

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

The Minamata Convention on Mercury phases out existing and bans new mercury mines. The Convention also contains measures to control trade, releases, and air emissions, and regulates the informal sector of artisanal and small-scale gold mining. The third meeting of the Conference of the Parties (COP3) is expected to adopt decisions to ensure that the Convention is on track to meet its objectives and the goal of safeguarding human health and protecting the environment from emissions of mercury, a highly toxic heavy metal.

Expectations for the Meeting

At its third meeting, the COP is expected to address technical issues including:

- mercury-added products and manufacturing processes in which mercury or mercury compounds are used;
- releases of mercury;
- mercury waste, in particular consideration of relevant thresholds;
- emissions of mercury resulting from the open burning of waste; and
- guidance on the management of contaminated sites.

The COP will consider decisions on operational issues including:

- the financial mechanism, including the Global Environment Facility (GEF) and the Specific International Programme (SIP);
- capacity building, technical assistance and technology transfer;
- Implementation and Compliance Committees;
- effectiveness evaluation;
- financial rules;
- sharing of secretariat services between the Secretariat of the Minamata Convention and the Secretariat of the Basel, Rotterdam, and Stockholm Conventions; and
- programme of work and budget for the biennium 2020-2021.

The COP will also discuss issues relating to the review of Annexes A and B to the Convention, which is due by 2022. A group of African countries has also submitted a proposal to amend Annex A to the Convention on the issue of dental amalgam.

COP3 to the Minamata Convention convenes from 25-29 November 2019, at the International Conference Centre in Geneva, Switzerland.

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, it can be released into the air and water through the weathering of rock containing mercury ore or 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. To date, the Minamata Convention has 114 parties.

Key Turning Points

24th Session of the UNEP GC/GMEF: In February 2007, the UN Environment Programme (UNEP) Governing Council/Global Ministerial Environment Forum (UNEP GC-24/GMEF) discussed the issue of mercury. 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, this meeting took 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 meeting 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, with agenda items addressing, *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 SIP as one part of the financial mechanism, but was unable to agree on the Memorandum of Understanding 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 Basel, Rotterdam, and Stockholm Conventions;
- rules of procedure for the Implementation and Compliance Committees;
- mercury waste thresholds;
- harmonized customs codes;
- contaminated sites;
- interim storage;
- capacity building, technical assistance, and technology transfer; and

- effectiveness evaluation.

In addition, the COP approved the Memorandum of Understanding with the GEF.

Intersessional Highlights

UNEA-4: The fourth session of the United Nations Environment Assembly (UNEA-4) took place from 11-15 March 2019 in Nairobi, Kenya, organized on the theme of "Innovative solutions for environmental challenges and sustainable consumption and production." UNEA-4 adopted a Ministerial Declaration, 23 resolutions and three decisions, addressing shared and emerging global environmental issues, including marine litter and microplastics, single-use plastics, sustainable nitrogen management, and the empowerment of women and girls in environmental governance. They also adopted the UNEP Programme of Work and budget for 2020-21.

2019 Meetings of the Conferences of the Parties to the Basel, Rotterdam, and Stockholm Conventions: Convening from 29 April – 10 May 2019 in Geneva, Switzerland, under the theme "Clean Planet, Healthy People: Sound Management of Chemicals and Waste," the 2019 joint Conferences of the Parties to the Basel, Rotterdam, and Stockholm Conventions achieved several notable outcomes, including:

- the establishment of a compliance mechanism under the Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;
- the listing of dicofol and perfluorooctanoic acid (PFOA), its salts, and PFOA-related compounds under the Stockholm Convention on Persistent Organic Pollutants; and
- the adoption of an amendment to address certain plastic wastes under the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal.

Intersessional Work: COP2 agreed on action items to effectively implement the Minamata Convention and prepare for COP3. These included:

- the Secretariat, in collaboration with the Global Mercury Partnership and in consultation with relevant organizations, was asked to suggest approaches for customs codes to identify and distinguish non-mercury-added and mercury-added products listed in Annex A to the Convention, including approaches for their possible harmonization;
- a group of technical experts on guidance in relation to mercury releases was established to prepare a report on the identification of significant anthropogenic point source of release categories not addressed in the provisions of the Convention other than Article 9;
- a group of technical experts on waste thresholds was established to work on technical issues on the establishment of mercury waste thresholds under Article 11;
- parties and other stakeholders were invited to submit comments and information to complement and further improve the draft Guidance on the management of contaminated sites, which had been submitted to COP2;
- the Secretariat was asked to compile information to be provided by the GEF, the SIP, parties, and other relevant sources as identified by paragraph 11 of Article 13 as being necessary for the review of the financial mechanism;
- the Secretariat was asked to collect the information received from the existing regional, subregional, and national arrangements on their capacity building and technical assistance to support parties in implementing their obligations under the Minamata Convention; and
- the Secretariat was asked to continue to collect and make available information relevant to emissions of mercury resulting from the open burning of waste.

The Secretariat also organized a series of regional meetings in preparation for COP3, with funding contributions from Austria, Japan, Norway, and Sweden.