

## Minamata COP-4.2 Highlights Tuesday, 22 March 2022

In its second day, after progress reports from the contact groups, the COP-4.2 plenary devoted the morning session to the mechanics of the Convention, namely national reports, the review of Parties' implementation and compliance, and the Convention's financial mechanism. The afternoon returned to technical matters, including updating national action plans on artisanal and small-scale gold mining (ASGM), guidance on customs codes to use for mercury-added products and on preparing national inventories of mercury releases, and work on relevant threshold levels for wastes containing mercury.

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

**National Reporting:** The Secretariat presented a note on the first short national reports submitted by Parties pursuant to Article 21 of the Convention (UNEP/MC/COP.4/16), as well as the draft guidance on completing the national reporting format (UNEP/MC/COP.4/17). She said that 90 parties (about 73%) have submitted their long reports by March 2022, and most referenced the draft guidance. She highlighted questions for clarifications in the next round of short reports involving mining, stocks and sources, and export consent.

The EU supported the draft decision as proposed. CANADA suggested updating the guidance after the analysis of the long reports is completed. COLOMBIA supported revising the guidance at COP-5, and asked the Secretariat to continue supporting parties in their reporting efforts. The AFRICA GROUP said the Secretariat should help developing country parties in collecting the data needed to complete their reports. PAKISTAN suggested adding reporting on mercury recovery. INDONESIA called for clarification of the questionnaire used for preparing reports, and for the guidance to be updated at COP-5.

JAPAN said the guidance should be a living document that is continually updated based on experience. He objected to the language in the draft decision referring to providing copies of export consent to the Secretariat as an obligation, and suggested instead "encouraging" parties to provide copies.

The US asked that the record reflect that national reporting on stocks and sources should not be used as the basis for a global report on the subject.

INDIA called for modification of reporting formats to make them more user-friendly. The International Pollutants Elimination Network applauded the high reporting rate, but said ambiguities in terms and parameters meant reporting on mining, stocks, sources, uses and trade was of poor quality.

COP President Ratnawati asked the Secretariat to prepare a CRP with a draft decision taking into account delegate remarks made in plenary.

**Implementation and Compliance Committee (ICC):** ICC Chair Paulina Riquelme (Chile) presented the report of the third meeting of the Committee, held online on 7-8 June 2021 (UNEP/MC/COP.4/15/Rev.1). She noted that the ICC had focused on analyzing the short reports submitted by parties, and noted several issues requiring clarifications. She highlighted the recommended elements for a decision included in the annex to the ICC report. Delegations intervening on the item supported the recommendations.

**Financial Resources and Mechanism: Global Environment Facility:** The Secretariat introduced the documents regarding the Convention and GEF (UNEP/MC/COP.4/9 and /Add.1). The GEF Secretariat briefed delegates on its support over the last two years, noting its work on ASGM, mercury waste, and the chlor-alkali sector. The GEF Secretariat also reported on negotiations towards its eighth replenishment cycle, (GEF8) for the July 2022-June 2026 period (UNEP/MC/COP.4/10 and /Add.1, UNEP/MC/COP.4/INF/7 and INF/8). The GEF secretariat noted that GEF8 will be "more ambitious," especially with regard to action on chemicals and waste, noting, for example, its aim to reduce ocean plastics by more than four million tons.

The US welcomed the agreement to increase GEF8 spending on chemicals and waste to 15% of the total spending envelope. GRULAC, AFRICA, the EU, MEXICO, CHINA, and NIGERIA welcomed the contributions toward replenishment. The EU and CHINA noted the need for developing countries to be supported to comply with their responsibilities to eliminate mercury-based products by 2025.

**Specific International Programme to Support Capacity Building and Technical Assistance (SIP):** The Secretariat introduced the overall report on the SIP (UNEP/MC/COP.4/11), the report of the SIP Governing Body (UNEP/MC/COP.4/11/Add.1), and a report by the UNEP Executive Director on strengthening the SIP (UNEP/MC/COP.4/13). Reginald Hernaus (Netherlands), Co-Chair, SIP Governing Board, noted that 23 projects had been approved during the four years of the Programme's operation, including projects in small island developing States (SIDS) and least developed countries (LDCs). He expressed concern that the USD 2.2 million distributed across nine projects in the last application cycle was insufficient to meet the needs, and urged greater financial support.

NORWAY and NIGERIA regretted that many technically sound projects had not been funded. Supported by the AFRICA GROUP, GRULAC, and ARGENTINA, they called for increasing SIP resources. GRULAC requested the Secretariat to work with the Governing Board to estimate the resources that will be required over the next few years, and to contribute towards the prioritization of projects.

**Review of the Financial Mechanism:** The Secretariat presented its note on the second review of the financial mechanism (UNEP/MC/COP.4/12), noting its recommendation for a draft decision regarding terms of reference (ToR) for the review. BRAZIL, the AFRICA GROUP and INDONESIA supported the proposed draft decision and ToR. The EU proposed adding the UNEP Executive Director's report on SIP to the review. The US, noting that SIP was not really covered by the first review because it was just starting, proposed an adjustment to the timeframe covered by the review to differentiate between GEF and SIP. The Secretariat was asked to produce a CRP including the proposed changes for COP consideration on Wednesday.

