

Minamata COP-4.2 Highlights Thursday, 24 March 2022

After hearing progress reports from the four contact groups, COP-4.2 devoted its morning plenary to addressing capacity building, technical assistance and technology transfer, mainstreaming gender in Convention activities, cooperation between the Minamata Secretariat and the BRS Secretariat, and international cooperation and coordination on mercury issues. It also adopted the report of the Credentials Committee and considered draft decisions on national reporting, the updated guidance on preparing national action plans on mercury use in ASGM, and the terms of reference (ToR) for the second review of the financial mechanism.

In its afternoon session, the plenary finished discussion on international coordination/cooperation. Contact groups met throughout the day trying to complete negotiations on decision texts.

Organizational Matters

Credentials: Credentials Committee Chair Oarabile Serumola, Botswana, reported that of 116 parties pre-registered for COP-4.2, 101 had submitted credentials in order and, as a result, the delegates of 15 countries will be recorded as observers in the report of the meeting. Parties adopted the report on credentials as orally presented.

Matters for Consideration or Action by COP-4

National Reporting: The plenary considered a draft decision (UNEP/MC/COP.4/CRP.7) which, *inter alia*, asks the Secretariat to update the draft guidance for COP-5 approval, clarifies questions for next national short form reports, and calls on parties to copy the Secretariat on export consent forms. Delegates agreed to forward the text to the POW and Budget Contact Group for review.

ASGM: In the morning, plenary considered a draft decision (UNEP/MC/COP.4/CRP.5). BRAZIL requested further consultations on revising the proposed decision. Delegates reviewed a revised text (UNEP/MC/COP.4/CRP.5/Rev.1) in afternoon plenary and forwarded it to the POW and Budget Contact Group for review.

Capacity-Building, Technical Assistance and Technology Transfer: The Secretariat introduced the documents on this item (UNEP/MC/COP.4/14 and UNEP/MC/COP.4/INF/23). The AFRICAN GROUP, BRAZIL, INDONESIA, NIGERIA, PAKISTAN and TANZANIA expressed support for increased capacity building. PAKISTAN urged private-sector engagement,

especially regarding management of end-of-life products. The AFRICAN GROUP called for cooperation on waste management and documentation, pollution monitoring, and development of national action plans. INDONESIA urged stronger commitment from developed-country parties, and greater regional cooperation. IRAN and LEBANON called for strengthening the role of BRS regional centers.

Secretariat: The Secretariat presented its report on implementation of the COP-3 decision on enhanced cooperation between the Minamata Secretariat and the Secretariat of the BRS Conventions (UNEP/MC/COP.4/20). The plenary considered a draft proposal by the AFRICAN GROUP, the EU, GRULAC, NORWAY, THAILAND and SWITZERLAND (UNEP/MC/COP.4/CRP.3). CHILE, MALI and PAKISTAN expressed support. The US stressed that institutional arrangements must be stable, cost-effective, and provide the services needed, and should answer only to the parties to the Minamata Convention. BRAZIL asked to note the UNEA-5 decisions on chemicals and for the Secretariat to participate in the formation of the intergovernmental science-policy panel on chemicals. President Ratnawati asked the Secretariat, after consulting parties proposing changes, to present an amended decision text.

Gender: The Secretariat presented an update on its progress in mainstreaming gender within the activities carried out under the Convention as well as a draft decision and roadmap on the matter (UNEP/MC/COP.4/22). The AFRICAN GROUP, ARGENTINA, the EU, INDONESIA, MEXICO, NIGERIA, TANZANIA, and UGANDA welcomed the initiative. The plenary forwarded the draft decision to the POW and Budget Contact Group for review.

International Cooperation and Coordination

The Secretariat presented: its note on its activities to cooperate and coordinate with other entities (UNEP/MC/COP.4/23); a report on activities on mercury of relevant international bodies (UNEP/MC/COP.4/INF/19); a report on cooperation and coordination between the Minamata and BRS Secretariats (UNEP/MC/COP.4/INF/17); and joint studies by the Minamata and BRS Secretariats on interlinkages between the chemicals and waste multilateral environment agreements (MEAs) and biodiversity (UNEP/MC/COP.4/INF/13) and climate change (UNEP/MC/COP.4/INF/14).

Rodges Ankrah (US) and Teeraporn Wiriwutikorn (Thailand), Co-Chairs of the GLOBAL MERCURY PARTNERSHIP, discussed the report of Partnership activities (UNEP/MC/COP.4/INF/16), noting the 12th Partnership Advisory Group meeting in March 2002 had identified mercury trade and the impacts of mercury on biodiversity as issues needing further work.

UNEP highlighted the Executive Director's report (UNEP/MC/COP.4/INF/15), which describes UNEP's actions in response to outcomes of the previous three COPs. UNEP also presented an update on coordination efforts in the area of international chemicals management, including a GEF- Strategic Approach to International Chemicals Management (SAICM) project on emerging chemicals issues, a pilot project in the Africa region to develop classification labeling of chemicals, and a forthcoming e-learning course on developing a chemicals database.

