

## Summary of the First Segment of the Fourth Meeting of the Conference of the Parties to the Minamata Convention on Mercury: 1-5 November 2021

Faced with the expiration of its budget and programme of work at the end of 2021, the Bureau of the Minamata Convention on Mercury agreed that the Fourth Meeting of the Conference of the Parties (COP-4) needed to convene to ensure the Convention could continue to carry out its work. Due to the COVID-19 pandemic, an in-person meeting was not possible, so the Bureau agreed that the COP would be convened in two segments: a first virtual segment (COP-4.1) to address the most urgent issues and a second in-person segment (COP-4.2) in early 2022 where parties would consider the remaining items on the agenda.

Thus, at COP-4.1 the stakes were high. If parties were unable to reach agreement on a programme of work and budget for 2022 and agree on the dates for COP-4.2, the momentum that the Minamata Convention has demonstrated in its first few years might come to a halt, putting in jeopardy gains in protecting human health and the environment from mercury pollution.

Close to 1,000 participants attended the meeting, working collaboratively despite challenges arising from the online setting. Parties succeeded in adopting the two essential decisions: the 2022 programme of work and budget, and setting 21-25 March 2022 as the dates for COP-4.2 in Bali, Indonesia. Participants also discussed three other time-sensitive issues: the Convention's effectiveness evaluation, national reporting, and the eighth replenishment of the Global Environment Facility (GEF).

COP-4.1 convened virtually from 1-5 November 2021, on the same dates that COP-4 was scheduled to convene in person in Bali, Indonesia.

### A Brief History of the Minamata Convention

The Minamata Convention was adopted in 2013 to address mercury, a heavy metal that is persistent in the environment. As a naturally occurring element, mercury can be released into the air and water through the weathering of rock containing mercury ore or through human activities such as industrial processes, mining, deforestation, waste incineration, and burning fossil fuels. Mercury can also be released from mercury-containing products, including dental amalgam, electrical applications (such as switches and

fluorescent lamps), laboratory and medical instruments (such as clinical thermometers and barometers), batteries, seed dressings, antiseptic and antibacterial creams, and skin lightening creams. Mercury exposure can affect fetal neurological development and has been linked to lowered fertility, brain and nerve damage, and heart disease in adults who have high levels of mercury in their blood. Discussions related to the need for a legal instrument to address the threats posed by mercury began in earnest in 2007. The Minamata Convention on Mercury was adopted on 10 October 2013 and entered into force on 16 August 2017. It currently has 135 parties.

### Key Turning Points

**24th Session of the UNEP GC/GMEF:** In February 2007, the United Nations Environment Programme (UNEP) Governing Council/Global Ministerial Environment Forum (UNEP GC-24/GMEF) discussed the issue of mercury extensively. Delegates' preferences for international cooperation on mercury ranged from starting a negotiating process for a legally-binding instrument, to incorporating mercury into existing agreements, or concentrating on voluntary actions, especially through partnerships. They agreed in

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decision 24/3 IV that a “two-track” approach could take forward actions on mercury, while keeping open the path to a binding instrument in the future. An *ad hoc* open-ended working group (OEWG) of government and stakeholder representatives was established. The OEWG met twice, agreeing on one legally-binding option and three voluntary options for consideration by the UNEP GC.

**UNEP GC-25/GMEF:** In February 2009, the UNEP GC/GMEF adopted decision GC-25/5, by which delegates agreed to further international action consisting of the elaboration of a legally-binding instrument on mercury that could include both binding and voluntary approaches, together with interim activities, to reduce risks to human health and the environment. It also requested the UNEP Executive Director to convene an OEWG meeting in 2009 and an intergovernmental negotiating committee (INC) commencing its deliberations in 2010, with the goal of completing its work by GC-27/GMEF.

**Negotiation of the Convention:** The INC met five times between June 2010 and January 2013. INC-1 requested the UNEP Secretariat to draft “elements of a comprehensive and suitable approach” to a legally-binding instrument. This draft served as a basis for negotiation at INC-2, where delegates completed a first full reading of the paper and mandated the Secretariat to prepare new draft text for further negotiation at INC-3. At INC-4, delegates made progress on storage, wastes, and contaminated sites, but views diverged on compliance, finance, and control measures for products and processes. INC-5 addressed policy and technical issues such as: mercury air emissions and releases to water and land; health aspects; and phase-out and phase-down dates for products and processes. A compromise was reached late on the final night, based on a package addressing outstanding issues.

**UNEP GC-27/GMEF:** This meeting, in February 2013, concluded with a decision welcoming the completion of negotiations of the mercury treaty, authorizing UNEP’s Executive Director to provide an interim Secretariat to the instrument prior to its entry into force, and inviting parties to the Basel, Rotterdam and Stockholm (BRS) Conventions to consider the steps to facilitate cooperation and coordination with the Minamata Convention.

