

Summary of the Third Meeting of the Conference of the Parties to the Minamata Convention on Mercury: 25-29 November 2019

The third meeting of the Conference of the Parties (COP3) to the Minamata Convention on Mercury focused on achieving the smooth functioning of an international treaty body as well as substantive and technical issues aimed at fostering action to address mercury production and use around the world. Delegates were pleased with progress on some of the institutional agenda items, including the decisions taken on Secretariat services and the operationalization of the Implementation and Compliance Committee. However, an early morning compromise at the end of the meeting that reduced the scope of the decision on the effectiveness evaluation, which had a direct bearing on the programme of work for the coming biennium, left many participants believing that COP3 had missed an important opportunity.

In addition to the decisions on the sharing of secretariat services between the Secretariat of the Minamata Convention and the Secretariat of the Basel, Rotterdam and Stockholm (BRS) Conventions and on the Implementation and Compliance Committee (ICC), discussions on operational issues resulted in decisions on:

- guidance for completing the national reporting format;
- the financial mechanism, including the Global Environment Facility (GEF) and the Specific International Programme (SIP), enhancement of the SIP, and review of the financial mechanism; and
- capacity building, technical assistance and technology transfer.

The COP reviewed cooperation with the World Health Organization (WHO) and the International Labour Organization (ILO). Most parties supported a proposed decision on collaboration with international organizations, but consensus was blocked on the grounds that it was a “political statement” that called for collaboration outside the scope of the Minamata Convention.

The COP also addressed technical issues that resulted in decisions on:

- releases of mercury;
- customs codes;
- mercury waste, in particular consideration of relevant thresholds;
- dental amalgam;
- 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.

In addition, the COP discussed issues relating to emissions of mercury resulting from the open burning of waste.

At the close of the week-long meeting, which brought together over 1,000 participants in Geneva, Switzerland, delegates spilled onto the empty street in the early morning hours of Saturday, 30 November, with a number of questions about how the next two years would play out. Several decisions set the stage for further and deeper engagement of the Convention in driving national, regional, and international efforts to address a highly toxic heavy metal that is considered to be one of the top ten chemicals that can harm human health. At the same time, a centerpiece decision on the effectiveness evaluation was reduced in scope, resulting in a reduction in the programme of work and budget. In addition, a decision on international cooperation on the eve of an important year for policy-making on related issues, including chemicals management beyond 2020 and the post-2020 global biodiversity framework, did not advance.

Nonetheless, some expected that the new leadership of both the institutional home of the Convention—the UN Environment Programme (UNEP)—and the Convention itself, combined with the demonstrated dedication to the Convention’s objectives, will position the Convention so it can make progress during the next two years.

A Brief History of the Minamata Convention

The Minamata Convention was adopted 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

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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 (e.g. switches and fluorescent lamps), laboratory and medical instruments (e.g. 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. The Convention entered into force on 16 August 2017, 90 days after the deposit of the 50th instrument of ratification, acceptance, approval or accession. Effective on 20 February 2020, the Minamata Convention will have 115 parties.

Key Turning Points

24th Session of the UNEP GC/GMEF: In February 2007, the 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 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. INC1 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 INC2, where delegates completed a first full reading of the paper and mandated the Secretariat to prepare a new draft text for further negotiation at INC3. At INC4, delegates made progress on storage, wastes, and contaminated sites, but views diverged on compliance, finance, and control measures for products and processes. INC5 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 took place in February 2013, and 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 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 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.

INC6 and 7: INC6 convened in November 2014 in Bangkok, Thailand, during the interim period between the adoption of the Convention and COP1. Delegates discussed issues including the financial mechanism, rules of procedure and financial rules, and possible approaches to reporting. INC7 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.

COP1: COP1 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.

COP1 agreed on interim arrangements for the Secretariat, which would be located in Geneva until a review of these arrangements was conducted at COP2. COP1 also established a Specific International Programme 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 COP2.

COP2: Delegates attending COP2 in November 2018 agreed on permanent arrangements for a stand-alone Secretariat, based in Geneva.

COP2 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.

Minamata COP3 Report

COP3 of the Minamata Convention on Mercury opened on Monday, 25 November 2019. In a series of opening statements, high level officials and regional representatives highlighted the context in which COP3 was taking place, identified entry points in global sustainable development policy processes that can be used to leverage the success of the Minamata Convention, and encouraged delegates to strive to reach agreement on all agenda items in order to set the Convention on the right track.

Marc Chardonens, Director, Federal Office for the Environment, Switzerland, welcomed participants to Geneva and warned that delays in implementation would only increase the complexity and costs of addressing problems caused by mercury.

Inger Andersen, Executive Director, UNEP, highlighted four areas needing action to reduce mercury exposure globally: artisanal and small-scale gold mining (ASGM); stemming mercury trade; reducing emissions from coal burning, with linkages in climate policy; and e-waste. She also stressed the importance of improving the science-policy interface to ensure science-based action, and promoting cooperation across borders, organizations, and instruments.

Rosanna Silva Repetto reflected on her two-year tenure as Minamata Convention Executive Secretary, noting progress in several areas, including the SIP and the GEF in supporting the parties.

COP3 President David Kapindula (Zambia) called for consensus on key items, including elements of the financial mechanism and rules of procedure. He referred to issues carried over from COP2, including the effectiveness evaluation and the proposal to amend Annex A (mercury-added products), and urged parties to avoid leaving a legacy of unresolved issues.

Siti Nurbaya Bakar, Minister of Environment and Forestry, Indonesia, reflected on her country's progress on eliminating mercury, highlighting Indonesia's National Action Plan for ASGM, the promotion of alternative technology processes in ASGM, and addressing illegal users of mercury.

In regional statements, Gabon, on behalf of the African Group, urged consideration of amendments to Annex A. He also proposed that pilot projects be implemented to test new guidelines and evaluate efficiencies, reiterated the need to establish threshold values on waste releases to improve impact on health, and underscored the need for sustainable and timely financing.

Iran, for the Asia-Pacific Group, stressed that effective implementation relies on provision of adequate financial resources, technical assistance, and technology transfer. He said the amendment of Annex A proposed by the African Group requires further review.

Moldova, for Central and Eastern Europe (CEE), said CEE countries are acting to implement the Convention and urged countries that have not yet ratified to do so.

Colombia, for the Latin American and Caribbean Group (GRULAC), emphasized her region's interest in work on trade, emissions, contaminated sites, and open burning.

Finland, for the EU, stressed the importance of the reviews of Annexes A and B, the Convention's effectiveness evaluation, and adopting a framework for cooperation between the Secretariats of the Minamata and the BRS Conventions.

Koichiro Matsunaga reflected on his experience with fetal Minamata disease and urged parties to take action on mercury exposure.

Following the adoption of the agenda (UNEP/MC/COP.3/1 and Add.1) and organization of work (UNEP/MC/COP.3/2), delegates presented opening positions on agenda items, established contact groups to discuss draft decisions, and thus worked their way through the agenda and adoption of 14 decisions. This summary provides an overview of the deliberations and outcomes.

Organizational Matters

Rules of Procedure: On Monday, the Secretariat introduced the rules of procedure (UNEP/MC/COP.3/3) and President Kapindula invited parties to consider removing remaining brackets in rule 45, specifically in paragraph 1 on the option to take a decision on matters of substance by means of voting, should all efforts to reach consensus fail, and paragraph 3, on the mechanism used to decide whether a matter before the Conference of the Parties should be considered a matter of substance or a matter of procedure.

Argentina supported a voting mechanism by consensus, noting a preference for a two-thirds majority, and stating that if there are doubts regarding the nature of an issue, it should be determined to be "substantive" by default. They proposed the elimination of text on making decisions by simple majority, recommending the use of the Chair's authority on the substantive nature of a matter.

The African Group proposed adoption of paragraph 1 as is and encouraged pursuing all possibilities to reach decisions by consensus, and if that fails, for a vote to be held in paragraph 3.

