

## ZMWG Summary of COP 4.1 agenda points and notes – November 2021

Due to the ongoing COVID-19 pandemic situation, it has been agreed that the fourth Conference of the Parties (COP-4) will take place in two segments: a first segment (**COP4.1**) to be conducted **online within the period of 1 to 5 November 2021** and a second segment (**COP 4.2**) to be conducted **in-person in the first quarter of 2022 in Bali, Indonesia**.

COP 4.1 will therefore have a restricted agenda covering only a few items: Programme of Work and Budget for 2022-23, Financial mechanism and the GEF, National reporting and Effectiveness evaluation.

Below you can find a summary of issues to be discussed under each item, based on the background documents submitted by the Secretariat. Some additional points are also noted.

### **Item 6 - Programme of Work (PoW) and Budget 2022-23** – documents 4.24, INF 22, INF 21

Parties will be presented with two budget scenarios, one maintaining the operational budget at the 2020–2021 level in nominal terms (**the zero nominal growth scenario**) and one reflecting the changes to that scenario that would be required to meet the projected needs and the related costs or savings, without exceeding a 5 per cent increase over the 2020–2021 level in nominal terms (**the 5 per cent growth scenario**).

During the online segment, the Conference of the Parties will be invited to consider and approve the complete budget and programme of work for 2022. It may wish to consider and agree on elements of the proposed budget for 2023 during the online segment. However, it will only consider the programme of work and budget for 2023 and approve the 2023 budget, and thus the full budget for the biennium 2022–2023, during the in-person segment of its fourth meeting, once it can take into account any additional substantive decisions with budgetary implications that it may wish to take during the in-person segment.

A few points to keep in mind:

- The 5 per cent growth scenario is closer to the actual needs. In the 5 per cent scenario, essential activities have been prioritized for funding from the general trust fund for 2022 and, as far as possible, for 2023.
- For the biennium 2022–2023, the requested 5 per cent cap on the budget increase in that scenario made it quite difficult for the secretariat to sufficiently and responsibly reflect on the upcoming needs. It was even more challenging to come up with a zero nominal growth scenario, given that the standard salary cost used for budgeting and estimated to accurately reflect the costs to be incurred entails a 17.78 per cent increase in staff costs compared to the 2020–2021 standard salary costs for Minamata Convention secretariat staff.
- In relation to the zero nominal growth scenario, there is additional budget foreseen to cover the support of the Effectiveness evaluation process (around 100.000 USD) , and another lumpsum of around 200.000 USD for preparatory scientific work and reports, for meetings etc.
- The 5% scenario reflects some decreases in relation to the 2020-21 budget, to name a few:
  - A decrease of 100.000 USD in relation to COP5 as it is assumed that no additional meetings for intersessional work will be requested apart from those already under the activities.
  - A decrease of 120.000 USD for scientific support for parties – due to finalisation of work on HS codes, mercury waste and contaminated sites.

NOTE: HS codes work likely needs to be continued to further agree on common 8- and 10-digit codes – hopefully this decrease will not affect the necessary progress expected.

- The 5% scenario reflects also some increases in relation to the 2020-21 budget, to name a few:
  - Some additional funds for national reporting, and a new proposed digital strategy.
  - A 400.000 USD increase for staffing
- The team of the Minamata Convention secretariat currently consists of 10 Professional staff members, including a Junior Professional Officer, and 5 General Service staff members.
- The secretariat has started to seize opportunities for digital transformation in its data, processes and organization of work. This includes the creation of a new data-driven website, a fully-fledged reporting system for parties' use and organization of the intersessional work of the Convention online.
- Under the Specific International Programme (SIP), the secretariat will be administering approximately 25 projects in the biennium 2022–2023, a number that is likely to grow with future rounds and beyond, as early projects will end and need to be evaluated and closed. Parties will need to consider appropriate resource allocation at some stage if they wish to maintain high-quality management and administration of this programme.