**Diplomatic Conference of Plenipotentiaries on the Minamata Convention on Mercury and its Preparatory Meeting:** The Minamata Convention on Mercury was officially adopted on 10 October 2013, in Kumamoto, Japan, at the Diplomatic Conference of Plenipotentiaries. The Conference gathered more than 1,000 participants from over 140 countries, intergovernmental organizations, and non-governmental organizations. During the conference, the Convention was signed by 91 countries and the European Union (EU). Immediately prior to this Conference, from 7-8 October 2013, participants at an open-ended intergovernmental preparatory meeting negotiated resolutions on elements of the Final Act, including: promoting and preparing for the early implementation of the instrument; arrangements for the interim period before its entry into force, such as arrangements for financial and technical assistance during that period; and Secretariat arrangements.

**INC-6 and 7:** INC-6 convened in November 2014 in Bangkok, Thailand, during the interim period between the adoption of the Convention and COP-1. Delegates discussed issues including the

financial mechanism, rules of procedure and financial rules, and possible approaches to reporting. INC-7 convened in March 2016 at the Dead Sea, Jordan. Delegates considered issues including: procedures for export and import of mercury; operation of the financial mechanism; and draft rules of procedure and financial rules for the COP. They also discussed guidance on issues including the identification of stocks of mercury and mercury compounds and sources of supply, and best available techniques and best environmental practices for controlling emissions.

**COP-1:** COP-1 met in Geneva in September 2017, and discussed, *inter alia*:

- reporting;
- effectiveness evaluation;
- financial mechanism;
- arrangements for a permanent secretariat;
- compliance and guidance; and
- guidelines related to technical aspects of the Convention.

A High-level Segment attended by two Heads of State and Government and 80 ministers provided an interactive platform to demonstrate political leadership and raise awareness of, and support for, implementation of the Convention. COP-1 agreed on interim arrangements for the Secretariat, which would be located in Geneva until a review of these arrangements was conducted at COP-2.

COP-1 also established a Specific International Programme (SIP) as one part of the financial mechanism, but was unable to agree on the Memorandum of Understanding (MoU) with the GEF, postponing this decision to COP-2.

**COP-2:** Delegates attending COP-2 in November 2018 agreed on permanent arrangements for a stand-alone Secretariat, based in Geneva. COP-2 also adopted decisions on, among others:

- cooperation with the BRS Conventions;
- rules of procedure for the Implementation and Compliance Committee;
- mercury waste thresholds;
- harmonized customs codes;
- contaminated sites;
- interim storage;
- capacity building, technical assistance, and technology transfer; and
- effectiveness evaluation.

The COP also approved the MoU with the GEF.

**COP-3:** COP-3 met in Geneva in November 2019, and discussed, *inter alia*:

- guidance for completing the national reporting format;
- the financial mechanism, including the GEF and the SIP, enhancement of the SIP, and review of the financial mechanism;
- capacity building, technical assistance and technology transfer;
- the sharing of secretariat services with the BRS Secretariat;
- the review of the Convention’s Annexes A (mercury-added processes) and B (processes using mercury or mercury compounds), which is due by 2022; and
- guidance on the management of contaminated sites.

COP-3 extended its allotted schedule as contact group deliberations on effectiveness evaluation ran into early hours of the morning beyond the final day. In the end, parties adopted a “minimalist text” decision on the issue that requested the Secretariat

to advance the work on the proposed framework for effectiveness evaluation and monitoring, and invited parties to submit views on the indicators.

### COP-4.1 Report

As the virtual segment of COP-4 convened on Monday, 1 November 2021, participants were greeted by Indonesian dancers performing a sequence of traditional regional dances. During the opening ceremony, Siti Nurbaya Bakar, Minister of Environment and Forestry, Indonesia, welcomed delegates. She highlighted that the Convention needs to be adaptive, agile, and forward looking despite its young age. She outlined her country's priorities and progress in implementing the Convention, and announced that Indonesia is proposing a non-binding Bali Declaration on combatting global illegal trade of mercury, to be finalized at COP-4.2. She invited parties to continue to contribute to the draft of the declaration.

Pointing to the triple planetary crises of climate change, biodiversity loss, and pollution, UNEP Executive Director Inger Andersen stressed the importance of coherent implementation across the international environmental agenda to make the planet healthy again. She invited participants to the Resumed Fifth Session of the UN Environment Assembly (UNEA 5.2), which will be held in Nairobi, Kenya in late February and early March 2022.

Monika Stankiewicz, Executive Secretary of the Minamata Convention, said multiple sources of support are necessary to unlock larger investments and the co-benefits of tackling the triple planetary crises, and congratulated parties on implementation progress already made despite difficult circumstances. She thanked those parties that had contributed to the third round of the SIP to support capacity building and technical assistance.

COP-4 President Rosa Vivien Ratnawati (Indonesia) noted that despite numerous pandemic-related challenges, the Minamata Convention family has been working hard to remain creative and innovative, as no action is not an option. She urged all delegates to make the best and most effective use of COP-4.1 to exchange views, share opinions and experiences, and work constructively to ensure the success of COP-4.2.

