

Second Conference of the Parties to the Minamata Convention on Mercury: 19-23 November 2018

The second meeting of the Conference of the Parties (COP2) to the Minamata Convention opens on Monday, 19 November 2018 at the International Conference Centre in Geneva, Switzerland, and is scheduled to close on Friday, 23 November 2018.

Expectations for the Meeting

Delegates attending COP2 will consider:

- procedural matters, including the rules of procedure and financial rules;
- technical work related to mercury releases to land or water, as well as mercury emissions through open burning of waste;
- effectiveness evaluation;
- organizational arrangements for the Secretariat;
- the operation of the financial mechanism, including the Memorandum of Understanding (MoU) between the Convention and the Global Environment Facility (GEF), and certain provisions for the Specific International Programme to Support Capacity Building and Technical Assistance; and
- rules of procedure for the Implementation and Compliance Committee.

In addition, COP2 will also address technical work in preparation for COP3, including the development of guidelines on interim storage, the establishment of waste thresholds and the work on guidance on the management of contaminated sites.

A Brief History of the Minamata Convention

The Minamata Convention was adopted to address mercury, a heavy metal that is widespread and 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 a number of 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.

To address these growing concerns, discussions related to the need for an instrument to address the threats posed by mercury began in earnest in 2007, and the Minamata Convention on Mercury was adopted on 10 October 2013. The Convention bans new and phases out existing mercury mines, contains measures to control air emissions and trade, and regulates the informal sector of artisanal and small-scale gold mining.

It entered into force on 16 August 2017, 90 days after the deposit of the 50th instrument of ratification, acceptance, approval or accession. To date, there are 128 signatories to the Convention and 101 ratifications.

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 extensively. 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.

25th Session of the UNEP Governing Council/GMEF: In February 2009, the UNEP GC-25/GMEF took decision GC 25/5, by which delegates agreed to further international action consisting of the elaboration of a legally-binding instrument on mercury, which 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 in February 2013.

INCs 1 and 2: The first and second sessions of the INC to prepare a global legally-binding instrument on mercury convened in June 2010 in Stockholm, Sweden, and in January 2011 in Chiba, Japan, respectively. The key outcome of INC1 was a request to the UNEP Secretariat to draft "elements of a comprehensive and suitable approach" to a legally-binding instrument, which 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.

INCs 3 and 4: The third and fourth sessions of the INC convened from 31 October - 4 November 2011 in Nairobi, Kenya, and from 27 June - 2 July 2012 in Punta del Este, Uruguay, respectively. INC3 completed a comprehensive review of the text of the draft instrument and requested the Secretariat to compile a revised draft text based on plenary negotiations, the reports of the INC3 contact groups, and the work of the legal group. At INC4, delegates made progress on storage, wastes and contaminated sites, but views diverged on compliance, finance and control measures for products and processes. Delegates requested INC Chair Fernando Lugris (Uruguay) to “clean up” the negotiating text and, in cooperation with the Co-Chairs of the contact groups, to present possible compromise articles where there was divergence among countries. Delegates further requested the Secretariat to analyze, in cooperation with the World Health Organization (WHO), the extent to which the other provisions of the draft mercury instrument reflect the content of the draft article on health aspects, and to present a draft of the final act for consideration by INC5 to determine work to be completed between the signature of the instrument and its entry into force. INC4 also called for intersessional work on emissions and releases.

INC5: The fifth session of the INC convened in January 2013 in Geneva, Switzerland. INC5 addressed several policy and technical issues, including 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 related to the preamble, finance and compliance. Thus, delegates successfully completed the negotiation of a new global treaty: the Minamata Convention on Mercury.

27th Session of the UNEP GC/GMEF: UNEP GC-27/GMEF took place in February 2013 in Nairobi, Kenya. Decision 27/L.4 welcomed the completion of negotiations of the mercury treaty, authorized UNEP’s Executive Director to provide an interim Secretariat to the instrument prior to its entry into force, and invited 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 adopted on Thursday, 10 October 2013, in Kumamoto, Japan, at the Diplomatic Conference of Plenipotentiaries attended by 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). From 7-8 October 2013, an open-ended intergovernmental preparatory meeting convened. Participants 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: The sixth session of the INC convened in November 2014 in Bangkok, Thailand. INC6 was the first of two negotiating sessions planned for the interim period between the adoption of the Minamata Convention and COP1. Delegates initiated discussions on a range of issues including the financial mechanism, rules of procedure and financial rules, and possible approaches to reporting. Delegates established an *ad hoc* working group of financing experts to address finance prior to INC7.

INC7: The seventh session of the INC convened in March 2016 at the Dead Sea, Jordan. Delegates considered issues including, *inter alia*: 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 a range of issues, including on identification of stocks of mercury and mercury compounds and sources of supply, and best available techniques and best environmental practices for controlling emissions. INC7 provisionally adopted technical guidance documents related to emissions and to the identification of individual stocks of mercury and mercury compounds; and forwarded to the GEF Council an MoU between the Minamata Convention and the GEF Council, as well as its proposed guidance to the GEF on financing and activities related to implementation of the Convention.

COP1: COP1 met in Geneva in September 2017, with delegates considering a number of issues including matters related to:

- 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, which provided an interactive platform for high-level delegates to demonstrate political leadership and raise awareness of and support for implementation of the Convention, convened on Thursday and Friday, attended by two Heads of State and Government and 80 ministers.

After intense deliberations, COP1 was also able to agree on interim arrangements for the secretariat, which would be located in Geneva until a review of these arrangements at COP2. COP1 also established a Specific International Programme as one part of the financial mechanism, but was unable to agree on the MoU with the GEF, postponing this decision to COP2.

Intersessional Highlights

UNEA-3: The third session of the United Nations Environment Assembly (UNEA-3) convened in December 2017 in Nairobi, Kenya, under the overall theme “Towards a Pollution-Free Planet.” UNEA-3 adopted 11 resolutions calling for accelerated action and strengthened partnerships on, *inter alia*: eliminating exposure to lead paint and promoting environmentally sound management of used lead-acid batteries; environment and health; improving air quality globally; pollution control by mainstreaming biodiversity into key sectors; addressing water pollution to protect and restore water-related ecosystems; managing soil pollution to achieve sustainable development; and pollution prevention and control in areas affected by terrorist operations and armed conflicts.

Intersessional Work: During the lead up to COP2: the interim secretariat, in consultation with relevant experts, including technical experts from the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, revised the draft guidelines on the interim storage of mercury and mercury compounds; and the *ad hoc* group of experts on the arrangements for providing the COP with comparable monitoring data and elements of an effectiveness evaluation framework, developed a draft report including the outline, plan and elements of the framework.

Regional Meetings: The interim secretariat organized a series of regional meetings in preparation for COP2, funded by Austria, Japan, Sweden and Switzerland. African countries met from 9-10 October 2018 in Lusaka, Zambia; the Central and Eastern European group met from 16-17 October 2018 in Chisinau, Moldova; countries from Asia and the Pacific met from 23-24 October 2018 in Bangkok, Thailand; and those from Latin America and the Caribbean met from 30-31 October 2018, Lima, Peru.