

## DRAFT REPORT OF THE TENTH MEETING

### BUREAU OF THE FOURTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE MINAMATA CONVENTION ON MERCURY

*Tuesday, 22 February 2022, by teleconference*

#### Participants

Present: Rosa Vivien Ratnawati (Indonesia, for Asia and Pacific, President), W.T.B Dissanayake (Sri Lanka, for Asia and Pacific), Oarabile Serumola (Botswana, for Africa), Roger Baro (Burkina Faso, for Africa), Angela Patricia Rivera Galvis (Colombia, for Latin America and the Caribbean), Bethune Morgan (Jamaica, for Latin America and the Caribbean), Marie-Claire Lhenry (France, for the Western European and Others), Alison Dickson (Canada, for the Western European and Others), Anahit Aleksandryan (Armenia, for Eastern European States) Karmen Krajnc (Slovenia, for Eastern European States), Paulina Riquelme (Chair of the Implementation and Compliance Committee, Ex officio member) and members of the secretariat of the Minamata Convention on Mercury.

#### 1. Opening of the meeting

- Ms. Rosa Vivien Ratnawati, the President of the fourth meeting of the Conference of the Parties to the Minamata Convention (COP-4), welcomed the members of the Bureau and thanked them for joining the online meeting.
- Ms. Monika Stankiewicz, the Executive Secretary of the Minamata Convention on Mercury, added her warm welcome to the members of the Bureau.
- The agenda of the meeting was adopted without change.

#### 2. Update on the status of organization of COP-4.2

- The secretariat provided an overview of the COP-4.2 schedule, with COP-4 resuming on Monday, 21 March 2022 at 10.00 am in Bali, Indonesia, and set to conclude on Friday, 25 March 2022 at 6.00 pm. The Secretariat has made venue arrangements for regional groups and others to meet on Saturday, 19 March and Sunday, 20 March, noting that Africa and GRULAC indicated their intention to meet from 15:00 on Saturday, 19 March. COP-4.2 will not include a High-Level Segment. The tentative schedule of work was recalled, as well as the conditions of work for plenary, and that of possible smaller groups.
- The Executive Secretary presented the note circulated to all Bureau members on participation at COP-4.2 and introduced the steps that had been taken so far by the secretariat to support participation of parties and observers at COP-4.2
- She referred to the decision of COP-4.1 to resume the meeting in person, in Bali (Decision MC-4/1 on the dates of the resumed COP-4), and the secretariat's note "Possible adjustments to the second segment of COP-4 in light of the COVID-19 pandemic" made available to COP participants in advance of COP-4.1, both of which provided the basis for the secretariat work.
- She pointed to the two aspects foreseen at the stage of planning of the second segment last year, and more specifically that the meeting at times of COVID-19 would need to take safety considerations into account and that the participation in COP-4.2 may need to be augmented through the use of online platforms.



- The Executive Secretary continued by informing that Parties and observers had followed the request to limit the number of their delegates present in Bali, which would contribute to a larger effort by the Host country and secretariat to ensure compliance with COVID-19 protocols and ensure safety of participants. She further informed that:
  - Parties (and observers) could register additional delegates for online attendance at both plenary and contact groups, and such online participation would allow viewing the proceeding of the meeting, based on the understanding that delegates of Parties who are present in Bali would be engaging directly in negotiations for a given Party;
  - technical arrangements could be put in place for Parties whose delegation would not be able to travel to Bali due to COVID-19 related travel restrictions to enable them to actively participate through online connection in COP-4.2 including in regional meetings;
  - for any delegate who may test positive for COVID-19 upon their departure, arrival and during COP-4.2, technical arrangements could be made to enable active participation through online connection upon request.
- The Executive Secretary further went on presenting the status of registration to COP-4.2 whereby up to 100 Parties could be expected to attend in person, and several Parties had been accredited to attend fully online as of 20 February 2022. She thanked the Bureau members for their confirmations to attend the COP meeting in person.
- The secretariat continued the presentation by providing the Bureau an update on the logistical preparation for COP-4. The secretariat reported that an online briefing for delegates to COP-4 was held on 18 February 2022, with two dedicated sessions, one in the morning and another in the afternoon, was conducted. A total of 214 participants attended the sessions. The sessions were organized in coordination with the Indonesia COP-4 Organizing Committee, with members from the Ministries of Foreign Affairs, Health, and Environment and Forestry, attending the two sessions. The attendees were briefed on visa and registration requirements, available flights, accommodations, information for sponsored delegates, current health measures, and the latest COVID-19 case updates and vaccination status in Bali.
- After the secretariat had finished the presentation, the President recognized there had been some enquiries from Parties regarding a high-level segment at the upcoming segment of COP-4 and re-iterated that no high-level segment was planned at COP-4. She further confirmed that the Minister of Environment and Forestry of Indonesia was planning to attend the COP, and that she had been informed about a few other high-level representatives intending to come to Bali.
- Further, the President recognized the secretariat's efforts in organizing COP-4.2 during these difficult times and extraordinary circumstances and noted with appreciation that many Parties had registered to attend COP-4.2 in Bali despite the pandemic challenges. She then opened the floor for comments.
- A Bureau member from GRULAC presented the following questions raised at the regional consultations:
  - Regarding the rules of procedure and definition of presence, it is of critical importance to parties and/or persons that are not going to be present in Bali to be afforded the opportunity to be considered for elected positions in the extraordinary times that the meeting is being held. Opposition to the meeting proceeding was expressed by a Party and supported by others, should virtual participation not allow for inclusion in voting on election processes.
  - Concern was raised as to the validity of the 'in person' COP and implications for a quorum if the meeting proceeds without many Parties being able to have delegates in Bali, and restricting aspects of the virtual participation to view and not to participate.
  - Clarity is being sought of the implications for 'being present' for an onsite delegate that may contract Covid-19 and is then converted to a virtual participant in Bali.