In regional statements, the EU expressed commitment to achieving the Sustainable Development Goals (SDGs), and recognized the importance of implementing the Minamata Convention to protect human health and wellbeing, and the environment, and to achieve responsible consumption and production. The LATIN AMERICAN AND CARIBBEAN GROUP (GRULAC) lamented that some countries have not adopted programmes to address mercury use. He urged the GEF to ensure sufficient funding to projects addressing mercury emissions and releases, and said the Group will present a conference room paper (CRP) to provide additional guidance to the GEF during its eighth replenishment (GEF-8).

The ASIA-PACIFIC GROUP said virtual meetings should be restricted to non-substantive matters, noting many parties find it difficult to participate in intersessional virtual meetings due to technical and financial challenges. He called for a stronger consensus base and more inclusive decision-making as the Convention moves towards the implementation phase. He urged

COP-4.1 to focus on the agenda item on the programme of work and budget.

The CENTRAL AND EASTERN EUROPEAN GROUP stressed that the special circumstances caused by the COVID-19 pandemic should not stop work toward implementation of the Convention, and said endorsing the budget should be the main focus of COP-4.1.

On Wednesday, the AFRICAN GROUP delivered its opening statement. Noting that various tragedies, including the pandemic, have severely affected African economies, she requested more technical and financial assistance to implement the Convention. She also requested that Africa have an additional day for in-person regional meetings in advance of COP-4.2.

### Adoption of the Agenda and Organizational Matters

**Organization of work:** On Monday, parties adopted the provisional agenda (UNEP/MC/COP.4/1 and UNEP/MC/COP.4/1/Add.1) and the proposed organization of work (UNEP/MC/COP.4/2). IRAN sought clarification about the announced preparation of a Bali Declaration on combatting global illegal trade of mercury, asking whether it had been added to the agenda. The Secretariat clarified that, in addition to a briefing on the margins of COP-4.1, information on the process for input to the Bali draft declaration would be conveyed through the regional groups.

**Credentials:** Following interim reports on Monday and Wednesday, on Friday, Oarabile Serumola (Botswana), Chair of the Credentials Committee, reported that while 100 parties registered to participate in COP-4.1 and are present at the meeting, only 90 parties have submitted copies of their credentials. She explained that 10 parties did not submit credentials and 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 the Conference of the Parties

**Financial resources and mechanism:** On Wednesday, President Ratnawati clarified that discussions on the Convention's financial mechanism at COP-4.1 will be limited to the ongoing deliberations for GEF-8, as the replenishment negotiations will conclude in February 2022 (UNEP/MC/COP.4/10 and UNEP/MC/COP.4/INF/8). She explained that other agenda items related to the financial mechanism, including the GEF and the SIP, will be taken up at COP-4.2.

Chizuru Aoki, GEF, speaking on behalf of GEF CEO and Chairperson Carlos Manuel Rodriguez, recalled that at COP-1, parties had clearly defined priorities to guide the GEF's work in supporting the Convention's implementation. She explained that the GEF is replenished every four years by contributing participants, and that GEF-8 will cover the period from June 2022 to June 2026. Aoki explained the process and the consultations informing the negotiations. She assured parties that the GEF sees the Minamata Convention as a critically important convention and takes its responsibility as its financial mechanism very seriously.

The UK said it is crucial that the GEF Chemicals and Waste Focal Area receive sufficient funding to ensure that it can carry out essential work on chemicals, waste, and pollution globally. Noting there are important legally-binding commitments under the Minamata Convention with specific deadlines that need to be met,



he said the GEF plays an important role in funding and supporting crucial work that can improve the health of millions of people and address the drivers of environmental degradation.

CANADA stressed the need for adequate and predictable support to facilitate the Convention's timely implementation, and underscored the need for the GEF to prioritize the delivery of multilateral environmental agreement requirements.

GRULAC expressed concern regarding the limited availability of resources to address the Convention's legally-binding commitments. Considering the impact of the pandemic, and the increase of medical devices using mercury, she flagged the essential role of the GEF in fulfilling the Convention's objectives. She introduced a CRP laying out these concerns (UNEP/MC/COP.4/CRP.3).

The US noted that the current 15% allocation to the Chemicals and Waste Focal Area is insufficient to adequately support the needs of both the Minamata and Stockholm Conventions, and said the US will call for an increase in this allocation during the replenishment negotiations.

NORWAY said it is crucial for Chemicals and Waste Focal Area to get sufficient funding, and, with other parties, highlighted the importance of supporting compliance with legally-binding commitments with specific deadlines.

INDONESIA urged for increased allocation to the Minamata Convention in GEF-8.

The EU supported the Secretariat's proposal to forward the report of COP-4.1, including parties' statements, to the GEF, and to request that it consider the information, stressing the importance of sending a clear signal on the needs of the Minamata Convention to GEF-8. He added that the Convention's needs are dynamic and that GEF must also consider possible new commitments, such as the inclusion of new sectors or products under the Convention.

On Friday, interventions on the agenda item continued.

Carlos Manuel Rodriguez, GEF CEO and Chairperson, highlighted that the GEF-8 proposal relies on greater integration, building back better, and efforts for a blue, green and clean post-pandemic recovery. He said GEF-8 will build on guidance on programming priorities received from the COP, and work with parties to address issues relating to products, storage, trade and other topics necessary for a successful outcome in the short-term implementation of the Convention. Rodriguez added that the GEF-8 strategy is drafted to allow flexibility to include new topics that the COP may prioritize during the GEF-8 period.

