

# **Report of the Second Conference of Parties to the Minamata Convention COP2 & NGO Strategy Meetings**



**Held in Geneva, Switzerland**

**18 – 23 November, 2018**

On 17<sup>th</sup> and 18<sup>th</sup> November, 2018 the NGO groups working to reduce, and or stop mercury pollution globally held strategy meetings in preparation for the Second Conference of Parties to the Minamata Convention on Mercury (COP3) which was held between 19<sup>th</sup> – 23<sup>rd</sup> November, 2018 in Geneva, Switzerland. The NGOs strategy meeting was aimed at reflecting on regional positions agreed during the October 2018 consultative meetings in difference regions – Africa, Asia Pacific, Europe, and Latino), and to map out how to lobby and push regional positions into the COP agenda through the national delegates.

In addition to contributions of national delegates, International NGOs (International Pesticides Network (PEN), Health Care with Harm (HCH), Global Alliance on Accessible Technologies and Environment (GAATES), Zero Mercury Working Group (ZMWG) which also supported NAPE at the Conference, among others submitted the regional positions during the plenary.

The African group noted that the Minamata Convention does not provide for monitoring, and requested the Secretariat to consider the aspect of monitoring of mercury in African region /or environment since it is inevitable, and asked that it should be integrated in the effectiveness evaluation taking into consideration the following key precursors:

- There is need to collect baseline data and update it through monitoring
- Develop/harmonise methodologies for data collection and monitoring
- Field equipment & equipping laboratories
- Build capacity in terms of skills to undertake baseline and monitoring
- Bridge the gap between research/academia and national monitoring policies
- Need to create partnerships with regional and global bodies in helping to seek ethical approval e.g. human sample

The participants were encouraged to attend different sessions and follow discussions as relevant to their work, and also reach out to lobby their national delegate to support the issues NGOs are advocating for.

## **Opening of the COP2**

The second meeting of the Conference of the Parties (COP2) to the Minamata Convention on Mercury opened on Monday, 19<sup>th</sup>. Delegates met in plenary and heard opening statements, and addressed organizational matters.

They began discussions on:

- mercury waste;
- the financial mechanism;
- effectiveness evaluation; and
- the secretariat.

The meeting also addressed the date and venue of the next COP, establishing a small “Friends of the President” group to discuss a proposal related to the hosting arrangements for COPs.

The following day, Tuesday, 20<sup>th</sup> delegates met in plenary in contact groups, and discussed the following issues:

- technical matters, specifically mercury waste, interim storage, releases and contaminated sites;
- institutional issues regarding the secretariat;
- budget and programme of work;
- effectiveness evaluation;
- open burning; and
- financial rules.

The meeting continues with contact groups reporting back during plenary sessions on issues they were tasked, and where agreement was not reached the matter was further referred back for discussions in groups then report to delegates in the plenary for adaptation.

On Thursday, 22<sup>nd</sup> delegates heard reports from contact groups in the morning, and adopted the rules of procedure for the Implementation and Compliance Committee (ICC) in a brief plenary. Delegates and observers then met in contact groups to consider:

- technical issues, including contaminated sites, interim storage, and harmonized customs codes;
- effectiveness evaluation;
- institutional issues pertaining to Secretariat arrangements; and
- budget and programme of work.

In an evening plenary, the COP elected officers to the COP3 Bureau, and heard report backs from contact groups, with the following requesting additional time for consultation: budget; effectiveness evaluation; and Friends of the President.

The contact group on technical matters submitted a decision on interim storage for approval. The contact group on institutional matters submitted a decision on cooperation between the secretariats of the Minamata Convention and the BRS Conventions.

The US called for the decisions to be projected onto the screen and for time to consider the text, noting that this should be the common practice of the Convention. The RUSSIAN FEDERATION called for the texts to be translated into the official UN languages. Delegates agreed to address these decisions on Friday.