Carlos Martin-Novella, Deputy Executive Secretary of the BRS, discussed areas of existing cooperation between the Minamata and BRS secretariats, highlighting work on mercury wastes.

The WORLD HEALTH ORGANIZATION (WHO) presented a report on cooperation of WHO and the International Labor Organization (ILO) under Minamata (UNEP/MC/COP.4/INF/18). She noted that half of the 61 Minamata assessment reports show no evidence of health ministry engagement with the Convention, two-thirds do not mention Article 16 on health aspects, and only seven of the reports mention health authorities' responsibilities with regard to ASGM. She called on parties to ensure that national health ministries are involved in mercury, and reiterated WHO's readiness to support them.

INDIGENOUS PEOPLES presented a joint statement urging the Convention to promote human rights standards, including the UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169, in relation to the Minamata Convention. On ASGM, he called for parties to adopt concrete decisions. He urged parties to consult with Indigenous Peoples on creating national action plans and work with Indigenous Peoples at COP-5.

The ZERO MERCURY WORKING GROUP highlighted its work on phaseout of mercury-added products, and developing mercury-free procurement strategies, in cooperation with the Global Mercury Partnership and others.

SWITZERLAND proposed text welcoming relevant UNEA-5 resolutions. The proposed text requests the Secretariat to contribute to implementation as appropriate. BRAZIL, the EU and NORWAY supported the proposal. The EU called for further work as to how the Minamata Convention can contribute to the post-2020 global biodiversity framework.

The draft decision in UNEP/MC/COP.4/23, as amended in plenary, was forwarded to the POW and Budget Contact Group for review.

Contact Groups

POW and Budget: Co-Chair Sam Adu-Kumi, Ghana, reported to the morning plenary agreement on most budget lines, and noted the section on effectiveness evaluation is being left open until the Effectiveness Evaluation Contact Group completes its work.

Annexes A and B: Co-Chair Nicola Powell, Australia, reported to the morning plenary progress on most mercury-added product listing proposals except for button batteries, linear fluorescent lamps, certain high-capacity switches and relays, and dental amalgam. They also reported further work was needed a phaseout date for polyurethane. For processes in part 2 of Annex B, the group agreed to request the Secretariat to consult with parties intersessionally about economically and technically feasible alternatives and prepare a short report for consideration by COP-5.

In afternoon work, the group considered a compromise proposal by the African Group and the EU regarding dental

amalgam, but was unable to bridge differences on language concerning the use of mercury in bulk form by dental practitioners and stopping the use of amalgam for the treatment of deciduous teeth of youth patients and pregnant or breastfeeding women.

The group also tried to decide between 2025, 2027 or 2030 as a phaseout deadline for polyurethane.

Effectiveness Evaluation: Co-Chair Agustin Harte, Argentina, reported to the morning plenary progress on the framework, the diagram for the evaluation process, and the ToR for the proposed scientific group, but reported the group has yet to reach agreement on issues such as the membership and role of the two groups and the effectiveness indicators.

The group met throughout the day. The group agreed on including language regarding human health impacts in evaluations. It also emphasized that the scientific group should consider national circumstances, capabilities, and capacities as well as regional variations, and differences in environmental conditions, and demographic characteristics across parties and regions when conducting its evaluation. A major point of discussion concerned potential budget implications of the wish of some parties to meet in-person for an undetermined number of times during intersessional periods.

Waste Thresholds: Teeraporn Wiriwutikorn, Thailand, reported to the morning plenary that agreement on a single threshold at COP-4.2 appears unlikely. President Ratnawati asked the co-chairs to draft a mandate for intersessional work, for plenary consideration.

In the Corridors

On day 4 of the negotiations, plenary discussions picked up the pace, clearing a number of important decisions on gender, international cooperation, national reporting, and ASGM.

In contrast, several of the contact groups running in parallel with the plenary remained mired in disputes over language, especially in relation to scientific assessment. One country insisted on injecting the word "verify" into paragraphs relating to scientific evaluation, invoking parties' right to accept or reject outcomes. In the context of the COVID pandemic, they certainly aren't the only ones questioning the validity of science — but the push to do so arguably challenges the transparency that is so indispensable to MEAs.

Observers noted that pollution has risen steadily on the international agenda, no doubt elevated by the UN's acknowledgement that it poses one of three major environmental crises that the world is facing today. With recent UNEA-5 decisions to strengthen joint action on chemicals and waste, and stronger recognition of the right to a healthy environment, the path forward to minimize pollution has been set. There was a sense of suppressed excitement among Convention insiders as to the potential for the Minamata framework to underpin some really good work in the coming years, but also a bit of trepidation as to how complex this undertaking might become.

Given all that, negotiators were clearly feeling the strain as day four drew to a close. As some headed wearily to board the buses back to the hotel, others remained to bicker amicably ("You go!" "No, you go!") as to who would lead on closing this last, most sensitive phase of negotiations.

The *Earth Negotiations Bulletin* summary and analysis of this meeting will be available on Monday, 28 March 2022 at enb.iisd.org/Minamata-Convention-Mercury-COP4-2