- It was not perceived at the time of agreement to the modality of the meeting that the online aspect was to view and not to participate online. Flexibility and the reconsideration of viewer mode restrictions is requested. There are parties who will not be present in Bali, and the size of many delegations planning to be in Bali are likely to be small for some Parties, and prohibit effective participation when the majority of technical experts are in viewer mode and unable to participate.
- In response to the questions on quorum and presence, the secretariat explained that the COP Rules of Procedure do not provide a definition of presence and that the term “presence” was used in rule 35(1) which states that the presence of two thirds of parties is required for decision making. The secretariat pointed out that the numbers on registration of parties who would be physically present in Bali were very encouraging, alleviating concerns regarding quorum.
- The secretariat further clarified that the term “being present” was used in Rule 22 (2) which states that the Bureau members shall be elected from among the representatives of the Parties present at the meeting and invited Parties to contact the secretariat should there be any concern with the participation of delegates who may not be able to attend COP-4.2 in Bali physically due to COVID-19 related reasons. The secretariat concluded the matter of presence by saying that presence was not a requirement for the election of ICC members nor the confirmation of SIP Governing Board members as the respective rules of procedure stated did not require the presence of representatives of Parties at the COP for their election/confirmation.
- The secretariat re-iterated that it would provide technical arrangement to any delegate who may test positive for COVID-19 during their journey to Bali or during the meeting so such delegates could actively participate in the meeting through online connection.
- A Bureau member from JUSCANZ raised a question regarding delegates who recently had COVID-19 and have recovered. The concern is with the PCR test detecting viral presence, which would result in a positive test result that could prevent a delegate from entering Indonesia. The Executive Secretary took note of the concern and will seek clarification from the appropriate Indonesian officials for a response.
- In concluding the agenda item, the President thanked the Bureau members for their questions and comments. Based on the process so far and feedback from Bureau and Parties, she draws a conclusion that the preparation of the in-person COP-4.2 supported by online presence could move ahead. She recognized the COVID-19 situation of Parties and even delegates might not be the same, and therefore adjustments in technical arrangements for COP-4.2 in light of COVID-19 were necessary. The President received the Bureau support at the meeting to the steps and the practical approach taken by the secretariat, in particular technical arrangements to be made for specific cases of Parties facing COVID-19 challenges, for these parties to be able to participate actively online. She further expressed her confidence that through a collaborative approach practical solutions would be found to any further possible challenges related to participation in COP and the COVID-19 pandemic, and she would be available for any follow-up consultations.

### **3. Preparatory meetings and consultations in the run-up to COP-4.2**

- The secretariat outlined the overall set of preparatory meetings and consultations in the run-up to COP-4.2, both those that had already taken place by the time of the Bureau meeting, and those that were still to take place. These included COP-4 document briefings, the online regional meetings, and dedicated logistics briefings to cater to different time zones. Furthermore, the Budget Online Forum and Technical Document Forum opened on 14 March. Upcoming events included the deep-dive session on 23 February 2022 on implementation review, national reporting and compliance, and on 24 February 2022 the deep-dive on the financial mechanism. Other upcoming events included a joint online briefing with the Government of Indonesia, a dedicated event on promoting gender in implementing the Convention on International Women’s Day on 8 March, and an information session on the budget in preparation of COP-4.2. In addition, the week of 7 to 11 March is dedicated to Pre-COP-4.1 online side events.



