

Minamata Convention on Mercury



MINAMATA
CONVENTION
ON MERCURY

Background

- The 2013 Minamata Convention on Mercury (Minimata Convention or Convention) is an international treaty with the objective of protecting human health and the environment from mercury and mercury compounds.
- In support of this objective, the provisions of the Convention relate to the entire life cycle of mercury, including controls and reductions across a range of products, processes and industries where mercury is used, released or emitted. The treaty also addresses the direct mining of mercury, its export and import, its safe storage and its disposal once it is deemed waste.
- The Minimata Convention was adopted in 2013 and entered into force in 2017, see below for key provisions of the Convention and milestones in its implementation.

Principles in the [Rio Declaration](#) covered by the UNFCCC include:

- Recalls the United Nations Conference on Sustainable Development's reaffirmation of the principles of the Rio Declaration on Environment and Development, including, inter alia, common but differentiated responsibilities, and acknowledging States' respective circumstances and capabilities and the need for global action

Key provisions of the Convention

The Convention consists of 35 Articles and 5 Annexes, which can be divided into four main categories:

- **Operational provisions** – describing obligations for Parties to reduce anthropogenic emissions and releases of mercury and mercury compounds to the environment, with controls at each of their lifecycle stages:
 - **Article 3:** Controls on mercury supply sources and trade
 - **Articles 4–6, Annexes A, B:** Phase-out and phase-down of mercury use in products and processes;
 - **Article 7, Annex C:** Controls on artisanal and small-scale gold mining where mercury is used;
 - **Articles 8–9, Annex D:** Controls on air emissions and releases to land and water;
 - **Articles 10,–12:** Storage, waste and contaminated sites
- **Support to Parties – with articles relating to:**
 - **Article 13:** A financial mechanism, which includes the Global Environment Facility Trust Fund and a specific international Programme to support capacity-building and technical assistance
 - **Article 14:** The provision of capacity building, technical assistance and technology transfer
 - **Article 15:** The establishment of an Implementation and Compliance Committee
- **Information and awareness raising articles, covering:**
 - **Article 16:** Health aspects
 - **Article 17:** Information exchange
 - **Article 18:** Public information, awareness and education
 - **Article 19:** Research, development and monitoring
 - **Article 20:** Implementation plans
- **Administrative matters:**
 - **Article 21:** Reporting
 - **Article 22:** Effectiveness evaluation
 - **Article 23:** Conference of the Parties
 - **Article 24:** Secretariat, hosted by UNEP
 - **Articles 25–35, Annex E:** Procedures such as the settlement of disputes, amendments to the Convention, the adoption and amendment of annexes, the right to vote, signature, ratification (or acceptance, approval or accession), entry into force, reservations, withdrawal, depositary, authentic texts

Ratifying the UNFCCC and its Protocol and Agreement: reservations and declarations

Reservations upon ratification or accession to the Minamata Convention are not provided for – however, under international law, a country ratifying or acceding to a treaty may make a declaration where they express their understanding of some matter or the interpretation of a particular provision.

Unlike reservations, declarations merely clarify the country's position and do not modify the legal effect of a treaty. Usually, declarations are made at the time of ratification or signature.

Milestones in the implementation of the Convention

2005: UNEP Global Mercury Partnership established

2009: UNEP Governing Council decides to develop an international mercury treaty

2010 – 2013: International negotiating committee (INC) meets five times to develop a draft agreement

2013: Minamata Convention adopted

2014 – 2016: INC has two more sessions to discuss a number of procedural matters, as well as to prepare guidance on best available techniques (BATs) and best environmental practices (BEPs) for controlling emissions

2017: Convention enters into force

COP 1: Following the Convention's entry into force, delegates met in Geneva in September 2017, and discussed institutional arrangements for operationalizing the Convention, including reporting and evaluation, its financial mechanism, and a permanent Secretariat. COP 1 agreed to locate the Secretariat in Geneva on an interim basis, and established its own trust fund, the SIP to support capacity building and technical assistance.

COP 2: COP 2 took place in November 2018. Delegates agreed on permanent arrangements for a stand-alone Secretariat, based in Geneva, and approved a memorandum of understanding with the GEF. Discussions also addressed the substantive issues of, inter alia, mercury waste thresholds, harmonized customs codes, contaminated sites, and interim storage.