**Mercury-added Products and Manufacturing Processes in Which Mercury or Mercury Compounds are Used: Customs Codes:** On Tuesday, the Secretariat introduced the documents on this item (UNEP/MC/COP.4/27 and UNEP/MC/COP.4/INF/5), noting the draft guidance requested by COP-3 to provide support to parties wishing to use customs codes for monitoring and controlling the import and export of mercury-added products. The EU requested the Secretariat to keep the guidance under review and provide support to countries. THE PHILIPPINES requested that work should continue on the Harmonized System nomenclature for products to be added to Annex A. GRULAC asked the Secretariat to promote South-South cooperation on this matter. INDONESIA expressed concern that it may be difficult for his country to adopt codes beyond the eight-digit level. IRAN said the codes should be implemented on a voluntary basis.

**ASGM:** The Secretariat presented the documents regarding the draft update to for the preparation of a national action plan to reduce and, where feasible, eliminate mercury use in ASGM (UNEP/MC/COP.4/6). Many delegations supported adoption of the updated guidance and welcomed the attention to tailings management. Several suggested possible related follow-up work. CANADA called for the supplementary document on monitoring of mercury and mercury compounds to support the effectiveness evaluation to be recognized as official guidance of the COP.

**Releases of Mercury:** The Secretariat reported on the intersessional work requested by COP-3, including the draft guidance on the methodology for preparing inventories of releases (NEP/MC/COP.4/7). Most delegations supported adoption of the draft guidance on methodology for preparing national release inventories and the list of potentially relevant point sources, as well as mandating further expert group work on guidance for best environmental practices (BEP) and best available techniques (BAT). JAPAN and the US asked that adoption be delayed until later in the week to take into account discussions in the Contact Group on Annexes A and B. The Secretariat was asked to consult delegations about elements for a possible decision on the methodology guidance and the roadmap for work on BEP/BAT with a view to adopting it on Wednesday.

**Mercury Waste: Consideration of the Relevant Thresholds:** On Tuesday, the Secretariat presented the documents on intersessional work on thresholds (UNEP/MC/COP.4/8 and UNEP/MC/COP.4/INF/27). Delegates generally welcomed the two-tier approach suggested by the expert group for tailings from industrial-scale non-ferrous metal mining other than primary mercury mining. They diverged on how to handle thresholds for waste contaminated with mercury or mercury compounds. Several called for a contact group dedicated to this issue. President Ratnawati noted divergent views and said the COP will return to this issue later.

## Contact Groups

**Annexes A and B:** In the morning report to plenary, Co-Chair Nicola Powell (Australia) noted a joint Africa-EU proposal on lamps presented at the group (CRP.2). She reported some product proposals appeared uncontroversial, a few were supported in principle but required tinkering with deadlines, and a handful required further clarification. She also noted the proposal on polyurethane had been withdrawn.

During morning discussions, delegates tackled the issue of dental amalgam. Some posited that the consideration of phasing out dental amalgam goes against Convention language, while others defended the push to phase it out, given that phasedown commitments have not shown strong results. Other challenging points centered on:

- what should be the cutoff date for adolescents to stop usage of this dental treatment;
- when parties should begin reporting on their national plans and activities related to this; and
- how to effectively curtail import and stockpiling of dental amalgam.

Some parties favored strong language disallowing dental amalgam in vulnerable populations while others argued for softer language such as “discouraging” its usage.

**Effectiveness Evaluation:** In the morning report to plenary, Co-Chair Agustin Harte (Argentina) noted progress in agreeing on the terms of reference (ToR) for the evaluation body, with further discussions planned. The Group was further mandated to start talks on the ToR for the scientific advisory body.

During afternoon discussion, the co-chairs reviewed proposed edits and additions made by a handful of countries and sought consensus mainly regarding the proposed ToR. Delegates generally agreed on maintaining equitable geographic distribution, gender balance and a range of expertise in committee membership for the effectiveness evaluation. They also agreed on the requirement to include observers from civil society, indigenous organizations, intergovernmental organizations, industry and the UNEP Global Mercury Partnership.

## In The Corridors

The return to in-person negotiations has not been the same for everyone, as day two of the meeting showed. Difficulties of travel, visas and vaccinations have reduced the number of people that would normally attend such a large and important meeting. Delegations that did not field an in-person team are having to deal with technology glitches. “Can you at least set up a working chat box?” said one representative of a major delegation on day one, stymied by the failure of an audio connection to connect them with the plenary.

Despite the current barriers to travel, some NGOs still managed to attend. “Normally there is a lot more NGO participation and contribution at these meetings,” said one civil society participant, disgruntled to find that there was still little time allocated to non-government observers.

As the afternoon wore on, however, community perspectives on mercury and public health drew attention. Indigenous peoples' groups reminded delegates that in some parts of the world, 200-year-old mine sites are still leaching contaminants on their lands. And Minamata disease, in places where a modern-day gold rush continues, is still a clear and present danger for some of the most vulnerable populations around the world. Their call to the international community via the opportunity of COP-4.2, arguably reinvigorates delegates to charge ahead this week and make mercury history once and for all.