Brazil agreed on consensus-based decision making and urged for parties to have a greater role in deciding if matters are procedural or substantive.

Switzerland said a possibility of voting is not a contradiction in procedure.

President Kapindula noted that there was no consensus and deferred the matter to COP4.

Credentials: On Wednesday, the Secretariat highlighted relevant sections on the rules of procedure with regard to credentials. Mohsen Niziri Asl (Iran) reported on behalf of the COP Bureau regarding the status of credentials, noting that eight parties have not communicated their participation.

The COP President proposed, and parties accepted, that the COP take note of the report as approved by the Bureau.

Election of Officers: On Thursday, delegates elected Rosa Vivien (Indonesia) as President of COP4. The following Vice-Presidents were nominated by their respective regions: Oarabile Serumola (Botswana) and Roger Baro (Burkina Faso) for the African Group; Anahit Aleksandryan (Armenia) and Karmen Krajnc (Slovenia) for the CEE; Angela Rivera (Colombia) and Bethune Morgan (Jamaica) for GRULAC; Marie-Claire Lhenry (France) and Alison Dickson (Canada) for the Western European and Others Group (WEOG); and WTB Dissanayake (Sri Lanka) for the Asia-Pacific Group.

Matters for Consideration or Action by COP3

Mercury-added products and manufacturing processes in which mercury or mercury compounds are used: Review of Annexes A and B: This item was addressed in plenary on Monday and Friday, and in the Technical Matters Contact Group on Wednesday and Thursday.

The Secretariat introduced the document (UNEP/MC/COP.3/4) and its proposed decision to establish a group of experts to assist the Secretariat in preparing a report on parties' measures or strategies implemented to address mercury-added products (MAPs) listed in Annex A, Part I (products apart from dental amalgam).

Thailand, with China, disagreed with including harmonization of customs codes within the mandate of the proposed expert group. The EU said the report to COP4 should cover the technical and economic feasibility of non-mercury alternatives to Annex A products without phase-out dates. Argentina, with Chile, stressed that analysis of information submitted on national measures and strategies must only be made by the COP, not the Secretariat. China said any Annex A review should include discussion of economic and technical feasibility of mercury-free alternatives. The US expressed concern that the proposed review process was

unnecessarily burdensome. The Zero Mercury Working Group noted two products to add that were not recognized when Annex A was agreed, gold plating and rocket fuel for launching satellites.

On Wednesday, the Technical Matters Contact Group discussed a proposal submitted by Antigua and Barbuda, Argentina, Chile, El Salvador, Guyana, Honduras, Mexico, Nicaragua, Panama, and Suriname (UNEP/MC/COP.3/CRP.4), and how it contrasted with the draft decision offered by the Secretariat in UNEP/MC/COP.3/4. When it became clear there was no agreement on which approach to follow, interested parties were instructed develop a compromise text through informal consultations. On Thursday evening, the Contact Group examined and edited a compromise proposal developed by the interested parties. The revised proposal was adopted by plenary on Friday.

Final Outcome: The decision (UNEP/MC/COP.3/CRP.16) establishes an *ad hoc* group of experts with terms of reference set out in the annex to the decision. It creates an information submission and review process on the annexes in which:

- the Secretariat calls for parties to submit by 31 March 2020 information on MAPs and processes that use mercury or mercury compounds and on the availability, technical and economic feasibility, and environmental and health risks and benefits of mercury-free alternatives;
- the Secretariat makes the information received from parties publicly available and invites non-parties and others to submit by 30 April 2020 further information on the non-mercury alternatives referred to in parties' submissions;
- the Secretariat compiles the above information;
- the expert group is convened no later than 1 June 2020 to prepare a document that will enrich and organize the information by each use;
- the Secretariat will make available by 1 August 2020 the enriched and organized information to the parties that submitted information;
- parties can make revisions by 1 November 2020;
- the Secretariat makes the revisions available by 1 December 2020; and
- the Secretariat prepares by 30 April 2021 a report on the expert group's work for submission to COP4.

The decision also requests parties that submitted notifications upon ratifying the Convention about measures or strategies to address products listed in Part I of Annex A to report by 30 June 2020 on the measures and strategies they have implemented and a quantification of the reduction achieved. The Secretariat will compile the submissions for COP4.

Proposal to Amend Annex A: This item was introduced in plenary on Monday, discussed in the Technical Matters Contact Group and informal consultations on Wednesday through Friday, and adopted on Friday evening.

On Monday, the Secretariat introduced the proposal by Botswana, Chad, Gabon, Guinea Bissau, Niger, and Senegal (UNEP/MC/COP.3/21) to amend Annex A to move dental amalgam from Part II to Part I and set a two-step phase out. Expressing support for the proposal, the African Group noted that dental amalgam currently comprises 21% of mercury emissions.

Switzerland and Peru expressed concerns about the timeframe. China noted the financial and technical implications of a speedy phase out of amalgam use and recommended further study on substitutes. Thailand supported maintaining dental amalgam in Part II. The EU said it could not agree to a broad phase out until it completed a feasibility study on a full phase out by 2030. GRULAC observed that alternatives do not provide similar tensile strength and buccal disease protection. Brazil said more information on dental amalgam use and feasibility of alternatives is needed before deciding on a phase out, and opposed establishing a contact group. Chile agreed more evidence

on phase-out viability is needed before acting. Nigeria welcomed the conference room paper (CRP). Syria and Iran said awareness, training, and technical capacity need to be in place before phase out. The US favored a contact group discussion on taking national circumstances into account. Mexico favored a phase down following a roadmap that takes national circumstances into account.

The WHO discussed its survey of health policymakers in 71 countries regarding possible dental amalgam phase down (UNEP/MC/COP.3/INF/25), concluding that phase out is not a one-size-fits-all solution, phase out without support measures could increase public health problems, and a stepwise approach might be called for.

The World Alliance for Mercury-Free Dentistry and the International Pollutants Elimination Network (IPEN) supported the phase-down of amalgam while taking into consideration national circumstances. The World Dental Federation urged parties not to adopt the proposal and, with the International Association for Dental Research, urged for more research into restorative materials to provide a basis for transition to alternatives.

President Kapindula proposed that the Technical Matters Contact Group be mandated to prepare a draft decision. Brazil and Iran opposed sending the matter to a contact group, with Brazil proposing a mandate to discuss deferment of a draft decision. The US reiterated the need to consider the amendment separately from the Review of Annexes A and B, while the EU reaffirmed the intrinsic link between the review of Annexes A and B and the proposed amendment.

President Kapindula ruled to move the matter to the Technical Matters Contact Group for further discussions. In the Contact Group, the African Group presented a proposal with a revised phase-out schedule (UNEP/MC/COP.3/CRP.10) on Wednesday, which then was discussed by the Contact Group on Thursday. Interested parties were asked to consult informally with a view to presenting compromise text. The resulting compromise text was adopted by the Friday plenary.

Final Outcome: In its decision (UNEP/MC/COP.3/CRP.19), COP3 encouraged parties to take more than two of the measures listed in Annex A, Part II and requested the Secretariat to seek information from parties on their implementation of any such additional measures. The decision also says the Secretariat should request information from parties and others by 1 July 2020 on the availability, technical and economic feasibility, and environmental and health risks and benefits of the non-mercury alternatives to dental amalgam, and for the Secretariat to provide a compilation of the information received no later than 1 December 2020. The decision requests the Secretariat to prepare, by 30 April 2021, an information document for COP4 that contains both the information on reduction measures and strategies taken, and on non-mercury alternatives.

