaration's focus on combating the illegal trade in mercury.

### Organizational Matters

Delegates confirmed the agenda adopted at the COP-4's online segment (UNEP/MC/COP.4/1 and Add.1) and the organization of work presented by President Ratnawati and detailed by the Secretariat (UNEP/MC/COP.4/1/Add.1/Rev.1, Annex III).

President Ratnawati noted that nominations for the Bureau, Implementation and Compliance Committee (ICC) and SIP Governing Board must be submitted by Tuesday, and elections would be held Wednesday.

The Secretariat reviewed rules regarding credentials, urging those still remaining to submit theirs to do so by Tuesday so the Credentials Committee could provide its report on Thursday.

### Rules of Procedure

Executive Secretary Stankiewicz introduced the rules of procedure (UNEP/MC/COP.4/3), noting remaining brackets 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. Delegates agreed to defer this matter to COP-5.

### Matters for Consideration or Action by COP-4

**Financial Rules:** Stankiewicz presented the financial rules for the COP, its subsidiary bodies and the Secretariat (UNEP/MC/COP.4/21), noting remaining bracketed text but noting that the financial rules function without this text. Delegates agreed to defer this matter to COP-5.

**Mercury-added Products and Manufacturing Processes in Which Mercury or Mercury Compounds are Used: Review of Annexes A and B:** The Secretariat introduced its note (UNEP/MC/COP.4/4 and UNEP/MC/COP.4/INF/3). Darren Byrne (Ireland), Co-Chair, *Ad Hoc* Group of Technical Experts, noted the group convened 11 times to produce its report by 30 April 2021 (UNEP/MC/COP.4/INF/3). He invited Parties and stakeholders to share further information. IRAN, supported by BAHRAIN, LEBANON and QATAR, asked for more time to further deliberate on problems faced by developing countries for phasing out mercury.

ARGENTINA welcomed discussion on changing the Annexes. The EU noted its active engagement during intersessional work and its proposed amendments. The US noted that the processes in part 2 of Annex B require COP attention regarding alternatives, and requested the Secretariat to consult with parties that had identified themselves as engaging in those processes and to prepare a short report for consideration by COP-5.

Noting that the review inputs involved only eight countries and the EU, BRAZIL, with SAUDI ARABIA and IRAN, said the information was not comprehensive enough to make conclusive recommendations on the Annexes, and called for collecting more information. BOLIVIA called for any new phaseout proposals to carefully consider the deadlines set, taking into account their socioeconomic implications.

**Information on Dental Amalgam:** On Monday, the Secretariat introduced the documents (UNEP/MC/COP.4/5 and UNEP/MC/COP.4/INF/4), and WHO presented outcomes from its survey of 93 chief dental and other health officers (UNEP/MC/COP.4/INF/26). GRULAC expressed concern that technical and economically viable alternatives have yet to be developed on a global scale. AFRICA drew attention to the group's proposed amendment to phase out manufacture and import in amalgam by 2027. He noted that dental mercury is used illegally in artisan and small-scale gold mining, and awareness should be raised regarding its health impacts. VIETNAM noted it would phase out amalgam in the near future.

**Proposals for Amendments to Annexes A and B:** On Monday, the Secretariat presented its note on proposed amendments (UNEP/MC/COP.4/26). The EU presented its proposal (UNEP/MC/COP.4/26/Add.1) to:

- by 2023, eliminate exceptions for button batteries and halophosphate phosphor linear fluorescent lamps, add new measuring devices and polyurethane to Annex A, and ban the production of polyurethane using mercury-containing catalysts; and
- by 2024, add new restrictions on the use of dental amalgam.

The AFRICAN GROUP presented its proposal to ban most fluorescent lighting and phase out dental amalgam by 2029 (UNEP/MC/COP.4/26/Add.2). CANADA presented its proposal with SWITZERLAND (UNEP/MC/COP.4/26/Add.3) to add new products to part I of Annex A, such as photographic film and paper and propellant for satellites and spacecraft, to be banned as of 2025.

