

Minamata COP-5 Highlights: Wednesday, 1 November 2023

Delegates took seven decisions in plenary on: technical guidance for controlling mercury releases; capacity building; a gender action plan; a knowledge management and digitalization strategy; guidance on the financial mechanism; enhancing cross-linkages with relevant international processes and bodies; and cooperation between secretariats of the Minamata and the Basel, Rotterdam and Stockholm (BRS) Conventions. Three contact groups—on budget, Annexes A and B, and mercury waste thresholds—as well as a Friends of the President group on the effectiveness evaluation continued their deliberations.

Report-backs

Přemysl Štěpánek, (Czechia), Co-chair, contact group on POW and budget, said the group agreed to focus on a scenario of a 5% budget increase, and requested more time.

Paulina Riquelme (Chile), for the Friends of the President group on national reporting, said the group of 12 parties agreed amendments to improve clarity of the draft guidance and will present outcomes to plenary.

Linroy Christian, Antigua and Barbuda, for the Friends of the President Group on regional representation in the effectiveness evaluation group, said he was hopeful a middle ground between three and eight members per region would be achieved.

Matters for Consideration or Action by the Conference of the Parties

Capacity Building, Technical Assistance and Technology

Transfer: Parties returned to the draft decision ([UNEP/MC/COP.5/13](#)).

The AFRICAN GROUP asserted that more work was needed to better target the needs of the region, for example on surveillance and mercury contamination.

The COP adopted the decision.

Releases: The Secretariat introduced the guidance document on best available techniques (BAT) and best environmental practices (BEP) to control mercury releases, and the related draft decision ([UNEP/MC/COP.5/8](#)). Bianca Dlamini (Eswatini), Co-Chair of the group of technical experts, together with Chile, noted the group's consensus agreement on the guidance.

The EU, NORWAY, SAUDI ARABIA, THAILAND, JORDAN, NIGERIA, INDIA, UGANDA, IRAQ, CHILE, MAURITIUS, the AFRICAN GROUP, PERU and BURUNDI expressed support.

The EU called on parties who have not yet established a pollutant release and transfer register to do so. MEXICO called for parties to share their experience of how they quantify emissions and releases.

The AFRICAN GROUP and IRAQ called for resources to enable implementation. IRAQ proposed requesting the Secretariat to “support parties, especially developing country parties and countries with economies in transition, in the application of the guidance.”

The US proposed deleting the phrase “to keep the guidance under review” stating that implementation should have a higher priority than review.

The INTERNATIONAL POLLUTANT ELIMINATION NETWORK (IPEN) said other mercury sources should be listed, including incinerator bottom ash, shipbreaking activities, and mercury-based pesticides.

The COP agreed to the changes by the US and Iraq, and adopted the decision.

Gender: The Secretariat presented the gender action plan and associated draft decision ([UNEP/MC/COP.5/18](#)).

INDONESIA, CHILE, the AFRICAN GROUP, ARGENTINA, EL SALVADOR, US, IRAQ, EU, IPEN, ITTC, ARMENIAN WOMEN FOR HEALTH AND HEALTHY ENVIRONMENT, ZERO MERCURY WORKING GROUP, and SUSTAINABLE DEVELOPMENT POLICY INSTITUTE voiced support for the draft decision.

The EU proposed minor changes to include “subject to availability of resources” in two paragraphs, while IRAQ requested more precise translation from Arabic on masculine and feminine names. UGANDA suggested reviewing national action plans to integrate gender concerns, noting that at some mining sites women who cannot afford to buy mercury are resorting to “regrettable means” to acquire the mercury.

Following inclusion of the proposed changes from the EU, the COP adopted the decision.

Knowledge Management: The Secretariat introduced the document and draft decision ([UNEP/MC/COP.5/19](#)), noting this topic was appearing as a COP agenda item for the first time.

The AFRICAN GROUP, requested the COP to adopt the strategy. INDONESIA expressed support.

The EU and US stressed the importance of using InforMEA, the UN's information portal, to collaborate. In place of requesting the Secretariat to “propose” activities to implement the knowledge management strategy, the EU preferred the Secretariat to “prioritize relevant” activities. With this change, the COP adopted the decision.

Mercury and Kunming-Montreal Global Biodiversity

Framework: The Secretariat introduced the documents relating to contribution of the Minamata Convention to the Kunming-Montreal Global Biodiversity Framework (GBF), and mutually supportive implementation ([UNEP/MC/COP.5/20](#) and [UNEP/MC/COP.5/INF/27](#)).

Several parties noted the potential for cooperation and action on mercury under Target 7 of the GBF, which seeks to reduce the overall risk from pesticides and highly hazardous chemicals by at least half by 2030.

The EU and US supported the draft decision. The EU requested addition of a paragraph welcoming the Bern meetings set up by Switzerland to support synergies between relevant multilateral agreements, including Minamata.

The US, supported by the EU, proposed deleting a paragraph referring to Global Environment Facility (GEF) programmes, on the basis that similar text appears in another draft decision on

financial mechanism. BRAZIL expressed reservation, noting some differences between the two texts.

NIGERIA, TÜRKIYE, CHILE, LIBYA, IPEN and IUCN supported the draft decision.

TANZANIA, INDONESIA, BOTSWANA shared national experiences, and KENYA called for national targets to mention specific pollution streams.

CANADA expressed concern that the draft decision requests the GBF *Ad Hoc* Expert Group to “review proposals for an additional headline indicator,” in view of the lack of indicators under GBF’s Target 7 for highly hazardous chemicals. She anticipated that this may encounter resistance, and proposed instead referring this request to the Convention on Biological Diversity COP, with a reference to “complementary indicators.”

Discussion was adjourned to enable delegates to re-consider these changes.