**Item 4 (e)(i):Financial resources and mechanism; GEF** – documents 4.10, INF 8, <https://www.thegef.org/gef-8-replenishment>

Information will be provided on the 8<sup>th</sup> replenishment of the GEF, which will commence in July 2022 and until June 2026. As negotiations are under way to determine allocations and programming directions, input from the Parties to the Minamata Convention is sought.

The following principles relevant to the Minamata Convention are identified for support (from INF 8):

- National Implementation Plans and their updates, Minamata Initial Assessments, ASGM National Action Plans as well as reviews undertaken by the COPs on effectiveness in respect of the focus of the project/program.
- Introduction and use of best available techniques and best environmental practices to minimize and ultimately eliminate emissions of unintentionally produced POPs and mercury from major source categories included in the Stockholm and Minamata Conventions.
- Reduction and elimination of mercury from the artisanal and small-scale gold mining sector.
- Elimination of primary mercury mining and associated trade, along with controls on use of mercury from primary mining.
- Phase out and eventual elimination of mercury or mercury compounds used in manufacturing processes contained in Annex B of the Minamata Convention.
- Elimination of the use of mercury and POPs in products and in sectors that use and emit these chemicals as well as the use of mercury in products (as specified in Annex A of the Minamata Convention).
- Environmentally sound waste management/disposal of mercury/mercury containing waste or persistent organic pollutants including liquids containing PCBs and equipment contaminated with PCBs having a PCB content above 0.005%, in accordance with paragraph 1 of Article 6 and part II of Annex A of the Convention, as soon as possible and no later than 2028; and
- Prevention of waste/products containing persistent organic pollutants or mercury from entering material recovery supply chains.
- Non-combustion, including green technologies to disposal of materials and products containing POPs, mercury, and chemicals of concern.

- Capacity-building for the development of strategies for identifying and assessing sites contaminated by mercury or mercury compounds and, as appropriate, the remediation of those sites.
- Support for platforms such as GEF planet GOLD initiative, the Global Mercury Partnership

**Item 4 (h) National reporting**, documents 4.17 and [Decision MC-3/13](#)

Paragraph 1 of article 21 of the Minamata Convention on Mercury provides that each party shall report to the COP, through the secretariat, on the measures taken to implement the provisions of the Convention and on the effectiveness of such measures and the possible challenges in meeting the objective of the Convention.

The COP decided that each party shall submit a first short reports (i.e., the responses to questions in the format marked by an asterisk) by 31 December 2019 for consideration by the COP at its subsequent meeting.

It therefore follows that for the first short reports the reporting period covers 16 August 2017 (the date of entry into force of the Convention) to 31 December 2018 (to be submitted by 31 December 2019), and for the first full reports the reporting period covers 16 August 2017 to 31 December 2020 (to be submitted by 31 December 2021). The cycle will then be repeated, with the subsequent short reports covering 1 January 2021 to 31 December 2022 and the subsequent full reports covering 1 January 2021 to 31 December 2024, and so on.

The purpose of the draft guidance is to clarify the information being sought in the national reporting format, and in this way to assist parties in their obligation to report on the measures taken to implement the provisions of the Convention. The draft guidance has been prepared in response to the request of the COP in its decision MC-3/13.

In particular, the draft guidance seeks to provide greater clarity on the information sought in the 43 questions under part B that relate to the measures taken by the reporting party to implement the relevant provisions of the Convention and the effectiveness of such measures in meeting the objective of the Convention.

Note: While the short reports were filled in, information received was not of the expected quality as it appears that parties seemed confused as to how answering certain questions. This confusion is sought to be clarified now with this draft guidance document.

ZMWG had provided comments via our participation at the Implementation and Compliance Committee; NRDC submitted further comments during the consultation period on the guidance document.

National reporting, expected at the end of this year, is crucial to better evaluate the effectiveness of the Treaty. Parties providing good quality data will be very important.