Harmonized System Codes: On Tuesday, the Secretariat introduced documents UNEP/MC/COP.3/5 and UNEP/MC/COP.3/INF/12. The EU, as well as Antigua and Barbuda, together with Argentina, El Salvador, Costa Rica, Honduras, Mexico, Nicaragua, Panama, Peru, and Suriname, submitted respective proposals calling for enhanced collaboration with the UNEP Global Mercury Partnership—Mercury in Products partnership to develop guidance on the use of customs nomenclature codes for mercury-added products. Thailand, the African Group, Kuwait, the EU, Indonesia, GRULAC, and Jordan spoke in favor of harmonizing systems codes. Argentina emphasized the importance of working with the UNEP Partnership in developing national action plans. Japan and Switzerland supported introducing voluntary codes, with the latter calling for additional guidance before COP4.

President Kapindula requested forwarding the issue to the Technical Matters Contact Group to broker compromise between parties and their respective proposals.

The Contact Group began deliberations with presentations by the EU and GRULAC of their respective CRPs (UNEP/MC/COP.3/CRP.1 and CRP.5), highlighting commonalities between the two. The Group also discussed:

- who would conduct the intersessional work, whether the Secretariat working with the UNEP Global Mercury Partnership and assisted by national experts, or an expert group;
- what kinds of codes would be pursued;
- which product codes should be sought for: all those listed in Annex A Part I, and/or other MAPs not listed, and/or mercury-free alternatives to the MAPs listed in Part I; and
- what sort of guidance document might be developed, and whether it should include examples of good practice where the use of customs nomenclature codes at the national level have been supplemented by the use of other trade control tools.

Proponents and interested parties were asked to form a small group and work out a compromise proposal. The compromise was presented to the Contact Group on Thursday, and after review, sent to plenary on Friday for adoption.

Final Outcome: In its decision on harmonized system codes (UNEP/MC/COP.3/CRP.12), COP3 requests the Secretariat, in collaboration with the UNEP Global Mercury Partnership—Mercury in Products partnership, to draft guidance on:

- possible customs nomenclature codes of more than six digits that could be used by parties for mercury-added products listed in Annex A to the Convention;
- a compilation of examples of customs nomenclature codes of more than six digits currently in use by parties for mercury-added products not listed in Annex A to the Convention; and
- examples of good practice where the use of customs nomenclature codes at the national level has been supplemented by the use of other control tools for the purpose of implementing trade provisions

Releases of Mercury: This item was introduced in plenary on Tuesday and discussed in the Technical Matters Contact Group on Thursday.

The Secretariat introduced the document (UNEP/MC/COP.3/6), noting that the suggested draft decision calls for the expert group to continue working electronically on guidance in line with a roadmap set out in Annex II of the document.

GRULAC supported continuing work according to the roadmap. The EU, with Norway, said COP3 needs to provide guidance on the scope of Convention Article 9 (releases) and how best to address mercury in wastewater. Japan agreed interpretation guidance on Article 9 is needed. The US expressed significant concern about the definition of releases. Chile said the expert group should focus on methodologies. Zambia called for clear definitions of terms used in Article 9. Kuwait called for a new approach regarding wastewater. Independent Ecological Expertise called for more work on point sources in metal production. IPEN supported addressing wastewater under Article 9 and called for accelerated development of guidance on best environmental practices and best available techniques.

The Contact Group was tasked with developing a draft decision on guidance. During its Thursday deliberations, the Group produced a revised version of the Secretariat's draft decision incorporating a joint proposal from two parties for additional text (UNEP/MC/COP.3/CRP.17) regarding the questions of:

- point sources covered by other Convention articles;
- diffuse sources;

- application of the obligation to manage waste in an environmentally sound manner for significant releases to land and water;
 - wastewater; and
 - point sources not covered by Convention Article 9.
- The decision was adopted in plenary on Friday.

Final Outcome: In its decision (UNEP/MC/COP.3/CRP.17), COP3 requests the technical expert group to continue to work in line with the roadmap to produce a report including draft guidance on the methodology for preparing inventories of releases, the proposed categories of point sources of releases, and a roadmap for the development of guidance on best available techniques and best environmental practices. It requests the group to base its work on the following considerations:

- proposed categories should not include potentially significant relevant point sources addressed in other Convention articles;
- diffuse sources should not be included, and the only point source categories included should be those for which mercury releases have been documented;
- parties may control wastewater under both Articles 9 and 11; and
- the guidance on the methodology for preparing inventories of releases should also provide information on significant point sources covered by other Convention provisions.

Mercury Waste Thresholds: This item was introduced in plenary on Tuesday and discussed in the Technical Matters Contact Group on Wednesday through Friday.

On Tuesday afternoon, Secretariat introduced documents related to mercury waste (UNEP/MC/COP.3/7, UNEP/MC/COP.3/INF/13, and UNEP/MC/COP.3/INF/18). This was followed by a presentation on the outcomes of the group of technical experts on mercury waste thresholds, which focused on clarifications regarding categories of mercury waste. The BRS Secretariat discussed the role of the Basel Convention in the context of the Minamata Convention, taking note of the findings of the technical expert group.

The EU said it endorsed the outcomes of the group of technical experts and introduced an explanatory document concerning waste thresholds on mercury and mercury compounds (UNEP/MC/COP.3/CRP.2). GRULAC, the African Group, China, the US, and Switzerland also supported the continuation of the work of the technical expert group. Norway voiced support for the proposals of the technical experts but expressed concern about whether current thresholds provide for environmentally safe management. Chile proposed broadening the list of mercury waste defined by the technical expert group and reconsidering thresholds for certain types of wastes ("Category C"), should circumstances change. The African Group and the Artisanal Gold Council opposed thresholds for ASGM tailings while Japan urged parties to consider a draft decision on threshold on waste contaminated with mercury or mercury compounds.

The Technical Matters Contact Group was mandated to explore the issues further, but instructed not to reopen issues already agreed by the group of technical experts. In the Contact Group and in informal consultations from Tuesday through Friday delegates discussed the mandate of the technical expert group in determining mercury thresholds, especially associated with ASGM and other mining activities. The Group also discussed flexibility with regard to establishing categories of mercury waste, leaving open the possibility of revising the list of mercury waste, and having the Bureau update technical guidelines as waste as appropriate.

On Friday afternoon, an updated proposal was sent to plenary for adoption (UNEP/MC/COP.3/CRP.18). Iran suggested changing the wording of the proposal specifically in relation

to the convening of technical experts, which was met with no objections.

Final Outcome: In its decision (UNEP/MC/COP.3/CRP.18), COP3:

- agrees to establish no thresholds for certain types of mercury waste listed under the Convention, especially in the context of particular mining activities;
- outlines specific categories of mercury waste for disposal;
- requests the group of technical experts to further substantiate its present recommendation on total concentration thresholds; and
- sets out to improve guidance on the preparation of national action plans for ASGM, especially regarding management of tailings.

In addition, the COP confirms the importance of extending the mandate of the group of technical experts until COP4, calling upon the Secretariat to facilitate cooperation with the BRS Secretariat with a view towards updating technical guidelines on the environmentally sound management of wastes consisting of, containing, or contaminated with mercury or mercury compounds.

Contaminated Sites: On Wednesday, the Secretariat introduced documents UNEP/MC/COP.3/8 and UNEP/MC/COP.3/INF.13. Iran offered an amendment to the draft decision emphasizing the importance of capacity building, financial resources, and technology transfer regarding identification and management of contaminated sites. Indonesia, Chile, the African Group, Lesotho, and Peru also suggested adjustments or improvements before adoption. Jordan said the guidance would need continued improvement. Nigeria and Zambia suggested that the decision call for pilot testing and periodic updating of the guidance. The EU announced it would lead informal consultations aimed at improving the guidance set out in the documents.

On Friday morning, parties reported back to plenary about progress made regarding the adoption of guidance on the management of contaminated sites (UNEP/MC/COP.3/CRP.15). The EU supported adoption of a decision. Iran said the decision should call for technology transfer as it does in Article 14 of the Convention, rather than the “promotion” of technology transfer. The US, Switzerland, and Norway agreed. Indonesia supported adoption of the decision. Delegates agreed to take up a decision on adoption of the CRP with proposed revisions once cleared by the Budget Group.