COP 3: COP 3 met in Geneva in November 2019, and discussed, inter alia:

- guidance for completing the national reporting format;
 - the financial mechanism, including the GEF and the SIP, enhancement of the SIP, and review of the financial mechanism;
 - the review of the Convention's Annexes A (mercury-added products) and B (processes using mercury or mercury compounds), which is due by 2022; and
 - guidance on the management of contaminated sites.
- COP-3 also requested the Secretariat to advance the work on the proposed framework for effectiveness evaluation and monitoring, and invited parties to submit their views on the indicators.

COP 4: Due to the COVID-19 pandemic, COP 4 convened in two segments: a virtual segment (COP 4.1) to address the most urgent issues and an in-person segment (COP 4.2, Bali 2022) where Parties considered the remaining items on the agenda. Among other things, Parties agreed to consult with Indigenous Peoples and local communities when developing their national action plans (NAPs) in relation to artisanal and small-scale gold mining (ASGM). The COP adopted the Bali Declaration as a non-binding political declaration on illegal trade in mercury.

COP 5: COP 5 was held in Geneva in 2023. In addition to commemorating the 10th anniversary of the Convention, Parties agreed to update Annexes A and B of the Convention to list phaseout dates for certain types of batteries, switches and relays, fluorescent lamps, and cosmetics, and mandate the phaseout of mercury as a catalyst in polyurethane production by 2025. Parties also agreed on the composition of an Open-Ended Scientific Group for the first effectiveness evaluation of the Convention to be completed by COP 7 in 2027, which will also mark 10 years after the Convention entered into force.

Parties to the agreement and stakeholder interests

- The Minamata Convention currently has 148 Parties
- 22 SIDS have ratified the Convention with 7 of them PSIDS (Kiribati, Palau, RMI, Samoa, Tonga, Tuvalu and Vanuatu)
- Parties across the major geographical regions (African Group, Asia-Pacific, Eastern Europe, Group of Latin America and the Caribbean, Western Europe and Others Group)

Rules of procedure

The [rules of procedure](#) of the Minamata Convention apply to any meeting of the Conference of the Parties convened in accordance with article 23 of the Convention.

Topics covered in the rules of procedure include:

- Meetings (Rules 3 – 5)
- Observers (Rules 6 – 8)
- Agenda (Rules 9 – 16)
- Officers (Rules 22 – 25)
- Conduct of business (Rules 34 – 43)
- Voting (Rules 44 – 50)
- Voting provisions could not be agreed; therefore, all decisions are to be made by consensus

Institutional structure(s) supporting the agreement

- Implementation and Compliance Committee
- COP
- Secretariat
- Bureau
- Financial mechanism

The Conference of the Parties (COP) is the governing body of the Minamata Convention. Through the decisions taken at its meetings, the COP advances the implementation of the Convention, which it is to keep under continuous review and evaluation. The COP is supported in its work by a Bureau, consisting of a President and nine Vice-Presidents, one of whom acts as Rapporteur. The Bureau is comprised of two members each from Africa, Asia-Pacific, Eastern European States, Latin America and the Caribbean, Western European and Others Group. New Bureau members are elected for each COP meeting.

The functions of the Secretariat are to:

- To make arrangements for meetings of the COP and its subsidiary bodies and to provide them with services as required;
- To facilitate assistance to Parties, particularly developing country Parties and Parties with economies in transition, on request, in the implementation of this Convention;
- To coordinate, as appropriate, with the secretariats of relevant international bodies, particularly other chemicals and waste conventions;
- To assist Parties in the exchange of information related to the implementation of this Convention;
- To prepare and make available to the Parties periodic reports based on information received pursuant to Articles 15 and 21 and other available information;
- To enter, under the overall guidance of the COP, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
- To perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties.

Article 13 of the Convention established a financial mechanism to support developing country Parties and Parties with economies in transition in implementing their obligations under the Convention. The Mechanism is composed of the:

- Global Environment Facility Trust Fund (GEF); and
- Specific International Programme (SIP) to support capacity-building and technical assistance.

Article 15 of the Convention established an Implementation and Compliance Committee as a subsidiary body of the COP. The objective of the Committee is to promote the implementation of, and review compliance with, all the provisions of the Convention.

Reporting obligations

Article 21 of the Convention requires each Party to report to the COP, through the Secretariat, on the measures the Party has taken to implement the provisions of the Convention, on the effectiveness of such measures and on possible challenges in meeting the objective of the Convention.

Every four years a Party must report using the full reporting format and every two years using a shortened format. These reporting formats are available electronically through an online reporting tool (ORT). Access to the online system is facilitated through the Convention's National Focal Point. National reporting guidance was adopted at COP 5 in 2023.