IRAN lamented the GEF's "unjustified and discriminatory approach" to his country and some other developing countries, noting that systematically denying certain parties access to resources will affect the Convention's implementation and effectiveness. He called on the COP to urge the GEF to "set aside its politicized attitude to programming directions."

NIGERIA, SWITZERLAND, URUGUAY, GHANA, MALI, and MEXICO requested the GEF to increase allocation of funds to the Chemicals and Waste Focal Area during GEF-8, in order to facilitate implementation of the Convention. The AFRICAN GROUP requested that GEF-8 make additional funding available to developing countries and countries with economies in transition.

SRI LANKA requested the GEF to reduce the amount of co-financing required from recipient countries and urged other countries to support this request. COLOMBIA stressed the need to guarantee

a solid funding base by increasing the allocation to the Chemicals and Waste Focal Area, keeping in mind the Herculean efforts needed to meet deadlines on mercury-added products, industrial processes, and National Action Plans. Supporting the GRULAC statement, ARGENTINA said the GEF and SIP are essential for developing country efforts to meet commitments under the Minamata Convention.

CHILE called on parties, especially donor countries, and the Executive Secretary, to communicate, in the replenishment process, the need to give due priority to compliance with obligations of chemicals agreements, in particular the Minamata Convention.

BRAZIL highlighted the opportunity to take account of developing countries' capacity building and financial support needs to fulfill the Convention's obligations.

**National reporting:** On Wednesday, the Secretariat introduced document UNEP/MC/COP.4/17, which contains the draft guidance for completing the national reporting format for the Convention. She explained that the guidance will not be finalized until COP-4.2 in March 2022 and proposed that parties may decide to use it to assist them with preparing and submitting their first long-form national reports, due by 31 December 2021. Participants then watched a video about getting ready for the online reporting tool.

The US, EU, BRAZIL, CANADA, NIGERIA, ZAMBIA, and CHAD supported the interim use of the draft guidance to prepare the long-form reports. The US added that they still have concerns about the document, and looked forward to discussing it further at COP-4.2 before it is adopted.

INDIA noted there are certain issues in the guidance that require further clarification and proposed continuing discussion of the guidance ahead of COP-4.2 before final agreement in Bali.

INDONESIA noted that, due to the COVID-19 pandemic, some countries may face challenges in meeting the 31 December 2021 deadline, and requested that the Secretariat continue to provide assistance to countries that need it.

CHILE and PERU requested that the Secretariat continue holding online training webinars to encourage and increase participation of more technical staff, and asked that some webinars be offered in Spanish and during the GRULAC region's business hours.

The INTERNATIONAL POLLUTANTS ELIMINATION NETWORK (IPEN) said the experience from the short format reporting phase showed that although there was a high response rate, the quality of the reported data was poor, due in large part to the ambiguity of the questions. He said the long format reporting requires further capacity building and resources to ensure more and better data is submitted by parties.

**Effectiveness evaluation:** On Monday, the Secretariat introduced the agenda item (UNEP/MC/COP.4/18, UNEP/MC/COP.4/18/Add.1, UNEP/MC/COP.4/18/Add.2, UNEP/MC/COP.4/INF/11 and UNEP/MC/COP.4/INF/12). President Ratnawati noted that this item has been on the agenda since COP-1, and that a lot of work has been done on it, including intersessional work conducted between COP-3 and COP-4. Noting some parties initiated informal consultations on items that remained unresolved after COP-3, she invited Norway to inform parties about the consultations.

NORWAY, speaking also on behalf of CANADA, proposed a framework for the first effectiveness evaluation of the Minamata Convention. He explained that the proposed framework is based

during the CRP from the COP-3 contact group on the item, and incorporates input from contributing parties and regions received from intersessional informal consultations. Stating that the framework has been submitted as a CRP (UNEP/MC/COP.4/CRP.1), NORWAY invited delegates to consider using this CRP as a basis for further discussions on the framework, and, in preparation for COP-4.2, requesting the Secretariat to invite written comments and to arrange an online session for parties to exchange views on the framework.

INDIA highlighted the need for a robust framework that ensures reporting is easy and effective to meet the Convention's objectives, and said he will submit, ahead of COP-4.2, a proposal on the unresolved items.

The UK, EU, SWITZERLAND, JAPAN, NIGERIA, COLOMBIA, and PERU supported using the Norway/Canada CRP as a basis for further discussions. Several parties also supported further dialogue in the period ahead of COP-4.2. Many took note of progress since COP-3 on the list of proposed indicators and draft guidance on monitoring, and commended the Secretariat, experts, and interested parties for their intersessional work.

Regarding monitoring-related work, CHINA, supported by IRAN, said there are already arrangements in place under the Convention and COP decisions, and stressed that technical documents, such as the monitoring guidance for effectiveness evaluation, should be prepared in accordance with these arrangements and not go beyond the Convention's mandate.

