

Minamata COP-4.2 Highlights Wednesday, 23 March 2022

On its third day, the COP-4.2 plenary heard progress reports from the contact groups on effectiveness evaluation and Annexes A and B, and an update from the credentials committee. Plenary then reconvened the contact group on the Convention's budget and programme of work (POW) created at COP-4.1, and created a new contact group tasked with working out a compromise on waste thresholds. The rest of the day was devoted to contact group work.

Organizational Matters

Credentials: Oarabile Serumola (Botswana), Chair of the Credentials Committee, reported that as of the original deadline of the morning of 22 March, 98 of 117 parties pre-registered to participate at COP-4.2 had submitted valid credentials, and two parties had submitted them since. She urged the others to submit theirs today so she could make a final report on Thursday.

Programme of Work and Budget

The Secretariat presented the documents for this agenda item (UNEP/MC/COP.4/24 and Add.1 & Add.2; UNEP/MC/COP.4/INF/21 & INF/22). The contact group established by COP-4.1, co-chaired by Sam Adu-Kumi (Ghana) and Reginald Hernaes (Netherlands), reconvened to consider the budget and POW for 2023. The group met in closed sessions throughout the day.

Contact Groups

Annexes A and B: In the morning report to plenary, Co-Chair David Kapindula (Zambia) said the group had tackled differing views on phaseout dates for the product proposals for part 1 of Annex A. In its afternoon session, discussion focused on target dates for the phaseout of polyurethane production using mercury-containing catalysts. Delegates wavered between three proposed deadlines: 2023, 2025 and 2030. Some delegates asked if this issue could be deferred to the next COP; with little consensus achieved, the Co-Chairs decided to move forward to other text.

Delegates then debated national plans on measures they intend to implement toward a phasedown or phaseout of the use of dental amalgam. Some maintained that phaseout should be feasible if low-income countries were able to do so; they argued that it is possible and there are no resource constraints to doing so – alternatives are available and income level of country is not a factor. In response, one delegate explained that they are not rejecting the idea of a phaseout but will need more time for expert consultation and, additionally, the language of the decision should include wording on assistance and capacity if the proposed measures are to be taken at the national level.

The group continued discussions into the evening.

Effectiveness Evaluation: In the morning report to plenary, Co-Chair Rodges Ankrah (US) said the contact group had decided to change the name of the proposed effectiveness evaluation committee to the effectiveness evaluation group. He reported substantial progress in reviewing text submitted by parties on the draft decision, namely regarding views on membership and skillsets needed for the effectiveness evaluation group and the scientific advisory body.

In its morning session, the contact group honed in on finalizing text on procedural matters such as the format of meetings for the scientific advisory group and whether the work can be effectively advanced through online work, or whether in-person meetings were preferred. Co-Chairs Ankrah and Agustin Harte (Argentina) also sought consensus on text surrounding monitoring guidance and the number of tasks outlined in the draft decision.

Discussions were expected to resume on unfinished text in the evening.

Waste Thresholds: In the group's inaugural meeting in the afternoon, Co-Chairs Teeraporn Wiriwutikorn (Thailand) and Karissa Kovner (US) led discussions on the two options offered for thresholds for wastes contaminated with mercury and mercury compounds. One option discussed would set a total concentration threshold of 25 mg/kg but allow for tougher thresholds set at the national or local levels and envisions an expert group to develop voluntary guidance for setting thresholds for waste with mercury of 1-25 mg/kg. Proponents explained why this might be the best option and would allow work on technical guidelines for mercury waste to progress under the Basel Convention. Others raised possible practical problems in applying this approach, citing different national waste management circumstances and regulatory approaches. The EU, Chile and Switzerland announced that they would propose a joint CRP suggesting a way forward.

In the Corridors

Wednesday, as the Chair noted in plenary, often marks a special point in five-day negotiations. Many decisions are still up in the air; nevertheless, outcomes are beginning to take shape. This was the case today, as COP-4.2 reached its mid-way point and delegates hunkered down on the substantive issues, mindful of approaching deadlines. With impressive promptness, plenary adjourned almost as soon as it started in the morning. Delegates agreed to devote the entire day and evening to contact groups so that final text revisions can be reviewed and consensus reached, before reporting back to plenary for decision adoption.

In informal discussions—and with an irony not lost on anyone—delegates vacillated on whether to progress their forthcoming intersessional work through online or in-person meetings. More than two years into the COVID-19 global pandemic, which has effectively relegated everyone to home offices and virtual work, some may have overlooked the challenges that this shift still poses for certain regions of the world. In a contact group discussion, one delegate intervened to point out that the Global South lacks the ease of digital connectivity that the Global North often takes for granted. This assertion drove home the fact that where COP-4.2 is concerned, countries of the Global North and South do not just diverge on priority issues for mercury — approaches to conducting the work also necessarily differ.

However, parties to the world's youngest MEA have also shown that they maintain flexibility and willingness to alter policy stances in the spirit of compromise. Maybe, more countries will end up taking a page out of the COP-4 host's playbook — organizing “an in-person meeting with online participation” to find the “win-win” solutions that will keep the work of this Convention going.