

Minamata COP-5 Highlights: Monday, 30 October 2023

On the first day of COP-5, speakers welcomed the international community's renewed focus on chemicals and waste, reflected in the recently adopted Global Framework on Chemicals. After addressing organizational matters in plenary, delegates launched into discussion of amendments to the Convention's Annexes so as to establish deadlines for adoption of mercury-free alternatives, establishing a contact group in the afternoon for these negotiations. The plenary continued in the afternoon with discussions of financial resources and mechanism, and artisanal and small-scale gold mining (ASGM).

Opening

Katrin Schneeberger, Director, Federal Office for the Environment, Switzerland, urged delegates to "deepen and expand" the Convention's work, update its Annexes on phaseout of mercury-containing products and processes, and finalize the evaluation framework and indicators. She noted the Global Framework on Chemicals, adopted by the International Conference on Chemicals Management (ICCM-5), will complement the chemicals and waste conventions, including mercury, by supporting their implementation and making them more visible.

In a video statement, Elizabeth Mrema, Deputy Executive Director, UNEP, highlighted the Kunming-Montreal Global Biodiversity Framework (GBF), noting that 21 of the 23 targets of the GBF reflect the close links between mercury pollution and biodiversity loss.

Monika Stankiewicz, Executive Secretary, Minamata Convention, stressed the urgency of meeting the Convention's "ambitious" deadlines. She noted that, while technology is often a solution to pollution, also needed are collaboration, trust building, recognition of the linkages between mercury and the climate and biodiversity conventions, and the knowledge of those most vulnerable to mercury exposure.

Claudia Dumitru (Romania), COP-5 President, urged delegates to ensure that all proposed decisions are agreed by Friday afternoon. Delegates watched a film recalling the 10-year history of the Convention. Minamata victims, Mr. and Mrs. Sato, told delegates that some 67 years after Minamata disease was discovered, the government has still not conducted full surveys of polluted areas.

Roger Baro, Minister of Environment, Water and Sanitation, Burkina Faso, acknowledged that protecting human health from mercury emissions and the use of products containing mercury is a difficult challenge.

For the AFRICAN GROUP, Botswana said the region is most affected by mercury impacts on human health and environment and does not want mercury-containing products. Pakistan, on behalf of ASIA-PACIFIC, called for dedicated financial mechanisms for developing countries to implement the Convention.

North Macedonia, for CENTRAL AND EASTERN EUROPE, welcomed proposals to amend Annex A on phasing out mercury-containing cosmetics, lighting and dental amalgam. She also urged the COP to adopt the proposed guidance on best available techniques and best environmental practices to control releases of mercury from relevant sources.

Chile, for the LATIN AMERICAN AND CARIBBEAN GROUP (GRULAC), underscored the importance of the COP adopting the proposed gender action plan. He also urged mobilizing the resources for capacity building and technical assistance necessary to help developing countries implement their action plans ASGM.

Spain, for the EUROPEAN UNION, said protecting human health and the environment from mercury pollution is a shared responsibility that transcends borders. She expressed satisfaction with the development of Convention governance and noted the importance of the new chemicals framework.

Organizational Matters

Delegates adopted the agenda (UNEP/MC/COP.5/1 and Add.1) and approved the organization of work presented by President Dumitru and detailed by the Secretariat (UNEP/MC/COP.5/1/Add.1, Annex II).

President Dumitru noted that on Thursday the COP will elect a new Bureau, Implementation and Compliance Committee (ICC), and Governing Board for the Specific and Technical Assistance (SIP) International Programme to Support Capacity Building. She called for all regions to submit their nominations for these positions by the end of plenary on Tuesday.

The Secretariat asked all parties to submit their required credentials no later than Tuesday.

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

The Secretariat introduced the agenda item (UNEP/MC/COP.5/2), noting bracketed text remains regarding the option for parties to take a decision by voting on matters of substance, and on how to decide what is a matter of substance, or a matter of procedure. NIGERIA called for removal of the brackets to allow for voting, and for decisions to be taken by a simple majority. Delegates agreed to return to this item later in the week.

Matters for Consideration or Action by the Conference of the Parties

Financial Rules: The Secretariat introduced the agenda item (UNEP/MC/COP.5/17), noting bracketed text in the COP-1 decision (MC-1/10) regarding contributions, and in annex text regarding procedures of allocation from the Specific Trust Fund. Parties agreed to defer the matter to the next COP.

Mercury-added Products and Manufacturing Processes in which Mercury or Mercury Compounds are used: Amendment to Annexes A and B, and Consideration of Feasibility of Mercury-free Alternatives for Manufacturing Processes listed in Annex B: The Secretariat introduced the relevant documents (UNEP/MC/COP.5/INF/3, UNEP/MC/COP.5/INF/4/Rev.1) and the African Group's proposals (UNEP/MC/COP.5/5) on amendments to the deadlines for phaseout of dental amalgam, skin-lightening cosmetics and two categories of fluorescent lamps, including information on the availability of alternatives.

