



ZMWG views on COP2 decisions

October 2018

This paper summarizes the views of the Zero Mercury Working Group (ZMWG) on the anticipated decisions at the second Conference of the Parties (COP 2). We highlight only the priority issues, and the key points on these issues. We encourage COP 2 delegates to consult with ZMWG representatives for more details or positions on documents not discussed below.

In the following document you can find the ZMWG views on:

1. Setting Waste Thresholds under Article 11
2. Report on the work of the ad-hoc group of experts on Effectiveness Evaluation, Pursuant to Article 22
3. Interim Storage Guidelines

ZMWG RECOMMENDATION ON SETTING WASTE THRESHOLDS UNDER ARTICLE 11

1. Under Article 11 of the Convention, mercury wastes are divided into three categories: (1) **wastes consisting of mercury or mercury compounds**, such as excess mercury from closing or converting chlor-alkali facilities or calomel generated from mining operations; (2) **wastes containing mercury or mercury compounds**, such as mercury products at the end of their useful life; and (3) **wastes contaminated with mercury or mercury compounds**, such as industrial process wastes and contaminated soil at remediation sites.
2. At COP 1, an open-ended expert group was established for the purposes of identifying wastes falling within these categories, recommending priorities for setting waste thresholds among the wastes identified, and identifying the possible approaches for setting thresholds for the prioritized wastes.
3. The outcome of the expert group deliberations is reflected in document 2/6. The document can be hard to follow because of the technical details, but the key outcomes were a rough table of wastes within each waste category that still needs further work, and an “emerging consensus” that category 3 wastes was a high priority for threshold development (par. 15). There was significant disagreement among the experts on the need for thresholds on the first two categories of wastes, since the thresholds are set to remove wastes from Convention coverage, and the experts believed all the wastes within these categories should be covered by the Convention (par. 18, 21).
4. **Accordingly, ZMWG recommends that further work focus on completing the Category 3 identification of wastes, and then identifying priorities and possible approaches for threshold development within Category 3.**
5. Given scarce resources, we do not recommend devoting resources to further discussions on Categories 1 and 2, particularly when developing world countries are facing more immediate and significant problems involving mercury wastes.

ZMWG VIEWS ON THE REPORT ON THE WORK OF THE AD HOC GROUP OF EXPERTS ON EFFECTIVENESS EVALUATION, PURSUANT TO ARTICLE 22

Article 22 of the Minamata Convention requires periodic evaluation of its effectiveness, beginning no later than six years after entry into force. At its first meeting, the Conference of the Parties decided on a road map for establishing arrangements for this effectiveness evaluation (Decision MC -1/9). The decision included the creation of an ad hoc group of experts to consider these arrangements.

The “Report on the Work of the Ad Hoc Group of Experts on Effectiveness Evaluation” reflects the results of the deliberations of this group. **The Zero Mercury Working Group supports this report generally and urges the COP to accept it** as a basis for further development of the effectiveness evaluation framework and monitoring arrangements. In particular, we applaud three specific aspects of the recommendations found in the report:

1. The report provides an extensive review of existing monitoring programs that can be used to feed into effectiveness evaluation. However, the report also **recognizes that the comparability and completeness of the existing data will need to be enhanced, in order for the COP to undertake a scientifically credible evaluation of Convention effectiveness.** Notably, the paucity of data from the developing world is a significant gap in many existing data sets. Given that most mercury emissions now occur in the developing world, the lack of robust data from these geographies seriously impedes the ability of the COP to provide itself with “comparable monitoring data on the presence and movement of mercury... as well as trends in levels of mercury...” as required by Art 22 para 1. The report acknowledges these critical gaps and recommends some approaches to fill them (e.g., passive air monitors). Another recommended enhancement is to make consistent the types of human health and biotic endpoints monitored to better reflect impacts of concern in vulnerable human populations and critical ecosystems. The ZMWG supports the need to enhance existing datasets to create the appropriate scientific basis for the effectiveness evaluation of this global treaty and looks forward to discussions at COP 2 about how this can best be accomplished.
2. The report recommends a reasonable proposed framework for the effectiveness evaluation, including a range of potential indicators that could be adopted by the COP. This **framework recommends a robust set of credible information as the basis for these indicators,** including reports submitted pursuant to the requirements of the Convention, as well as voluntary submissions, project reports and other relevant information. This approach is consistent with Article 22, par. 3 which contemplates a wide range of information considered as part of the evaluation.
3. The draft terms of reference for the effectiveness evaluation committee **recommend the participation of up to five experts from civil society, indigenous organizations, intergovernmental organizations, industry and the UNEP Global Mercury Partnership as observers.** The inclusion of these groups as observers is consistent with the agreed arrangement for the expert group itself and is consistent with the open spirit with which the Minamata Convention has been conducted since the beginning of its negotiations. We strongly support inclusion of observers from these groups.

ZMWG VIEWS ON INTERIM STORAGE GUIDELINES

1. The storage guidelines now before the COP reflect two years of preparation by the Secretariat, in consultation with an expert group. Since the earlier COP 1 version, the wording and formatting of the document has significantly improved, and the guidelines themselves have been strengthened, including emphasis on the need to ensure interim storage facilities are closed in an environmentally sound manner.
2. We recommend that the storage guidance be adopted at COP 2. It is important that the guidance be finalized soon, since mercury storage is ongoing at many locations, including at trading companies, mercury product manufacturers and chlor-alkali facilities.
3. While we recommend adoption of the guidance as currently drafted, should the guidelines be reopened for discussion during COP 2, we would suggest that use of financial assurance instruments be considered for private facilities as part of any revisions package to the current draft. Financial assurance instruments, such as bonds, would ensure that the owners of storage facilities have the financial capability to both dispose of any surplus mercury in an environmentally sound manner and clean up any contamination found on site, so government funds are not needed.