- The Secretariat briefed on the status of consultations on the framework to evaluate the effectiveness of the Convention as agreed during COP-4.1. More information was provided on the discussions that took place on 25 and 27 January, detailing what can be found in the online workspace, and encouraging Parties to submit further written comments if they wish.
- The Secretariat further recalled that COP-4.2 is to consider the review of annexes A and B. Proposals had been received for amendment of the Annexes, and these proposals were presented in full on 1 September 2021. The proposals and all related COP-4 documentation were also part of the agenda of the regional meetings that just convened.
- The President thanked the secretariat for all its support to Parties to prepare substantively and noted a full set of agenda items at COP-4.2 that Parties need to be prepared for. She expressed her satisfaction with parties being supported in using the time well between COP-4.1 and COP-4.2 on substantive discussions. Through the Bureau members, she asked all Parties to continue to engage in these preparatory meetings, and also to make use of the Online Technical Documents Forum and the Online Budget Forum.

#### **4. Information on election of officers at COP-4.2**

- The President requested of the secretariat to present the note on election of officers shared before the meeting with all Bureau members. The secretariat explained that COP-4 was expected to elect the COP-5 Bureau members from among the representatives of Parties present at COP-4, as well as nine new members of the Implementation and Compliance Committee (ICC) to replace those members whose period of office was about to expire. The secretariat pointed out that, according to Article 15 of the Convention and the ICC Rules of Procedure, the Committee was to consist of 15 members, nominated by Parties and elected by the COP, without the requirement of presence at the COP for the representatives of the Parties to be elected. Finally, the secretariat informed the Bureau members that COP-4 was to confirm 10 members of the SIP Governing Board for the following term and further clarified that, according to the SIP Governing Board Rules of Procedure, the Governing Board members were not required to be present at the COP to be confirmed. A Bureau member inquired about the number of persons per region to be elected to the ICC. The secretariat replied that each region is to nominate three persons for election by the COP.
- The President concluded that the work on election of officers would continue in the upcoming weeks including at the Bureau meeting on Saturday, 19 March in Bali.

#### **5. Bali Declaration**

- The President requested the Secretariat to provide a brief status update on the Bali Declaration. The secretariat noted that the Bali Declaration portal on the host country website was open, and those Parties and observers registered for COP-4 may register for access to the portal. When granted access, those Parties and observers can upload their comments and inputs through the portal, or transmit them by email to the host country with copy to the secretariat. The secretariat explained that it had received the 2<sup>nd</sup> consolidated draft text of the declaration on 21 February 2022 from the host country, and distributed it on 22 February 2022 to National Focal Points, Permanent Missions and the Committee of Permanent Representatives in Nairobi, as requested by Indonesia.
- The Alternative Head of Delegation of Indonesia provided an update on progress towards finalization of the Declaration. He noted that comments and inputs on the 2<sup>nd</sup> Consolidated Draft Text of the declaration are welcomed until 16 March 2022. He indicated that, upon conclusion of the declaration, a brief lunchtime ceremony would be arranged during COP-4.2, and that participants can expect more information on that at a later date.
- A Bureau member asked whether there would be substantive discussion of the text at COP-4.2. The Alternative Head of Delegation of Indonesia stated that there would not be further discussion of the text at COP-4.2, but rather that the final draft text would be distributed before the opening plenary. The Secretariat



reiterated that the considerable amount of work to be completed at COP-4.2 points to the importance of finalizing the declaration prior to opening plenary. Another Bureau member asked what the formal status of the Declaration is and whether it will be, for example, a Presidency declaration. In response to that question and another question on why the Declaration would not be negotiated at COP-4.2, the Alternative Head of Delegation and the Secretariat responded that the Bali Declaration was put forth by Indonesia as a non-negotiated political declaration and was therefore never included as an agenda item for COP-4.

## **6. Financial contributions to the Minamata Convention**

- Upon invitation by the President, the secretariat presented the status of contributions of the three trust funds as well as the fundraising status as of end of 2021. The percentage level of contributions to the general trust fund at the end of the 2020-2021 biennium is over 90% and remains at a similar level as at the end of the 2018-2019 biennium, despite the ongoing COVID-19 pandemic. Still, the missing few percent of contributions, including from the previous biennia, can create cash flow issues in the budget, which would need to be bridged for the Convention programme of work to be fully implemented.
- The President thanked Parties for continuing payment of their contributions and encouraged Parties to make their best efforts to pay contributions for the general trust fund timely and in full.
- She also made a call for all those in a position to do so to contribute to the special trust fund to support the secretariat's work on capacity building and technical assistance, and to contribute to the specific trust fund to support the fourth round of applications to the Specific International Programme.

## **7. Any other business**

No other business was raised under this agenda item and the President closed the meeting.