Botswana, for the AFRICAN GROUP, noted that people of color are exposed unfairly to mercury in skin-lightening creams on a daily basis, despite the ban on mercury levels of over one part per million. On fluorescent lamps, she said that a decision would be "low-hanging fruit."

JORDAN, NORWAY, SOUTH AFRICA, AUSTRALIA, the UK, ANTIGUA AND BARBUDA, and CHILE supported the African Group proposals. ARGENTINA supported the African proposals on lighting and cosmetics. TONGA and UGANDA supported the African proposals on cosmetics. TUVALU, INDONESIA, and COLOMBIA supported the African proposals on dental amalgam.

INDIA indicated phaseout dates for lighting need to be discussed. INDONESIA suggested the phaseout dates for certain fluorescent lighting be set at 2030.

The EUROPEAN UNION called for a broadening of the scope of Annex A.

SWITZERLAND, supported by the US, called for considering the African proposed amendments alongside the lighting phaseout proposals for COP-5 consideration contained in decision MC-4/3. PAKISTAN supported discussing the proposals in decision MC-4/3.

INDIA and BANGLADESH said annex amendments should consider national circumstances and capabilities. IRAN said phaseout proposals in the annexes should be contingent on receiving necessary financial resources, technical assistance, and technology transfer.

CHINA said while it supported phaseout of mercury-containing products, the phaseout dates selected need to "be operable." She also noted lack of hard data on the economic and technical viability of mercury-free catalysts in certain production processes.

GABON and KUWAIT highlighted their bans on dental amalgam and mercury-containing cosmetics. SAUDI ARABIA noted its ban on mercury-containing cosmetics. SAUDI ARABIA said it was in the process of banning fluorescent lighting and use of mercury in polyurethane production. BOTSWANA noted its roadmap for phasing out dental amalgam.

The US urged all parties to consider the possible climate benefits of phasing out the lighting products under consideration. She also indicated the US would propose a CRP on vinyl chloride monomer production.

The WORLD HEALTH ORGANIZATION reported that its joint survey with the Minamata Convention Secretariat of global

focal points at parties' health and environment ministries had shown that, while countries are actively working to phase down the use of dental amalgam, it may not be feasible to phase out its use by 2030. He recommended establishing a schedule with clear deadlines to help drive concrete national actions.

The NATURAL RESOURCES DEFENSE COUNCIL, the ZERO MERCURY WORKING GROUP, the WORLD ALLIANCE FOR MERCURY-FREE DENTISTRY, and the INTERNATIONAL POLLUTANTS ELIMINATION NETWORK supported the African Group's proposal. Some observers called for addressing loopholes the allow supply and trade in mercury compounds to continue.

President Dumitru proposed the establishment of a contact group for more in-depth discussion of proposed amendments to Annexes A and B. The contact group convened immediately during the afternoon, co-chaired by Itsuki Kuroda, Japan, and Moleboheng Juliet Petlane, Lesotho, as Co-Chairs.

Financial resources and Mechanism: The Secretariat provided a report on the GEF Trust Fund (UNEP/MC/COP.5/10) and the GEF presented its report to the COP (UNEP/MC/COP.5/INF/14). Delegates heard that the GEF has increased its funding for the Minamata Convention by 30.6% in the 8th replenishment, a clear sign of its continued commitment to the successful implementation of the Convention.

The Secretariat presented a report on the SIP (UNEP/MC/COP.5/11). Co-Chair of the Governing Board of the SIP, Andrew Clark, US, reported on the mid-term evaluation of the SIP (UNEP/MC/COP.5/INF/16). The Board noted with disappointment that the level of funding received was below the same stage in the previous round, and insufficient to launch the fourth round of applications.

ARGENTINA, SOUTH AFRICA, MALI and IRAQ voiced concern on insufficient levels of funding, and NIGERIA made an appeal for fund-raising efforts. ANTIGUA AND BARBUDA welcomed donor support for a regional project on mercury management which seeks to close gaps in data, biota and environment sampling. Botswana called for a financing approach adapted to the needs of developing countries, and noted the AFRICAN GROUP encourages private sector involvement. COLOMBIA announced that it has a new database that takes into account all aspects of implementing the Convention. IRAN called for GEF resources to be available and accessible to all parties. The EU welcomed the draft Terms of Reference for the third review and expressed support for the proposal with the caveat that some paragraphs could be modified to use gentler language, and could reference synergies with other GEF focal points. Türkiye announced that a new regulation on mercury would enter into force in 2024.

UGANDA urged programs to be integrative in nature so that national focal points can work together.

The US supported the draft decision and requested further discussion. NORWAY regretted that funding had not yet allowed the launch of a fourth round of funding and encouraged parties to provide funding.

CHAD and MEXICO noted the benefits of the SIP, and MEXICO urged the secretariat and governing board to develop a funds mobilization strategy.

The COP-5 President noted general support for the draft decision and proposals to amend some of its language. She invited parties who had made the proposals to consult each other, and

requested the secretariat to facilitate these discussions, and prepare a CRP.

She further noted that Australia and the US had proposed a CRP addressing global mercury supply and trade (CRP2).