On Friday afternoon, the plenary adopted the decision on guidance on the management of contaminated sites.

Final Outcome: In its decision (UNEP/MC/COP.3/CRP.15), the COP adopts guidance on the management of contaminated sites (UNEP/MC/COP.3/CRP.15/Add.1), noting the importance of capacity building, financial resources, and promotion of transfer of technology for identifying, assessing and, as appropriate, remediating sites contaminated by mercury or mercury compounds. The decision further requests the Secretariat to continue to collect technical information in cooperation with experts nominated by governments, relevant networks, and others, and to make such information available to parties, noting that the guidance may require future revision to ensure it continues to reflect best practice.

Financial Mechanism: Global Environment Facility (GEF):

This item was raised on Tuesday with a presentation from the GEF Secretariat on the third report of the GEF to support the Minamata Convention (UNEP/MC/COP.3/9) and referenced the Executive Summary of the report of the GEF Council to the Minamata Convention (UNEP/MC/COP.3/9/Add.1). The GEF noted that USD 206 million was indicatively allocated to the implementation of the Minamata Convention for the current reporting period. The Minamata Secretariat presented updates on the MOU adopted at COP2 and invited discussion in advance

of the eighth replenishment of the GEF expected in 2021. Iran cautioned that the GEF is not providing adequate financing for programmatic activities, requesting that parties consider how the GEF can resolve this and reflect on guidance for COP4.

Matters relating to the GEF were referenced under other agenda items as related to projects supported by the GEF, outcomes of the MOU with the GEF, and activities at the national and regional levels.

Parties welcomed the reports by the GEF, which contain, among others:

- details GEF programming on mercury and cooperation between the Secretariats of the GEF;
- a total of USD 4.1 billion pledged by donors for the seventh replenishment of the GEF Trust Fund;
- USD 206 million indicatively allocated to the implementation of the Minamata Convention; and
- approval of a programme on implementing sustainable low- and non-chemical development in small island developing states, which includes 27 small island developing states.

Specific International Programme to Support Capacity

Building and Technical Assistance (SIP): This item was introduced in plenary on Wednesday. Follow-up was referred to the Friends of the President Group, which reported the results to plenary on Friday.

On Wednesday President Kapindula took note of reports related to the work of the Governing Board of the SIP (UNEP/MC/COP.3/10 and Corr.1; UNEP/MC/COP.3/10/Add.1; and UNEP/MC/COP.3/INF/3). Governing Board Co-Chair Reginald Hernaes (Netherlands) said the Board had successfully operationalized the SIP and highlighted the approval of USD 2 million to fund ten projects under the second round of the SIP.

Antigua and Barbuda, Nigeria, and Zambia supported strengthening Secretariat support. The African Group, Guinea, and Iran called for more adequate and sustainable financing.

The EU, the US, and Switzerland said matters relating to Secretariat staff should be addressed under the Contact Group on Programme of Work and Budget. The US also called for a reassessment of the governance arrangements of the SIP.

Norway announced a EUR 500,000 and Switzerland announced a CHF 100,000 voluntary contribution to the SIP.

Syria called for flexibility in project criteria. Sri Lanka commended the work of the Governing Board.

President Kapindula proposed and parties agreed that the issue of enhancing the SIP would be referred to the Friends of the President Group, while specific staff and programme issues addressed by parties would be referred to the Contact Group on Programme of Work and Budget.

On Friday, President Kapindula invited regions to confirm nominations to the Governing Board. COP3 elected by acclamation the following as SIP Governing Board members: Aita Seck (Senegal) and Olubunmi Olusanya (Nigeria) for the African Group; Mohsen Naziri Asl (Iran) and Prasert Tapaneeynagkul (Thailand) for the Asia-Pacific Group; Anahit Aleksandryan (Armenia) and Kaupuo Heinma (Estonia) for CEE; Pedro Piacesi de Souza (Brazil) and Gina Griffith (Suriname) for GRULAC; and Reginald Hernaes (Netherlands) and Atle Fretheim (Norway) for WEOG.

Also on Friday, Friends of the President Group Chair Nina Crommier (Sweden) reported that consensus was reached on a text regarding enhancement of the SIP, which they requested be reflected in the COP3 meeting report. The text on SIP enhancement, as read into the COP3 meeting report by Chair Crommier, encourages the UNEP Executive Director, in consultation with the SIP Governing Board, to assess possible options for enhancing the SIP and its operations, with the aim of ensuring its capability to deliver on its mandate and to apply

sound administrative procedures and project management. The COP also invited the UNEP Executive Director to report to COP4 on this matter.

Review of the Financial Mechanism: This item was dealt with in plenary on Wednesday. The Secretariat introduced document UNEP/MC/COP.3/11, and called attention to the draft decision for this issue, by which parties would welcome the report and request the Secretariat to prepare draft terms of reference for the second review for consideration at COP4.

GRULAC expressed satisfaction with the document and relevant information on the SIP, including improvements made in transparency and the application process, and called for strengthening the mechanism. The African Group said the first round of finance and capacity building have proven inadequate and called for further review of operations. Nigeria highlighted that mercury management is best addressed at the regional and subregional levels and called for future reviews to consider this aspect.

Parties adopted the draft decision without amendment.

Final Outcome: In its decision on review of the financial mechanism (UNEP/MC/COP.3/11), COP3 welcomes the report on the first review of the financial mechanism and requests the Secretariat to prepare draft terms of reference for the second review for consideration at COP4.

Capacity building, Technical Assistance, and Technology Transfer: On Tuesday, the Secretariat introduced documents UNEP/MC/COP.3/12 and UNEP/MC/COP.3/INF/14, and invited delegations to continue compiling information on existing regional, subregional, and national arrangements for reporting at COP4. Iran noted that the report did not include technology transfer and suggested that this should be reflected in any COP3 decision. The African Group seconded Iran's suggestion and emphasized that technology transfer should appropriately respond to needs assessments. The EU noted it had provided EUR 500,000 to support capacity building on trade and emissions. Lebanon called for a clearer cooperation framework. GRULAC said that it intended to make a proposal to follow up on the COP2 decision on this topic.

On Wednesday, GRULAC introduced its proposed draft decision (UNEP/MC/COP.3/CRP.8), noting that the proposal: emphasizes the relevance of using regional, subregional, and national arrangements, and centers in delivering technical assistance and capacity building; asks the Secretariat to continue collecting information; and requests the Secretariat and others to help implement regional action plans. The discussion was suspended to allow delegates to review the draft.

In plenary Friday afternoon, a slightly revised proposal was adopted.

Final Outcome: In its decision (UNEP/MC/COP.3/CRP.8/Rev.1), COP3 agrees to emphasize the relevance of using, as appropriate, regional, subregional, and national arrangements, including existing regional and subregional centers of the Basel and Stockholm Conventions, in the delivery of capacity building and technical assistance. It also requests the Secretariat to provide an update on this issue at COP4.

Implementation and Compliance Committee (ICC): The ICC was addressed in plenary on Wednesday. It was further discussed in informal consultations and by the Friends of the President Group.

On Wednesday, Claudia-Sorina Dumitru (Romania), ICC Chair, presented the report on the work of the ICC (UNEP/MC/COP.3/13) and drew attention to Appendix I on draft terms of reference (TOR) for the ICC (UNEP/MC/COP.3/CRP.14), Appendix II presenting a draft decision, and Appendix III on a draft template for written submissions from parties with respect to their own compliance.

President Kapindula proposed the adoption of the draft decision in Appendix II on the TOR. The US proposed qualifying that some of the proposed actions of the Committee would be taken "as appropriate," among other changes. The EU said it would propose amendments if the text were open for changes but said it would also accept the TOR without amendments. Chile, supported by Switzerland, the EU, China, and GRULAC, proposed that the TOR be adopted without amendments. The President suggested that parties meet informally to discuss the proposed amendments.