The EU highlighted that current knowledge does not yet allow linking global monitoring data to the effectiveness of the Convention in a robust manner, and suggested that the first effectiveness evaluation should mainly focus on assessing the Convention's effectiveness in reducing mercury demand, supply, use, emissions, and releases.

The US noted a substantial degree of alignment across parties' submissions on indicators and looked forward to being able to adopt a revised list of indicators at COP-4.2.

While expressing general support for the Secretariat-led process on indicators, BRAZIL noted that given the pandemic, many countries were not able to fully engage in the technical drafts on indicators, and said any decision should be taken at an in-person meeting. He underscored indicators should not add an additional burden to developing countries due to complexity or lack of capacity.

INDONESIA noted the indicators are comprehensive and informative, and could serve as a strong basis for the effectiveness evaluation mechanism. He said he looked forward to working together to reach consensus at COP-4.2.

BURKINA FASO stressed the importance of holding an inclusive discussion of indicators at COP-4.2 so that the process can take due account of the weaknesses and opportunities of each region.

In a statement read by the Secretariat due to technical issues, IRAN took note of the CRP but noted that future discussion at COP-4.2 should take into account all proposals that might be put forward on this subject.

ARGENTINA called for maximizing efforts to achieve an effectiveness evaluation framework that is robust, participative, inclusive, and based on science.

The European Environment Bureau, on behalf of the ZERO MERCURY WORKING GROUP, commended Norway and Canada for producing a helpful CRP that builds on work done to date and sets out a clear proposal for an effectiveness evaluation framework. She noted the proposal provides a way to take advantage of available mechanisms and expertise and also ensures oversight by the COP at all steps of the process.

Noting agreement on the value of intersessional work prior to COP-4.2, President Ratnawati said the Secretariat will support continued preparations in advance of substantive discussions at COP-4.2.

### ***Programme of Work and Budget***

On Monday, the Secretariat introduced the relevant documents (UNEP/MC/COP.4/24, UNEP/MC/COP.4/24/Corr.1, UNEP/MC/COP.4/INF/21, UNEP/MC/COP.4/INF/22) relating to the programme of work and budget, recalling that one of the main reasons for COP-4.1 is that the budget adopted by COP-3 will expire at the end of 2021. She explained the Secretariat has prepared and submitted the budget for 2022-2023 in line with decision MC-3/12, setting out two budget scenarios and providing supporting documentation. She also explained that agreeing on the 2022 programme of work and budget is necessary so parties can be notified of their 2022 contributions prior to the deadline for contributions, and will ensure the continued implementation of the Convention and operation of the Secretariat in 2022.

The EU recognized the importance of a fully operational budget, including for continued work on effectiveness evaluation. He underscored that allocating resources before decisions are taken at COP-4.2 should in no way set a precedent for future deliberations on effective evaluation or other activities. He supported adopting the 2022 budget on the condition that COP-4.2 review the budget decision.

INDONESIA said the programme of work and budget should accommodate and ensure inclusive participation of all parties to the Convention, including to support developing countries to attend COP-4.2 both in-person and virtually. He also called for ensuring the budget supports parties in implementing obligations under the Convention, especially those that are time bound.

President Ratnawati proposed, and parties agreed, to establish a contact group on the issue, to be co-chaired by Sam Adu-Kumi (Ghana) and Reginald Hernaus (Netherlands). Parties also agreed that rather than following the customary parties-only format for this contact group, those parties that have already completed their ratification but for which the Convention had not yet entered into force could attend as observers. The contact group met Tuesday, Wednesday, and late into Thursday.

In plenary on Wednesday, Co-Chair Hernaus briefly reported on the group's deliberations. He noted good progress on the issues considered and said discussions will continue, focusing on, *inter alia*, the effectiveness evaluation, Special Trust Fund, and budget implications of COP-4.2.

On Friday, the contact group Co-Chairs reported on the group's deliberations, stating that nearly 200 delegates took part. Noting this would be no surprise for those who attended COP-3, they reported that the biggest challenge was how to address the effectiveness evaluation. They also highlighted three issues that the contact group

discussed in detail: a reference to the SIP; additional information on contributions and expenditures; and the applicability of the UN scale of assessments.

President Ratnawati explained that consideration of the programme of work and budget for 2023 will resume at COP-4.2. She introduced the draft decision and its tables (UNEP/MC/COP.4/CRP.4), which was adopted without amendment.

**Final Decision:** In its final decision (UNEP/MC/COP.4/CRP.4), the COP takes note of the proposed programme of work and budget for the biennium 2022–2023, and approves on an exceptional basis and without setting a precedent, the budget for the general trust fund for 2022 of USD 3,397,684 million as part of the budget for the biennium 2022–2023. It decides to review and agree on the budget for the general trust fund for 2023 during COP-4.2. The COP also authorizes the Executive Secretary to draw down from the estimated available surplus of the general trust fund the amount of up to USD 500,962 to cover a portion of the additional costs of COP-4 and meet other listed commitments. The COP also adopts an indicative scale of assessments for the apportionment of expenses and authorizes the Executive Secretary to adjust the scale to include all parties for which the Convention is in force by 1 January 2022.