International cooperation and coordination: The Secretariat introduced two draft decisions, one on cooperation with relevant international frameworks and bodies, ([UNEP/MC/COP.5/21](#)), the other on cooperation and coordination with the BRS conventions ([UNEP/MC/COP.5/22](#)).

Rolph Payet, Executive Secretary, BRS Conventions, stated that, in a world where climate, biodiversity loss and pollution are deeply connected and reinforce each other, actions taken by the chemicals conventions can support resilience to future climate change. He noted that the upcoming UN Framework Convention on Climate Change COP-28 in Dubai will include side events highlighting links between chemicals and climate change.

Many partner organizations and observers described their activities that have fostered greater cooperation with the Minamata Convention.

Delegates agreed to insert a mention of the Bonn Declaration on chemicals, adopted by the Fifth International Conference on Chemicals Management, in the decision on cooperation with international frameworks and bodies, noting this represents a broad political commitment to action on chemicals and waste.

The plenary adopted the two decisions.

Financial Resources and Mechanism: The COP adopted the revised decision (UNEP/MC/COP.5/CRP.4), which among other things provides revised guidance to the GEF resulting from the second review of the Convention’s financial mechanism, and requests the Secretariat to prepare draft terms of reference for the third review for COP-6 consideration.

Rules of Procedure for the Conference of the Parties: Consideration of Rule 45

COP-5 President Dumitru proposed that this matter be deferred to COP-6. NIGERIA lamented the need for another deferment and expressed the hope that COP-6 would finally resolve this matter. Delegates agreed to defer the matter to COP-6.

Contact Group on Annex Amendments

In the group’s morning session, Co-Chair Itsuki Kuroda (Japan) reviewed remaining points of disagreement on phaseout deadlines for entries in the lighting and switches and relays portion of Annex A, and asked the parties involved to prepare compromise proposals for the evening session. Two indicated they would remove their phaseout date proposals on two entries on linear fluorescent lamps.

Regarding the technical and economic feasibility of mercury-free catalysts for the production of vinyl chloride monomer (VCM), the US and NORWAY introduced their proposal (UNEP/MC/COP.5/CRP.5) for a draft decision on feasibility information, indicating it was intended to break the impasse. The new proposal tasks the Secretariat with soliciting expert input on feasible alternatives, and preparing a report for COP-6 on mercury-free catalysts in VCM production.

After extensive discussion, the group agreed to forward to plenary an amended decision text:

inviting parties and relevant organizations to submit information to the Secretariat by 31 March 2025 on technically

and economically feasible alternatives to the use of mercury and mercury compounds in VCM production; and

requesting the Secretariat to provide a report based on submitted information for COP-6 consideration.

The group held an initial discussion on the proposed phaseout by 2025 of cosmetics with mercury added, including skin-lightening soaps and creams. Debate centered on whether a footnote is needed to specify that the phaseout would not cover those cosmetics, soaps or creams with trace contaminants of mercury. One regional group argued that not even trace amounts should be tolerated, while others suggested the footnote was necessary to clarify that the Annex covers mercury-added products, not products with unintentional trace amounts.

Contact Group on Mercury Waste Thresholds

Co-Chair Zaigham Abbas (Pakistan) reported to morning plenary that the Tuesday evening meeting of the group had agreed on approving the guidance document on test methods to be used for the tier-2 threshold for tailings from mining other than primary mercury. He said the group also agreed to drop the 25 mg/kg option for the threshold level for total concentration of mercury in wastes contaminated with mercury or mercury compounds, and had amended the proposal for an “opt-out clause” for those with regulations in place using other approaches. Delegates still must choose between the remaining 10 mg and 15 mg options.

In its afternoon session, the group reviewed a Co-Chairs’ proposal for revised decision language on the opt-out clause. A regional group reiterated its opposition to the clause. Another regional group pointed out that the article adopting a single threshold is linked to the opt-out clause, so deleting the latter would lead to the deletion of the former, leaving no reference for enforcing trade restrictions on waste contaminated with mercury.

The group concluded that no new Minamata Convention guidance is needed regarding transboundary movements of mercury wastes, since the existing Basel Convention provisions are clear. The Co-Chairs promised to reflect this conclusion in their report to plenary and to request that it be noted in the COP meeting report.

The group agreed on decision language regarding fulfillment of Convention article 11(3)(a)’s obligation to develop an annex on environmentally sound management of mercury wastes that takes into account both the Basel technical guidelines on the subject and parties’ waste management regulations and programmes. The draft provisions call for parties to submit to the Secretariat information about the latter, which the Secretariat will collate and provide to COP-6 for its work on an annex.

In the Corridors

Delegates experienced some sense of progress today, as the plenary reviewed and adopted a slew of the less-controversial draft decisions throughout the day. By lunchtime, four of these were done and dusted. In the afternoon they adopted another three.

The pace of progress in plenary would be impressive, were it not for the glacial pace of decision making in the contact groups downstairs. The contact group on Annexes A and B was mired in division between the more developed industrial nations, who have largely phased out of the more polluting technologies, and those with economies in transition, who call for further review of mercury-free alternatives. The contact group on waste thresholds made progress on many aspects of a draft decision, only to stumble on intractable positions regarding the proposed opt-out clause.

Meanwhile, the promise of stronger integration of Indigenous Peoples in the work of the Convention, foreshadowed by Tuesday’s decision encouraging parties to support participation of “Indigenous Peoples’ organizations” met with a rumble of dissatisfaction. Representatives of Indigenous Peoples, while they supported the Gender Action Plan adopted today, reminded delegates that they should also acknowledge the status of Indigenous Peoples as a recognized UN Major Group—and not categorize them together with “local communities,” “stakeholders” or “organizations.”