On Thursday, the matter was referred to the Friends of the President Group for discussion. On Friday, Group Chair Cromnier highlighted changes for the consideration of the parties. She said new text reflects changes to the timing of when the Committee would consider requests by the COP and information about parties' reporting performances, among others.

Final Outcome: Parties elected members of the ICC and confirmed regional representatives: Hanitriniaina Liliane Randrianomenjanahary (Madagascar), Mohamed Abdoulai Kamara (Sierra Leone), and Christopher Kanema (Zambia) for Africa; Itsuki Kuroda (Japan), Ahmed Al Qataneh (Jordan), and Chen Haijun (China) for Asia-Pacific; Dubravka Marija Krekovic (Croatia), Svetlana Bolocan (Moldova), and Claudia-Sorina Dumitru (Romania) for CEE; Arturo Gavilán (Mexico), Paulina Riquelme (Chile), and Jose Antonio Piedra Montoya (Ecuador) for GRULAC; and Janine van Aalst (Netherlands), Karoliina Anttonen (Finland), and Gene Smilansky (US) for WEOG.

In its final decision (UNEP/MC/COP.3/CRP.14/Rev.1), the COP adopted the Terms of Reference for the Implementation and Compliance Committee of the Minamata Convention, which contains the scope, objective, functions, and activities as they relate to the implementation and review of compliance with all provisions of the Convention.

Further, COP3 approved the template for written submissions from parties with respect to their own compliance. The template contains information on country, focal point, matter of concern, relevant provisions of the Convention, and other items.

Effectiveness Evaluation: This item was addressed in plenary on Monday and discussed in a contact group for the rest of the week.

The Secretariat introduced the report of the *ad hoc* technical expert group for effectiveness evaluation (UNEP/MC/COP.3/14.Add.1), which includes policy questions relating to proposed indicators, monitoring indicators, proposed institutional arrangements, and the first evaluation cycle. The framework for effectiveness evaluation would include reports on: Article 21 (national reporting) synthesis report; emissions and release report; trade supply and demand report; waste report; and monitoring report.

The Co-Chairs of the technical expert group on effectiveness evaluation, Katerina Šebková (Czech Republic) and Mohammed Khashashneh (Jordan), presented elements of the report, highlighting monitoring arrangements, mercury data, and data availability.

Parties deliberated on the report from the technical expert group, which included a recommendation to extend the mandate of the expert group. Iran proposed including more than two representatives per region in the expert group, thus increasing the number of experts in this group. China also proposed an increase in the number of experts.

The EU proposed including a member of the ICC on the proposed effectiveness evaluation committee. Canada supported elements of the framework for effectiveness evaluation, and called attention to issues related to indicators, monitoring arrangements, and sufficiency of funds. GRULAC highlighted the

need for clear and measurable indicators. China underscored the value of effective data approved by parties.

The Effectiveness Evaluation Contact Group, co-chaired by Šebková and Teeraporn Wiriwutikorn (Thailand), concluded its work in the early hours of Saturday, 30 November. On Wednesday afternoon, the Group focused on the functions and structure of the modelling and monitoring groups, respectively. On Thursday, the group reviewed the “interim outcome of discussions,” compiled from the night before, which contained draft decision text on arrangements for the first effectiveness evaluation of the Convention. Views diverged on the annexes, figures, and tables in the document, which include the list of indicators.

By Friday afternoon, the group had agreed on the framework but views still diverged on the list of indicators. On Friday evening, the Contact Group considered a draft decision that included, *inter alia*:

- further consideration of indicators list at COP4;
- further consideration of the establishment, draft TOR, and mandate of the effectiveness evaluation committee at COP4;
- work towards establishing a monitoring and modelling group in line with the agreed TOR;
- further consideration of the proposed global monitoring arrangements; and
- the Secretariat to pursue drafting support on the items above and to continue to collect information relevant to the effectiveness evaluation.

On early Saturday morning, after further Contact Group deliberations, plenary considered a version of the draft decision that several delegations said they could not support, following which the plenary considered a “minimalist text” and adopted that version of the decision.

Final Outcome: In its final decision (UNEP/MC/COP.3/CRP.20), the COP, *inter alia*:

- welcomes the report on the proposed framework for the effectiveness evaluation and monitoring under the Convention and complementing information by the technical expert group;
- invites parties to submit views on the indicators; and
- requests the Secretariat to compile those views before COP4.

The decision further requests the Secretariat to advance the work by securing services to draft:

- guidance on monitoring to maintain harmonized, comparable information on mercury levels in the environment; and
- reports set out in the framework with the exception of the emissions and releases report, the monitoring report, and the modelling report.

Financial Rules: On Monday, the Secretariat introduced document UNEP/MC/COP.3/15 and drew attention to items relating to appropriate measures when payment measures are not agreed upon, and procedures as they relate to least developed countries (LDCs) and small island developing states (SIDS).

Canada objected to the lifting of brackets around the text “developing countries, in particular” in Rule 5(3)e, which allows consideration of specific needs and special circumstances of LDCs and SIDS when a payment schedule is not jointly decided or respected.

Argentina urged to keep the text in reference to developing countries in the rule.

Iran supported retaining the categorization of countries by “developed and developing” countries.

Noting that there was no consensus on the bracketed text, President Kapindula deferred the matter to COP4.

Secretariat: On Monday, UNEP presented its proposal for sharing relevant secretariat services between the Minamata and BRS Conventions (UNEP/MC/COP.3/16), highlighting its recommendation to have the Minamata Secretariat purchase services on a cost recovery basis from the BRS Secretariat.

The Minamata Secretariat then presented its report on cooperation between the two secretariats during the intersessional period (UNEP/MC/COP.3/19), followed by a report from the BRS Secretariat on its activities and BRS COP decisions relevant to the Minamata Convention (UNEP/MC/COP.3/INF/6). The EU proposed a draft decision (UNEP/MC/COP.3/CRP.3), co-sponsored by Congo, Costa Rica, Gabon, Mali, Norway, Senegal, Switzerland, and Thailand, supporting purchase of services from the BRS Secretariat and asking UNEP to establish inter-secretariat working groups. The African Group, Canada, Mexico, and Uruguay supported the proposal, while Brazil, Colombia, China, and Iran called for further discussion. A Friends of the President Group open to all parties was tasked with developing a draft decision.

On Thursday morning, Group Chair Cromnier reported to plenary that a draft decision was finalized on a cooperation framework between the Secretariats of the Minamata Convention and the BRS Conventions. The decision was adopted on Friday morning.

Final Outcome: The decision (UNEP/MC/COP.3/CRP.9) requests UNEP to support the Minamata Secretariat in its efforts to enhance cooperation with the BRS Secretariat, including through the use of the taskforce comprising of the two Secretariats and the UNEP Chemicals and Health Branch.

It also requests the Minamata Executive Secretary to:

- setup inter-secretarial working groups to cooperate on relevant administrative, programmatic, technical assistance, and technical matters;
- continue to implement shared services from the BRS Secretariat on a cost-recovery basis; and
- report to COP4 on implementation of this decision for further guidance.

Emissions of Mercury Resulting from the Open Burning

of Waste: On Wednesday afternoon, the Secretariat presented documents on waste-related mercury emissions resulting from open burning (UNEP/MC/COP.3/17, UNEP/MC/COP.3/INF/16). Suggested action for parties included considering the information contained in these documents, and requesting the Secretariat to continue collecting information and making this available on the Convention website.

Noting that data on open burning is lacking, Japan supported the proposal, and welcomed requests from parties for provision of future technical support. GRULAC highlighted challenges in assembling data due to a lack of quantitative information on mercury emissions sources and impacts on air, water, and soil, including difficulties in differentiating from releases. The EU, Chile, Nigeria, Argentina, El Salvador, Mexico, Uganda, and Zambia also supported continuing efforts to collect and share information. Switzerland and Indonesia called for further cooperation with the BRS Secretariat on researching mercury emissions. The African Group suggested forming an intersessional partnership on open burning, while Guinea expressed concern over the data collection process and called for a deadline for parties to submit information. Lebanon supported Guinea’s proposal and suggested establishing an organizational framework for addressing open burning. Kenya seconded Gabon and called for further study, including by harmonizing measurement of mercury emissions with dioxins and furans for ease of reporting.