Regarding the Special Trust Fund of the Minamata Convention on Mercury, the COP takes note of the estimates for 2022 of USD 1.9 million and requests parties and invites non-parties and others in a position to do so, to contribute to the fund.

The COP decision includes three tables: Table 1 sets out the 2022 Programme of Work, Table 2 sets out the overview of the indicative scale of assessments and contributions, and Table 3 provides indicative staffing requirements for 2022-2023.

### ***Dates of the Resumed Fourth Meeting of the COP***

On Monday, the Secretariat introduced the agenda item (UNEP/MC/COP.4/25), noting the proposed dates for COP-4.2 are 21-25 March 2022. INDONESIA presented on its preparations for COP-4.2, particularly in light of the ongoing COVID-19 pandemic. He reported that Bali, the proposed location, has reached almost 100% of full double-dose vaccination and that, at the national level, Indonesia aims to achieve 60% by COP-4.2. He said due to pandemic-related restrictions, it might be necessary to limit the size of party and observer delegations.

Many countries supported holding COP-4.2 in Bali, Indonesia, on the proposed dates.

BRAZIL, the AFRICAN GROUP, CHILE, NIGERIA, UGANDA, and the US, preferred a fully in-person, rather than a hybrid, meeting.

UGANDA, CHILE, and MEXICO proposed that arrangements can be made for persons not in Bali to follow the meeting but not participate. COLOMBIA said providing virtual access to the deliberations could be used as a tool for strengthening national capacities. PERU supported having a hybrid in-person/virtual meeting.

The US noted that limiting delegation size would make discussions difficult and suggested making every effort to ensure flexibility to allow more delegates to attend the meeting.

The DOMINICAN REPUBLIC stressed the importance of the meeting taking place on a face-to-face basis in order to be democratic and allow parties to make statements in more direct and fruitful ways.

Noting that many agenda items at COP-4.2 are substantive and technical issues, JAPAN supported a full in-person meeting for negotiations. Acknowledging the need to prioritize health and safety aspects, he called for either flexibility regarding the number of those allowed to take part in person, or allowing interventions from online participants that would have joined the meeting were it not for the delegation size restrictions. As an alternative, he suggested COP-4.2 focus on prioritized agenda items that cannot be postponed, such as the 2023 programme of work and budget and effectiveness evaluation, so that delegation sizes can be smaller while making progress on urgent issues.

In a statement read by the Secretariat due to technical issues, IRAN, later supported by CHINA, opposed holding a hybrid meeting, stressing it will considerably affect parties' participation. He explained that in light of the heavy schedule of COP-4.2, limiting delegation size would require choosing between technical and legal experts. He added that a hybrid format would only be viable during the intersessional period.

Citing the principle of fairness, CHINA called for ensuring all parties can participate in COP-4.2, noting that technical problems related to the online format of COP-4.1 were impeding parties' full participation.

INDONESIA took note of delegates' concerns and explained that in light of the dynamic pandemic-related situation, it is necessary to strike a balance between inclusive participation of parties and safety and health measures. He asked for understanding and flexibility under the current circumstances and promised regular updates on the COVID-19 situation in Indonesia.

Delegates agreed to adopt the dates of the meeting, pending confirmation that budget implications have been accommodated in the 2022 budget.

On Friday, President Ratnawati introduced the draft decision (UNEP/MC/COP.4/CRP.2), explaining that the budget contact group had confirmed that any budget implications have been taken into account. The decision was adopted without amendment.

**Final Decision:** In its final decision (UNEP/MC/COP.4/CRP.2), the COP decides to adjourn COP-4 and to resume the meeting in an in-person format in Bali, Indonesia, from 21 to 25 March 2022.

### ***Adoption of the Meeting Report***

On Friday, the Secretariat introduced the draft meeting report (UNEP/MC/COP.4/L.1), noting it covers proceedings in plenary at COP-4.1. She explained that at COP-4.2, the COP will be invited to consider and adopt a supplemental report covering the in-person segment, and that both documents will comprise the report of COP-4. Parties approved the report with minor amendments from the floor.

### ***Suspension of the Meeting***

INDONESIA thanked parties for their input to the draft Bali Declaration on combatting global illegal trade of mercury and invited continued input ahead of COP-4.2. He also thanked parties for their support for the dates for COP-4.2.

The AFRICAN GROUP noted the need for preparatory work ahead of COP-4.2, but said reliance on online preparatory work would be challenging for some regions. He requested that the African Group be given the option to arrive in Bali for COP-4.2 two days early, to allow for more in-person regional consultations.



He also called for support for the Group's proposal to amend the Convention in relation to lighting and dental amalgam, noting the need for interregional consultations on this issue. He informed parties of the Group's intention to reach out to colleagues in other regions on the matter.

IRAQ informed the COP that it ratified the Convention in July 2021 and will arrive at COP-4.2 as a party.