**Item 4 (i) Effectiveness evaluation** – documents 4.18, 4.18 Add1, INF 11, 4.18 Add2, INF 12, INF 25, and [Decision MC-3/10](#)

Article 22 of the Minamata Convention on Mercury stipulates that the COP is to evaluate the effectiveness of the Convention, beginning no later than six years after the date of entry into force of the Convention and periodically thereafter at intervals to be decided by it. This effectiveness evaluation is to be carried out on the basis of available scientific, environmental, technical, financial and economic information, including reports from the Parties, etc as well as other monitoring information reports and reports and other relevant information on the operation of the financial

assistance, technology transfer and capacity-building arrangements put in place under the Convention.

The COP followed up earlier work and agreed on three areas of work to be carried out following its third meeting and in advance of its fourth meeting: indicators, guidance on monitoring, and reports provided for in the effectiveness evaluation framework.

Indicators: Parties were invited to submit views on the proposed indicators set out in annex I to the decision MC 3/10 and requested the secretariat to compile those views in advance of COP4. A total of 58 indicators were proposed, identified as process indicators (44), outcome indicators (12) and monitoring indicators (2, with a further 7 cross-referenced). A number of indicators were grouped into clusters as follows: supply (articles 3, 10 and 11), demand (articles 4, 5 and 7), pressure (articles 8, 9 and 12), support (articles 13 and 14) and information and research (articles 17, 18 and 19). Overall, the proposed indicators under the supply, demand and pressure clusters referred to control measures of the Convention, while the proposed indicators under the support and the information and research clusters refer to the overall enabling/supportive context for national and international action.

Parties' comments with regard to indicators included the following:

- (a) A well-defined set of various indicators is an important tool for the evaluation of the effectiveness of the Convention;
- (b) Describing indicators in terms of their relevance to the effectiveness evaluation can be useful;
- (c) In some instances, indicators need to be adjusted to be consistent with the Convention text;
- (d) In some instances, indicators need to be adjusted to be consistent with the format for article 22 reporting, which is a source of information for the effectiveness evaluation;
- (e) Indicators sometimes overlap or are duplicative and would benefit from simplification;
- (f) The proposed indicators may need to be refined based on the experience of their use;
- (g) There will be different levels of information completeness, uncertainty in some of the estimates and possibly different understandings on data sources;
- (h) Control measures are to make direct progress on the Convention's objective (outlined in article 1) and are supported to that end by enabling measures;
- (i) The effectiveness evaluation and its indicators are not a compliance check;
- (j) Further work is needed on baselines.

The compilation of the views is made available for the COP.

Guidance on monitoring: The COP requested the Secretariat to advance the work for drafting guidance on monitoring to maintain harmonized, comparable information on mercury levels in the environment, taking into account the draft structure set out in a note on background information on mercury monitoring. To that end, the secretariat prepared a road map for developing the draft guidance, in consultation with the Bureau.

An executive summary of the draft guidance and the draft guidance itself are now available.

Reports for the effectiveness evaluation framework: Two reports are to be developed -

- (a) The article 21 synthesis report synthesizes the information provided in the short national reports submitted pursuant to article 21 by December 2019 and the full national reports due by 31 December 2021.
- (b) The trade, supply and demand report (which includes mercury waste flows and stocks) is to provide the COP with information pertaining to articles 3, 4, 5, 7, 10 and 11 and is being developed

for consideration by the COP at its fifth meeting. To date, the secretariat has contracted services for a review of the existing methodologies and data sources, including the identification of data gaps and uncertainties. The report will rely on and be augmented by relevant information in the full article 21 reports to be submitted in December 2021.

Note: COP4.1 is invited to advance the discussion on the basis of the above, but final decisions on effectiveness evaluation work are expected to be taken at COP4.2

We would welcome mechanisms and work proposed, which will take advantage of relevant information and expertise, and offer ample opportunities for ensuring oversight by the COP at all critical steps in the process.