Following calls from parties, the Secretariat indicated that it would continue collecting information and making this available on the Convention website.

International Cooperation and Coordination

Cooperation with the WHO and the ILO: On Thursday, the Secretariat introduced the report on cooperative activities with the WHO and the ILO (UNEP/MC/COP.3/18) and suggested that

the COP request further collaboration between WHO, ILO, and relevant intergovernmental organizations.

The WHO spoke on health-related activities relevant to the Convention. ILO highlighted the promotion of ILO international instruments for the prevention of occupational diseases caused by mercury, projects in the ASGM sector, and other relevant ILO activities that support the Convention's implementation.

Other International Organizations and Bodies: On Thursday, UNEP, speaking as Chair of the Global Mercury Advisory Group, summarized UNEP/MC/COP.3/INF/4, providing updates on UNEP activities undertaken in relation to work on mercury. The Strategic Approach to International Chemicals Management (SAICM) Secretariat noted that mercury would be addressed at the fifth meeting of the International Conference on Chemicals Management (ICCM-5) scheduled for October 2020. The Inter-Organization Programme for the Sound Management of Chemicals (IOMC) discussed cooperation with the GEF on ASGM under its planetGOLD programme. The UN Institute for Training and Research (UNITAR) highlighted its technical assistance on capacity building, including its online MercuryLearn training course for inventories.

The EU introduced a proposal (UNEP/MC/COP.3/CRP.6), submitted with Ghana, Mali, Nigeria, Norway, Thailand, and Uruguay, that welcomes the resolutions adopted by the United Nations Environment Assembly (UNEA) and encourages governments and relevant stakeholders to contribute to implementation of the plan "Towards a Pollution-Free Planet"; emphasizes the need for action to implement the 2030 Agenda for Sustainable Development on matters related to the sound management of chemicals and waste; and calls on parties and other stakeholders to strengthen efforts on the sound management of chemicals and waste towards the achievement by 2020 of Sustainable Development Goal (SDG) target 12.4, including through technical assistance and capacity building.

The US opposed, saying that it appreciated the sentiment behind the proposal, but felt strongly it did not adequately reflect international collaboration as was envisaged, and objected to its adoption.

On Friday, the EU introduced amendments to the proposal (UNEP/MC/COP.3/CRP.6/Rev.1). Switzerland, the African Group, Colombia, Uruguay, Argentina, and Peru supported the amendments. The US said that the updated proposal was a political statement that called for collaboration falling outside the scope of the Convention, and objected to its adoption.

President Kapindula noted that parties were unable to agree at present, and that this would be reflected in the final report of the meeting. The EU requested that the report reflect that an overwhelming majority of parties were willing to support the proposal.

Programme of Work and Budget

This item was first addressed in plenary on Tuesday. The Secretariat presented several reports including: the report on the main activities of the Secretariat in the intersessional period (UNEP/MC/COP.3/19); Programme of Work and Budget for the biennium 2020-2021 (UNEP/MC/COP.3/20); proposed operational budgets for the two funding scenarios (UNEP/MC/COP.3/INF/11/Add.1); and additional information documents on financial matters and budget activity fact sheets.

Following the presentation, COP3 mandated the Budget Contact Group to review the two scenarios outlined in the Programme of Work and Budget (UNEP/MC/COP.3/INF/11/Add.1). President Kapindula announced Yun Insini (Indonesia) and Reginald Hernaus (Netherlands) as co-chairs of the Contact Group. Budgetary issues were also discussed in other contact

In the Budget Contact Group, parties discussed, *inter alia*: the Executive Secretary's scenario, which identifies the essential budget elements of the work programme in order to comply with the mandated activities under the articles of the Convention; a zero nominal growth scenario; and budget activity fact sheets setting out the details of the two budget options proposed for 2020-2021 (UNEP/MC/COP.3/INF/9).

Parties discussed budgetary allocations and implications of items for specific Secretariat activities related to, *inter alia*: executive direction and management; communication, outreach, and public awareness; national reporting; publications; scientific support to parties; and effectiveness evaluation.

On Saturday morning, immediately after the approval of the "minimalist text" on effectiveness evaluation, Co-Chair Hernaus presented in plenary a final Programme of Work and Budget for the biennium 2020-2021 (UNEP/MC/COP.3/CRP.13/Rev.1), as approved by the Contact Group. Brazil and Argentina noted that, due to the changes in activities related to the effectiveness evaluation decision, the budget should be adjusted to reflect the implications for budgetary allocations. Brazil proposed redistributing the amounts saved from budget lines associated with the work no longer occurring under effectiveness evaluation to parties, thus decreasing their contributions. Parties agreed that the Secretariat would revise the amount and reflect it in a new budget after adoption.

Final Outcome: In its final decision (UNEP/MC/COP.3/CRP.13/Rev.1), COP3 adopted the final Programme of Work and Budget for the biennium 2020-2021. As agreed, the Secretariat will revise the amount, which was originally announced as approximately USD 7.8 million for the General Trust Fund budget for 2020-2021 and approximately USD 4.3 million for the Special Trust Fund.

Parties adopted budgetary allocations on all activities of the Secretariat including conferences and meetings including COP4, the Bureau, and the ICC; implementation of capacity building and technical assistance; scientific and technical activities; knowledge and information management and outreach; publications; and overall management.

Venue and Date of COP4

Delegates discussed this agenda item on Monday and Wednesday (UNEP/MC/COP.3/22 and Add.1). Both Indonesia and Colombia had submitted offers to host COP4.

On Monday, Siti Nurbaya Bakar, Minister of Environment and Forestry, Indonesia, presented Indonesia's bid to host COP4 in Bali, Indonesia. Colombia respectfully withdrew her country's bid and offered to host a preparatory meeting. Parties endorsed Indonesia as host of COP4.

On Wednesday, President Kapindula proposed the dates of 31 October to 5 November 2021 for COP4. Delegates adopted this proposal.

Final Outcome: COP4 will convene in Bali, Indonesia, from 31 October to 5 November 2021.

Other Matters

On Wednesday, the Secretariat reminded parties of the 31 December 2019 deadline for the submission of the first biennial reports on implementation measures, effectiveness, and possible challenges in meeting the objectives of the Convention. The Secretariat called attention to guidance for this first biennial short report (UNEP/MC/COP.3/INF/26), in which parties are invited to report based on four questions: three pertaining to Article 3 (mercury supply sources and trade) and one concerning Article 11 (mercury wastes).

Guinea requested additional clarification on the reporting criteria and guidance for the reports due on 31 December 2019.

Canada introduced a proposal (UNEP/MC/COP.3/CRP.7), prepared together with Norway, Switzerland, and the EU, that recalls that the first full national reports are due by 31 December 2021, and indicates that “the development of guidance for completing the full national reporting format would assist parties by clarifying the information requested for each question in the report.” The proposal requests the Secretariat to prepare draft guidance for completing the full national reporting format, and indicates that the draft guidance could be used “on a provisional basis before it is considered at COP4 for possible adoption, to assist parties with beginning timely work to complete their full national reports.”

Peru called on parties to reflect on reporting issues associated with trade. Panama noted difficulties with international trade forms on mercury. Canada encouraged additional work on reporting guidance and urged parties to submit national reports in a timely manner.

The issue returned to plenary on Friday after a round of informal consultations. Canada introduced a revised proposal (UNEP/MC/COP.3/CRP.7/Rev.1) that took into account input from the informal consultations.