MEXICO said the proposals posed new challenges for developing countries which would require additional resources for capacity building. The EU highlighted its own adoption of phaseout dates and regulations on mercury waste. AFRICA called for consensus on the proposals. CANADA, noted that the products included in their proposal are not widely used, but adding them to the Annex A could prevent their reintroduction. CHILE requested longer compliance deadlines, noting the difficulty of detecting, for example, button batteries in imported products.

SWITZERLAND welcomed the EU and AFRICA's respective proposals. CHINA cautioned that countries' compliance capacity and available funding should be considered. THAILAND noted that some products proposed in the amendments are still needed in her country. NORWAY offered to share best practices from its experience successfully phasing out the use of dental amalgam.

NIGERIA, SIERRA LEONE, the US, UGANDA and ZAMBIA all expressed support and interest to further consider the proposals in a contact group. INDIA suggested alternative timelines to phase down, not phase out, certain uses of mercury in lighting

and dentistry. JAPAN asserted that it has pursued more stringent measures to phase out the use of dental amalgam than those proposed.

BRAZIL, BAHRAIN, QATAR and SAUDI ARABIA urged delaying consideration of amalgam until COP-5. PAKISTAN, AFRICA, the EU, ZAMBIA, US, SWITZERLAND, NORWAY all agreed that much work has been done on amalgam so it should be discussed at this COP.

Delegates agreed to establish a contact group that would first discuss amendments proposals not involving dental amalgam.

**Effectiveness Evaluation:** The Secretariat introduced documents on conducting an effectiveness evaluation of the Convention (UNEP/MC/COP.4/18), including indicators (UNEP/MC/COP.4/18/Add.1 and UNEP/MC/COP.4/INF/11) and guidance on monitoring of mercury and mercury compounds (UNEP/MC/COP.4/18/Add.2 and UNEP/MC/COP.4/INF/12 and INF/25). President Ratnawati noted the proposal offered at COP-4.1 by CANADA and NORWAY (CRP1). The US, EU, JAPAN, AFRICA, SWITZERLAND and INDONESIA voiced support for using CRP1 as the basis for further discussion. INDIA noted it is important that the evaluation framework takes into account national circumstances and capabilities in reporting. BRAZIL highlighted problems in the proposals on indicators. COLOMBIA stressed the importance of agreeing on an evaluation framework at COP-4.2. ARGENTINA said the monitoring framework should identify and fill information gaps. CHINA stressed comparability of data.

A contact group was tasked with first discussing the terms of reference for the body which will oversee the evaluation and reporting back on Tuesday. President Ratnawati said if the group makes satisfactory progress on that task, she will propose further tasking it with the terms of reference for the scientific advisory body as well as the overall evaluation framework and work schedule.

### *In the Corridors*

COP-4.2 kicked off with traditional dance and a warm welcome from the Indonesian hosts, at one of the few in-person meetings since the pandemic began over two years ago. Despite this, it could not escape the long shadow of current world events. The EU and US, on behalf of many others, stressed abhorrence over the crisis in Ukraine. Since neither Russia nor Ukraine are parties to the Minamata Convention, no follow-up was forthcoming. But Indonesia has the Presidency of G-20 this year, and is treading a cautiously diplomatic path, while still aiming to make progress on some key global issues.

Delegates lost no time getting into the details of proposals for additions to the Annex A list of products for phaseout. Dental amalgam proved to be the hot-button issue of the day, as some countries called for delaying discussion of phaseout until COP-5. Others expressed frustration that these proposals are nothing new and should be addressed now. The contact group was tasked with handling other amendment proposals first to allow progress on those items and perhaps opportunities to change minds.

As negotiations spilled beyond the close of interpreter services in the evening, delegates remained firm in expressing their concerns regarding the 'meaty' issues before them, airing different views about structuring an evaluation of the Convention's effectiveness five years after its entry-into-force, as the Convention mandates. The week will indeed be a test of Indonesia's ability to deftly steer a meeting with an outsized potential to benefit human and environmental health in the years ahead.