Capacity building, technical assistance and technology transfer: The Secretariat introduced the document and draft decision (UNEP/MC/COP.5/13) and a background document on the activities of the UNEP Global Mercury Partnership (UNEP/MC/COP.5/INF/32). Many developing countries expressed appreciation for previous support through the Convention to adopt mercury-free alternatives. They called for increased funding for capacity building and technical assistance, noting the value of the UNEP Global Mercury Partnership and the GEF's planetGOLD program for developing countries. NORWAY expressed regret that funding levels have been insufficient as yet to allow the launch of a fourth round of SIP funding, and encouraged parties to provide further funding.

AUSTRALIA, JAPAN, the EU, the UK and US supported the draft decision, which includes a proposal for the secretariat to conduct a desktop study of alternative technologies, The US requested language changes so that no link could be made to the ICC. SOUTH AFRICA called for: establishment of a sustainable system for collection, monitoring and interpreting data on mercury trade, use and disposal; capacity building of customs and regulatory officials on control and illegal import of mercury-containing products, and training of dentists and dental students on mercury-free dentistry.

The UK, supported by the US, requested insertion of the phrase "on mutually agreed terms" to any mention of technology transfer. The AFRICAN GROUP, IRAN and ARGENTINA stressed the need for technology transfer so that mercury-free alternatives can be cost-effective and accessible.

KENYA welcomed support for capacity building in health monitoring in the ASGM sector, for instance with machines that customs officials can use to track mercury at point of entry. UNEP, in collaboration with the ZERO MERCURY WORKING GROUP, reported on its support for Caribbean countries to phase out mercury-added products. The EUROPEAN ENVIRONMENT BUREAU applauded progress in 2023 on phasing out mercury added products. MALAWI appealed for support for mercury free dental amalgam.

In response to questions from parties for information on the desk study, the Secretariat noted it would be a compilation of existing information on effective approaches for mercury management.

President Dumitru, responding to concern from some parties about descriptions of the ICC's work in the draft decision, proposed that the Secretariat support development of a CRP, which would include parties' proposed amendments.

ASGM: The Secretariat presented the relevant documents, including a draft decision (UNEP/MC/COP.5/6) as well as several information documents on: lessons learned from submitted National Action Plans (NAPs) (UNEP/MC/COP.5/INF/6), technology transfer activities in planetGOLD phase 1 projects (UNEP/MC/COP.5/INF/7), and technical background on monitoring of mercury and mercury compounds in and around ASGM sites (UNEP/MC/COP.5/INF/9).

Brazil, on behalf of GRULAC, presented CRP1, co-sponsored by Australia and Canada, on the effects of mercury pollution on Indigenous Peoples and local communities.

The President invited comments from parties regarding the draft decision.

The AFRICAN GROUP proposed that countries review their NAPs to integrate the needs of Indigenous Peoples, and to align with the GBF.

GUYANA requested guidance to help parties prepare and complete reviews, and for additional support through the GEF to allow parties to comply with the Minamata Convention's Article 7 on ASGM.

CANADA encouraged parties that have received GEF support to finalize and submit their NAPs.

PAKISTAN asked the Secretariat to conduct a study on health effects on pregnant women working in ASGM, and suggested additional GEF resources for this.

The EU pledged support for the draft decision, as did COLOMBIA, which also supported a proposal for the secretariat to prepare a document on effective participation of Indigenous Peoples and local communities.

Contact Group on Annex Amendments

The group agreed to consider together the product phaseout proposals for Annex A offered by the African group and those forwarded by COP-4 under decision MC-4/3. No phaseout dates for specific items were finalized. However, consensus minus one was reached on 2025 for silver oxide and zinc air button batteries, and the phaseout of switches and relays by 2025 was agreed as long as one country got its wish to include an exemption for those used for research and development purposes. New Annex A item entries were agreed for:

- compact fluorescent lamps (CFLs) for general lighting purposes that are > 30 watts; and
- CFLs with a non-integrated ballast (CFL.ni) for general lighting purposes that are ≤ 30 watts with a mercury content not exceeding 5 mg per lamp burner.

In the Corridors

Although it was an occasion to celebrate, the Minamata Convention's 10-year anniversary of adoption took place amidst a sober mood. Already, on day one of negotiations, several parties quietly anticipate there will be difficulty reaching consensus, with some producer nations resisting momentum for early phaseout of specific mercury-containing products and processes. Some also anticipate differences regarding waste thresholds, whereby developed countries want a more ambitious agreement on thresholds, while developing countries prefer lower thresholds. Other difficulties are the amorphous nature of ASGM, which is largely an informal sector, and the Convention's focus on national plans to address mercury exposure among some of the world's poorest people — small-scale gold miners and their families, and communities and Indigenous Peoples near ASGM sites. A veteran observer noted that national plans, however, could encompass almost any kind of action, and may not even be implemented due to lack of funds and political will. Another delegation reflected that the Convention's focus probably best belongs upstream, on controlling mercury supply and trade.

While acknowledging such difficulties, many delegates stress that they don't want to "kick the can down the road" to COP-6 decisions on amending the Annexes and setting waste thresholds. As one delegate commented, "If we want this Convention to be effective, it needs clear benchmarks."

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