Final Outcome: In its decision on guidance for completing the national reporting format (UNEP/MC/COP.3/CRP.7/Rev.1), COP3 requests the Secretariat to prepare draft guidance for the full national reporting format, to seek comments from parties and other stakeholders on the draft guidance by March 2021, and to provide a revised draft of the guidance, as appropriate. The decision encourages parties to use the draft guidance on a provisional basis when preparing their full national reports, which are due by 31 December 2021, and requests the Secretariat to submit the draft guidance for consideration and possible adoption by COP4.

Closing Plenary

The closing plenary took place Friday evening. It was suspended a number of times, pending the work of contact groups. In the end, twelve decisions were adopted during the closing plenary.

Prior to the resolution of the decisions on the Effectiveness Evaluation and Budget, COP3 President Kapindula invited regional groups to give their closing statements.

The African Group expressed appreciation for progress made in some decisions but noted that amendments to Annex A did not progress as they had hoped. They reaffirmed their intention to continue to tackle challenges related to phasing out dental amalgam.

The EU applauded the work of the Executive Secretary, President, and parties and expressed regret that the draft decision on international cooperation was not adopted despite overwhelming support by parties. She lamented the challenges encountered in the deliberations on the effectiveness evaluation and welcomed progress made on the arrangements between the Minamata and BRS Secretariats.

The CEE applauded the “baby steps” made by the Convention and noted that there would be challenges in the Convention’s early stages. She welcomed the approval of the TOR on the Implementation and Compliance Committee and thanked the Government of Switzerland for hosting the meeting.

GRULAC said her region was satisfied with progress and welcomed the adoption of the TOR for the ICC. She stressed the vital role of standards for monitoring the Convention. She also recognized the strengthened continuation of cooperation between the Minamata Convention, ILO, WHO, and UNEP.

The Asia-Pacific Group expressed hope that implementation of the Convention would materialize, noting that the region remains

motivated to work together to remove obstacles to reach common objectives. He said they are ready to work constructively with all parties to the Convention.

After the decisions on effectiveness evaluation and programme of work and budget were adopted, as amended, departing Executive Secretary Repetto thanked all delegates and involved parties for their efforts in supporting the Convention, and expressed her disappointment about how the final decision on the budget would affect the effectiveness evaluation framework over the next biennium. Offering her gratitude to the Government of Indonesia for agreeing to host COP4, she closed by saying it had been a privilege to serve the Convention in its work to make mercury history.

President Kapindula thanked all delegations for their support, remarking that he and his fellow Bureau members were encouraged to have seen the growth of Convention since COP1, while noting that much more remains to be done to ensure the Minamata Convention achieves its full potential. He gave the meeting to a close at 2:46 am on Saturday, 30 November 2019.

A Brief Analysis of COP3

Minamata COP3 as a Case Study in the Maturation of an MEA

While the first meeting of the Conference of the Parties (COP) to the Minamata Convention was characterized by a sense of accomplishment carried over from the establishment of the Convention and the second COP revealed growing pains as the “working COP” struggled to find its rhythm, parties at COP3 sought to find their stride as they dug into the substantive work that comes with setting up the mechanics and tools for a young multilateral environmental agreement (MEA). As the “new MEA on the block,” the Minamata Convention on Mercury has the opportunity to distinguish itself from sister Conventions and build on its innovative approach.

The Minamata Convention is the first agreement to address a single substance, the first to address a heavy metal, and the first chemicals and waste agreement expressly addressing both the environment and human health. As a result, the playbook has not been written for many of the circumstances and issues that parties to the Minamata Convention have encountered. But charting its own course has proven to be easier said than done, largely because the work of technical experts still needs to be squared with political and socio-economic realities.

Eager to ensure that the Convention will live up to its promise, COP President David Kapindula cautioned at the outset of COP3 against leaving a legacy of unresolved issues—and declared on several occasions that parties should “not let the perfect be the enemy of the good.” So how did COP3 do with defining its own path forward?

Thresholds of Understanding

Despite minor microphone issues faced by delegates in using the new system in plenary, the procedural and conference service issues that plagued COP2 were relatively absent, due to the addition of staff to the Minamata Secretariat coupled with a cooperative arrangement with the Basel, Rotterdam, and Stockholm (BRS) Secretariat for conference services. Delegates were pleased with the relatively smooth running of the meeting compared to previous COPs, as documents were made available in real time on a dedicated website with an interactive agenda. The Convention website was also updated daily with photographs, tweets, press releases, and key events happening at the meeting, which was also widely welcomed.

COP3 also faced new challenges. New delegates struggled to find their footing with the mechanics and structure of the Minamata Convention. Other delegations brought in seasoned negotiators from more mature processes to help take the reins. Some noted that the combination of new delegates with seasoned negotiators expedited the resolution of a few matters. However, for some of the bigger issues, these dynamics largely affected progress, and required a greater focus on determining whether options could be found to bridge outstanding differences—or if outcomes would need to be deferred to COP4.

Amalgamating Efforts

References to “synergies” were echoed throughout the meeting in attempts to avoid duplicating work addressed in sister conventions and international organizations. This approach was emphasized by Inger Andersen, UN Environment Programme (UNEP) Executive Director, who opened the meeting by reiterating UNEP’s commitment to the promotion of cooperation, coherence, and synergies with the MEAs that play a crucial role in responding to environmental challenges while preserving human well-being, healthy ecosystems, and food security. She said: “New thinking and models for action are needed to reverse the current trends. There are increasing calls to address the challenges coherently, reducing fragmentation and working together.”

During interventions in plenary and discussions in contact groups, delegates often referred to the co-benefits of activities resulting from eliminating mercury and mercury compounds at the national level, such as emissions reduction, more effective waste management practices, conservation of biodiversity, and occupational safety and health. One developing country referenced the support of the International Labour Organization (ILO) in the e-waste sector in her country, while the African Group reaffirmed the need for continued cooperation with the World Health Organization (WHO), ILO and other international organizations in national and regional efforts. Participants also highlighted the breadth of international organizations that bring tools and expertise to mercury policy and implementation, following the COP3 discussion on international cooperation.

The discussions at COP3 and its side events identified multiple opportunities to build on and deepen interlinkages in 2020. Referring to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) Global Assessment Report on Biodiversity and Ecosystem Services, some delegates highlighted pollution as one of five drivers of biodiversity loss. Speakers at the opening ceremony highlighted the opportunity to engage with the post-2020 global biodiversity framework process, which is currently developing targets to succeed the Aichi Biodiversity Targets. Likewise, the Strategic Approach to International Chemicals Management (SAICM) is currently negotiating the future of international cooperation on the sound management of chemicals and wastes beyond 2020. Speakers also highlighted opportunities to build on linkages that exist between mercury and climate change in relation to emissions from coal-fired power plants, which could be included in the nationally determined contributions to be submitted in 2020 under the Paris Agreement. In addition, the upcoming 2020 Ocean Conference was suggested as an opportunity to highlight mercury pollution and pathways to water bodies.

The discussions on synergies also revealed ways in which linkages could be acted on. For example, UNEP Executive Director Inger Andersen suggested building programmatic linkages between the work that the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) does with customs authorities as part of its implementation efforts and the Minamata Convention’s work with customs authorities.

The identification of a few indicators that could be shared between the biodiversity and chemicals and wastes conventions was also highlighted as an opportunity to bring together different ministries that might not otherwise develop synergies at the national level.

Speakers at COP3 lauded these synergies as proactive contributions to implementation of the 2030 Agenda for Sustainable Development at the national, regional, and global levels, but delegates were not able to adopt a COP decision in this regard. A draft decision proposed by Ghana, Mali, Nigeria, Norway, Thailand, Uruguay, and the European Union on international cooperation highlighted the need to intensify and prioritize efforts on the sound management of chemicals and waste to achieve Sustainable Development Goal (SDG) target 12.4 by 2020. The draft also noted that this is in line with UN Environment Assembly resolution 4/8 on the sound management of chemicals and waste, including through technical assistance and capacity building to enable parties to meet relevant goals and targets of the 2030 Agenda as soon as possible. However, the US objected to the proposal on the basis that it was a “political statement” that called for collaboration outside the scope of the Minamata Convention. Even though they could not adopt this decision, many anticipated that these linkages and synergies would be pursued by a variety of actors in the coming year.