In closing remarks, Executive Secretary Monika Stankiewicz congratulated parties on delivering on all expected outcomes, and commended participants for their collaborative spirit and vibrant commitment to the Convention. She noted calls to the GEF to increase the level of funding to the Chemicals and Waste Focal Area under GEF-8. President Ratnawati noted that COP-4.1 has laid important foundations for COP-4.2 and expressed hope that participants' close cooperation as family and friends would continue. She warned that the pandemic should not stop or weaken efforts to eliminate mercury, pointing to a common obligation to protect the health and wellbeing of future generations by reducing further exposure to mercury.

President Ratnawati suspended the meeting at 3:05 pm in Geneva, Switzerland (UTC+1)/9:05 pm in Jakarta, Indonesia (UTC+7).

### **A Brief Analysis of COP-4.1**

In her closing statement delivered from Jakarta, Indonesia, Monika Stankiewicz, Executive Secretary of the Minamata Convention, reminded delegates that the Minamata Convention is the youngest multilateral environmental agreement (MEA) and presents a unique (cradle-to-grave) approach to protecting human health and the environment. Indeed, in their interventions, many parties made it clear that their commitment to continuing the already impressive track record of this ground-breaking treaty was central to their gathering for a virtual segment of the fourth meeting of the Conference of the Parties (COP-4.1). Like so many other MEAs, the pandemic had precluded their meeting in person as originally planned.

At COP-4.1, parties were faced with two essential tasks: adopting the Convention's 2022 programme of work and budget, to ensure that the Convention's Secretariat and implementing activities could continue to operate past the end of 2021, and agreeing on the dates for the in-person segment (COP-4.2).

Agreeing on the programme of work and budget did indeed take up most of the delegates' time—time well-spent because parties were ultimately able to adopt the necessary decision. The outcome ensures not only that COP-4.2 can proceed, but also that the Secretariat can continue to support parties in their compliance with the Convention's legally-binding commitments. This brief analysis puts the discussions held at COP-4.1 in the context of the deadlines and broader timeframes of the Convention, and concludes with a look ahead to COP-4.2.

### **National Reporting**

Parties' first long-form national reports are due by 31 December 2021. For their first short-form reports, which were due at the end of 2019, parties achieved an 89% reporting rate, and it remains to be seen whether such success will be repeated with the long-form reports.

The Minamata Convention stands out from other MEAs for the way in which it takes a comprehensive approach to "Making Mercury History." The Convention's objective is "to protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds." Such a broad scope includes a wide range of sources of mercury releases and emissions, including mercury mining, mercury supply sources and trade, waste, mercury-added products, and artisanal and small-scale gold mining, among many others.

From the perspective of a party's preparation of its national report, this breadth requires extensive technical expertise as well as coordination across what will often be several ministries. At COP-4.1, the Secretariat introduced draft guidance it prepared to support parties in making their submissions. Delegates were generally receptive to this guidance, and supported interim use of the guidance ahead of its further discussion and formal adoption at COP-4.2.

National reporting, however, is more than an administrative requirement of the Convention—many flagged that it is essential for understanding progress in implementing the Convention, as well as for estimating parties' needs to meet their obligations. These two dimensions were directly connected to two other items that were discussed, in an open-ended context, at COP-4.1: the eighth replenishment of the Global Environment Facility (GEF-8) and the effectiveness evaluation.

### **Financial Mechanism**

In 2019, when parties agreed that COP-4 would be held in Indonesia from 1-5 November 2021—the first COP to be held on a biennial schedule—they knew that they would be faced with an extensive agenda. This agenda would include items required to comply with deadlines set out in the Convention text itself, and to be responsive to external deadlines relevant to the COP's work. Notably, COP-4 would be the only opportunity for parties to give targeted guidance to the GEF within the timeframe of the negotiations on its eighth replenishment. This deadline was of particular interest to parties, given that the GEF is a key part of the financial mechanism of the Convention. It is one of the reasons why parties opted to hold an essentials-only virtual meeting ahead of an in-person meeting in 2022.

Consequently, instead of considering the much broader agenda item on the financial mechanism, including its other component the Specific International Programme, parties at COP-4.1 limited their consideration of this agenda item to targeted interventions aimed at guiding the GEF-8 replenishment process.

From the start of the week, parties clearly acknowledged the role the GEF has played as a source of support for the Convention's implementation. On Monday, Executive Secretary Stankiewicz was joined by GEF CEO and Chairperson Carlos Manuel Rodriguez for a side event featuring a regionally-diverse panel. Drawing from specific examples, participants discussed their experiences in allocating or securing support for a variety of projects. This event showcased the range of projects, and potential gains towards meeting the Convention's objectives that have already been supported even during the short period the Convention has been in force. Reporting on efforts to abate mercury use, notably in chlor-

alkali plants and mercury-added products, several participants flagged the importance of multi-stakeholder and gender-inclusive involvement for project success.

Both GEF-contributing and GEF-recipient countries pointed to the central role GEF support has played in helping countries comply with the Convention's obligations. Most urged GEF to increase the allocation of resources to its Chemicals and Waste Focal Area under GEF-8, an allocation which was approximately USD 599 million under GEF-7, representing around 15% of the GEF distributions. For context, the Climate Change, Biodiversity and Land Degradation Focal Areas were allocated USD 802 million, USD 1,292 million and USD 475 million, respectively.