### **Election of Officers**

Delegates elected David Kapindula (Zambia) as President of COP3, by acclamation. Regions then nominated nine Vice-Presidents: Bolocan Svetlana (Moldova) and Karel Blaha (Czech Republic) for the Central and Eastern Europe; Mariscia Charles (Guyana) and María del Mar Solano (Costa Rica) for GRULAC; Nina Crommier (Sweden) and Alison Dickson (Canada) for the Western Europe and Others Group; Serge Molly Allo'o Allo'o (Gabon) for the African

Group; and Mohammed Khashashneh (Jordan) and Adel Jahankhah (Iran) for the Asia and Pacific Group.

## **Matters for Consideration or Action by the COP**

**Waste Thresholds:** The COP adopted the decision on mercury waste thresholds (UNEP/MC/COP.2/L.3). Japan pledged USD 125,000 to support additional expert groups in the intersessional period.

## **Compliance**

CHINA reported on its consultations with interested parties regarding Article 11 of the draft ICC rules of procedure, noting agreement on an amendment stating that “the committee may invite observers to its meetings if the matters under consideration are directly relevant to such observers.” NIGERIA suggested limiting observers to two per region.

Delegates then adopted the rules of procedure for the ICC, with China’s amendment.

## **Other Matters**

**Harmonized Codes:** COP2 President Chardonnes reopened this issue and proposed, and delegates agreed, that the contact group on technical matters will consider options to assist parties control trade of mercury added products, taking into account the options reflected in the joint GRULAC- African Group proposal (UNEP/MC/COP.2/CRP 14).

**Annexes A and B:** The EU called for more time to consult and COP2 President Chardonnes proposed reopening this issue in the evening plenary. CUBA requested clarification whether this issue had already been forwarded to COP3 for further consideration, noting Wednesday afternoon’s discussions. Chardonnes noted that the EU had been allocated some time to consult and report back to plenary. In the evening, the EU proposed deferring the issue to COP3. Chardonnes said this would be reflected in the meeting report.

## **Contact and Other Groups**

**Friends of the President:** In plenary in the morning, David Kapindula (Zambia), Chair, Friends of the President Group, reported agreement on a decision for the date and venue of COP3, and inconclusive deliberations on an Iranian proposal on the Memorandum of Understanding (MOU) with the Global Environment Facility (GEF). NORWAY reported agreement on rotation of the COP President, to be done in alphabetical order by region, starting with the African Group.

**Budget:** The contact group focused some time on the budget detail sheets (UNEP/MC/COP.2/INF/9) for the programme of work and budget. The Secretariat explained the budget format, noting that it mirrors aspects of the Basel, Rotterdam and Stockholm (BRS) Conventions’ budget formats which include, among others:

- conference and meetings;

- capacity building and technical assistance;
- overall management; and
- legal and policy activities.

Delegates discussed details relating to format, budget lines, activities, results-based approach and fund allocations. Views diverged on inputs into the format of the budget, with some making specific suggestions and others preferring a “request” approach that can be considered by the Secretariat.

Some recommended the use of factsheets modeled after the BRS factsheets which integrates mandate, rationale, indicators, means of verification, resources, socio-economic aspects and partners alongside budgetary allocations.

The group also discussed issues relating to the capacity of the Secretariat to address additional requests by parties on the budget, including limitations in staff numbers, capacity of existing staff to conduct the work along with their other responsibilities and the responsibility of the Secretariat to fulfil party requests.

On BRS Secretariat support on budget formulation, the Minamata Secretariat said that work on the budget was not included in shared arrangements for COP2. Delegates agreed that the issue of shared arrangements would continue to be discussed in the contact group on institutional issues in order to explore this collaboration, with delegates recommending that the Co-Chairs discuss areas of alignment on budget issues with the budget group.

**Technical Issues:** In morning plenary, contact group Co-Chair Silviņa Kalniņa (Latvia) reported finalized draft decisions on waste thresholds and releases. The contact group then met, initially to finalize the text of the guidelines on the environmentally sound interim storage of mercury other than waste mercury, dealing with competing proposals on such issues as regional storage, public consultations, and closure of a facility. Delegates agreed to adopt the guidelines and call on parties to take them into account in complying with their obligations under Convention Article 10 (interim storage). Delegates also agreed to note that the guidelines may need to be revised in the future to ensure that they continue to reflect best practice.