Scaling Progress

A question for some COP3 participants was whether the operationalization of the Minamata Convention is going too fast or too slow. While participants highlighted progress, the requests for deferring some items to COP4, such as the list of indicators under effectiveness evaluation, thresholds and elements of international cooperation, elicited concerns from others.

In some cases, participants observed that the difference in speed at which parties would like to drive the Convention is not as might be expected. For example, by submitting its proposal for Annex A, the African Group signaled that it is prepared to move faster than the EU, US, Japan, and WHO on phasing out dental amalgam.

On thresholds, the EU sought to establish a global threshold value, but others preferred differentiating by category and based on national characteristics and circumstances. A preference for attention to national conditions was also expressed in the case of tailings from artisanal and small-scale gold mining, with some questioning whether the application of such a threshold was even practical out in the field.

This sentiment was referenced by many parties who reiterated that progress made outside of the COP negotiating halls is dependent on real people, communities, and national governments who will be responsible for most of the progress on the ground.

Building Capacity

Ultimately, parties need tools to meet obligations under the Minamata Convention, such as special customs codes, information, technology transfer, capacity building, and appropriate data to inform decision making on national policies to phase down mercury and mercury compounds. However, the move from annual to biennial COPs will have implications for advancing implementation, as some key matters will now have to wait until COP4 in 2021 for consideration.

Participants pointed to some COP3 decisions that could put the Convention on the right path. On the operational side, the COP set in motion the process to review Annex A on products and Annex B on processes, assess ways to enhance the Specific International Programme, and provide guidance on national reporting. On the technical side, parties approved guidance on contaminated sites, furthered work on releases and waste

thresholds, and set in motion a process to assess the possibility of more aggressive action on dental amalgam.

Minamata, despite its age, is showing signs of maturity as it moves forward. The consensus-based approach required under this Convention, in the absence of resolution on Rule 45 (voting), was noted to have its merits, but it also notably delayed progress at COP3 leading to a 2:46 am closing on Saturday morning. However, as reaffirmed by many parties throughout, the benefits of engaging in a global dialogue on addressing mercury and actively working towards resolving issues in a conciliatory way became apparent by the end of the week. The collegial approach by which parties engaged gave many hope that the commitment to make mercury history that resulted in the adoption of the Convention itself would continue to drive forward efforts, effectively meeting any arising challenges for this maturing MEA.

Upcoming Meetings

57th Meeting of the GEF Council: The Council meets twice annually to develop, adopt and evaluate the operational policies and programs for GEF-financed activities, including those related to mercury, chemicals, and waste. It also reviews and approves the Work Program (projects submitted for approval), making decisions by consensus. **dates:** 17-19 December 2019 **location:** Washington D.C., US **www:** <https://www.thegef.org/council-meetings/gef-57th-council-meeting>

Workshop on Governance in the Sound Management of Chemicals and Waste Beyond 2020: The German Government will host and UNITAR will organize a multi-stakeholder workshop to explore possible enabling framework for the post-2020 platform on sound management of chemicals and waste to replace the Strategic Approach to International Chemicals Management (SAICM), and options for garnering high-level political buy-in, such as submission of the declaration and/or outcome of the October 2020 Fifth International Conference on Chemicals Management (ICCM5) to the UN General Assembly for endorsement. **dates:** 14-16 January 2020 **location:** Frankfurt, Germany **www:** <http://www.saicm.org>

Fourth Meeting of the Intersessional Process for Considering SAICM and the Sound Management of Chemicals and Waste Beyond 2020 (IP4): IP4 is expected to continue the discussions on a possible post-2020 platform for chemicals and waste. **dates:** 23-27 March 2020 **location:** Bucharest, Romania **www:** <http://www.saicm.org>

58th Meeting of the GEF Council: The Council meets twice annually to develop, adopt and evaluate the operational policies and programs for GEF-financed activities, including the Minamata Convention. **dates:** 2-4 June 2020 **location:** Washington D.C., US **www:** <https://www.thegef.org/council-meetings>

Helsinki Chemicals Forum 2020: Organized by the Chemicals Forum Association, the 12th edition of the HCF will discuss: choosing the best possible risk management option to regulate substances of very high concern; grouping of chemical substances and how to avoid regrettable substitution; measuring the performance of chemical management systems; plastics and circularity; and the quality of and access to data on chemicals. **dates:** 4-5 June 2020 **location:** Helsinki, Finland **www:** <https://helsinkichemicalsforum.messukeskus.com/>

Basel Convention Open-ended Working Group: The twelfth meeting of the Basel Convention OEWG will prepare for the fifteenth meeting of the Conference of the Parties. **dates:** 22-25 June 2020 **location:** Geneva, Switzerland **www:** <http://www.basel.int/>

Sixteenth Meeting of the Rotterdam Convention Chemical Review Committee: The CRC will review the possible listing of chemicals in the Rotterdam Convention. **dates:** 8-11 September 2020 **location:** Rome, Italy **www:** www.pic.int

Sixteenth Meeting of the Persistent Organic Pollutants Review Committee: The POPRC will review the possible listing of hazardous chemicals under the various annexes of the Stockholm Convention. **dates:** 14-18 September 2020 **location:** Rome, Italy **www:** www.pops.int

ICCM5: The top decision-making body of SAICM, the International Conference on Chemicals Management, will meet to, *inter alia*, consider a possible post-2020 platform for addressing chemicals and waste. **dates:** 5-9 October 2020 **location:** Bonn, Germany **www:** <http://www.saicm.org>

59th Meeting of the GEF Council: The Council meets twice annually to develop, adopt and evaluate the operational policies and programs for GEF-financed activities, including the Minamata Convention. **dates:** 8-10 December 2020 **location:** Washington D.C., US **www:** <https://www.thegef.org/council-meetings>

Meetings of the Conferences of the Parties (COPs) to the Basel, Rotterdam and Stockholm (BRS) Conventions: The fifteenth meeting of the COP to the Basel Convention, the tenth meeting of the COP to the Rotterdam Convention, and the tenth meeting of the COP to the Stockholm Convention will be held back to back. **dates:** 17-28 May 2021 **location:** Nairobi, Kenya **www:** www.brsmeas.org

2020 UN Ocean Conference: The 2020 UN Ocean Conference will convene on the theme, "Scaling Up Ocean Action Based on Science and Innovation for the Implementation of Goal 14: Stocktaking, Partnerships and Solutions." **dates:** 2-6 June 2020 **location:** Lisbon, Portugal **www:** <https://oceanconference.un.org/>

60th Meeting of the GEF Council: The Council meets twice annually to develop, adopt and evaluate the operational policies and programs for GEF-financed activities, including the Minamata Convention. **dates:** 15-17 June 2021 **location:** Washington D.C., US **www:** <https://www.thegef.org/council-meetings>

Minamata Convention COP4: COP4 is expected to review the Convention's Annexes A and B and financial mechanism, and conduct an effectiveness review of the Convention. **dates:** 30 October - 5 November 2021 **location:** Bali, Indonesia **www:** mercuryconvention.org

For additional meetings, see <http://sdg.iisd.org>

Glossary

ASGM	Artisanal and small-scale gold mining
BRS	Basel, Rotterdam and Stockholm Conventions
CEE	Central and Eastern Europe
COP	Conference of the Parties
CRP	Conference room paper
GEF	Global Environment Facility
GRULAC	Latin American and Caribbean Group
ICC	Implementation and Compliance Committee
ILO	International Labour Organization
IPEN	International Pollutants Elimination Network
MAPs	Mercury-added products
MEA	Multilateral environmental agreement
MOU	Memorandum of Understanding
SIP	Specific International Programme
TOR	Terms of reference
UNEP	United Nations Environment Programme
WEOG	Western European and Others Group
WHO	World Health Organization