One participant noted that if parties struggle to meet their obligations, the Convention would likewise struggle to be effective, and this would be reflected in its effectiveness evaluation—another one of the key issues discussed during COP-4.1.

### Effectiveness Evaluation

According to Article 22, the COP “shall evaluate the effectiveness of this Convention, beginning no later than six years after the date of entry into force of the Convention,” which likely means COP-4 presents the last opportunity to comply with this provision, assuming COP-5 will be held after the stated deadline of August 2023.

The framework and arrangements for this undertaking were a sticking point at COP-3 in 2019, and the constraints of COP-4.1's agenda and virtual format meant there was no expectation that parties would reach a decision at this meeting. Rather, COP-4.1 provided an opportunity to report on intersessional work, led by the Secretariat, building upon what had been agreed at COP-3. The Secretariat introduced a report on the intersessional consultations and the status of remaining areas of work, a compilation of views on proposed indicators, and draft guidance on monitoring of mercury and mercury compounds. Building on this intersessional work, Norway and Canada also introduced a draft conference room paper that proposes a path forward to establishing a framework for the first effectiveness evaluation.

Many parties supported the Norway/Canada paper, although some nevertheless underscored that consideration of the issue at COP-4.2 should not be limited to the paper as a starting point for discussions. While commending all the intersessional work, several parties, especially from Latin America and the Caribbean, and Africa, also underscored that the pandemic had precluded their meaningful participation in the intersessional consultations. African countries also noted difficulties in regional coordination, and requested support for an additional day of regional consultations immediately prior to COP-4.2.

In the end, while no decision was taken at COP-4.1 on effectiveness evaluation, it was understood that the Secretariat would continue to advance understanding and facilitate exchanges on the matter in the short intersessional period leading up to COP-4.2.

### Looking Ahead to COP-4.2

The dates for COP-4.2 are now set: parties will convene in-person in Bali, Indonesia, from 21-25 March 2022. However, as Indonesia's planning progress report made clear, there is still some uncertainty around the exact modalities for this meeting in light of the evolving COVID-19 situation. For example, the extent to which delegation size will be constrained remains in question.

In addition to the full agenda dictated by the deadlines described above, there are also three proposals for amendments to Annex A (mercury-added products) and B (manufacturing processes in which mercury or mercury compounds are used). Given that these amendments have implications for obligation targets and exemptions, parties will scrutinize these carefully and discuss them in detail. These proposals, combined with the prospect of limiting delegations to only four members, as suggested during COP-4.1, caused many parties to question how they could successfully engage in the wide array of technical and legal issues they are expected to discuss in Bali. And so, as the close to 1000 participants at COP-4.1 shut down their computer browsers on Friday, many were hoping for health and safety circumstances that would allow them to “go back to normal” and meet, as the Indonesian representative wished, in the same convivial fashion as their first three COPs in Geneva.

### Upcoming Meetings

**Seventeenth Meeting of the Persistent Organic Pollutants Review Committee:** POPRC-17 will review the possible listing of hazardous chemicals under the various annexes of the Stockholm Convention. **dates:** 24-28 January 2022 **location:** Geneva, Switzerland, and remote **www:** [pops.int](http://pops.int)

**Resumed Fifth Session of the UN Environment Assembly (UNEA 5.2):** UNEA 5.2 will take place under the theme “Strengthening Actions for Nature to Achieve the SDGs.” Its aim will be to connect and consolidate environmental actions within the context of sustainable development and motivate the sharing and implementation of successful approaches. UNEA will also discuss whether to establish an intergovernmental negotiating committee (INC) towards a new agreement on marine litter and plastic pollution. UNEA-5.2 will be followed by a Special Session of the UNEA, on 3-4 March 2022, to commemorate UNEP's 50th anniversary. **dates:** 28 February – 2 March 2022 **location:** Nairobi, Kenya **www:** [unep.org/environmentassembly/unea5](http://unep.org/environmentassembly/unea5)

**Second Segment of the Fourth Meeting of the Conference of the Parties to the Minamata Convention on Mercury (COP-4.2):** The in-person segment of COP-4 will resume the meeting opened at the virtual segment (COP-4.1). Parties will consider several substantive issues, including effectiveness evaluation and amendments to Annexes A and B proposed in advance of COP-4. COP-4.2 will also discuss the 2023 programme of work and budget. **dates:** 21-25 March 2022 **location:** Bali, Indonesia **www:** [mercuryconvention.org/en/meetings/cop4](http://mercuryconvention.org/en/meetings/cop4)

For additional meetings, see [sdg.iisd.org](http://sdg.iisd.org)

### Glossary

BRS	Basel, Rotterdam and Stockholm Conventions
COP	Conference of the Parties
CRP	Conference room paper
GEF	Global Environment Facility
GEF-8	Eighth replenishment of the GEF
GRULAC	Latin American and Caribbean Group
SIP	Specific International Programme
UNEP	United Nations Environment Programme