The group then reviewed a Co-Chairs’ draft of a decision on guidance on the management of contaminated sites. GRULAC announced that, while work can proceed on the language of the decision, until a separate decision is approved on harmonized customs code, they intended to bracket the entire decision on contaminated sites. Several delegations called for the draft decision to be enhanced by new elements requiring the Secretariat to be assisted by an expert consultant. They also proposed laying out a roadmap or timeline for parties to submit information, calling for the experts appointed by decision MC-1/20 to provide advice on guidance revision. Delegates also suggested that the experts be asked to develop a recommended framework and initial decision tree for the management of contaminated sites.

The group also examined and revised the list of information to be requested from parties, including on, *inter alia*:

- situations site-specific to mercury;
- tiered approaches to prioritizing management of sites;
- common terms and concepts;
- the interface between contaminated site policies and land-use planning;
- proven and emerging remediation techniques;
- socioeconomic and cultural considerations during site remediation; and
- approaches on financing site management.

**Institutional Issues:** Contact group Co-Chair Nina Cromnier (Sweden) presented a revised version of the draft on Secretariat arrangements (UNEP/MC/COP/2/CRP.6) based on the work of a smaller working group which highlights, among other things:

- the legal autonomy of the respective Secretariats of the Minamata and the BRS Conventions;
- maximizing the effective and efficient use of resources of the Minamata Convention;
- sharing of relevant secretariat services with the BRS Conventions as performed by UNEP, as appropriate;
- to implement relevant arrangements as soon as feasible; and
- an operative proposal, prepared together with the Executive Secretary of the Minamata Convention and with the support of the Executive Secretary of the Basel and Stockholm Conventions and the UNEP part of the Rotterdam Convention.

The contact group approved the draft decision and forwarded it to plenary.

**Effectiveness Evaluation:** The contact group met briefly in the afternoon and heard a summary of the Co-Chairs' draft decision on the mandate for the *ad hoc* group of experts on effectiveness evaluation. The Co-Chairs noted that two larger issues which had been raised were not included in the draft decision: a monitoring plan and the GEF project role. The Legal Adviser provided clarification on whether or not members of the expert group may bring support staff and the provision as written was struck. The contact group recessed for informal consultations leading up to its early evening session during which the group worked through the draft decision line-by-line.

They discussed adding clauses to the preamble relating to:

- the impact of data gaps on the effectiveness evaluation;
- developing terms of references for global monitoring arrangements;
- inviting the GEF to support in data collection; and
- guidance to the GEF.

Moving on to Annex 1, they reviewed the amended mandate for the *ad hoc* expert group and worked swiftly through the draft document to prepare it for presentation in plenary.

The second meeting of the Conference of the Parties (COP2) to the Minamata Convention on Mercury convened for a final day on Friday, 23 November 2018. In the morning, delegates heard reports from the contact groups on effectiveness evaluation, technical issues, and budget; and

from the Friends of the President group dealing with outstanding issues, including the Memorandum of Understanding (MOU) with the Global Environment Facility (GEF).

COP2 President Marc Chardonens (Switzerland) then opened discussions on the review of the financial mechanism. Delegates voted to reverse the decision taken on this issue on Tuesday, and then referred further discussion on this item to COP3.

By 6:00 pm, delegates adopted decisions on:

- capacity building, technical assistance and technology transfer;
- releases;
- waste thresholds;
- Harmonized Customs codes;
- date and venue of COP3;
- effectiveness evaluation;
- secretariat arrangements;
- environmentally sound interim storage of mercury other than mercury waste; and
- contaminated sites.

The contact group on budget and programme of work continued to work to complete its work.

Delegates adopted the budget and programme of work for 2019 in the evening.

After closing remarks by Rossana Silva Repetto, Executive Secretary, Minamata Convention, President Chardonens gaveled the meeting to a close at 8:08 pm.