



## SEVENTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE TO PREPARE A GLOBAL LEGALLY BINDING INSTRUMENT ON MERCURY: 10-15 MARCH 2016

The seventh session of the Intergovernmental Negotiating Committee to Prepare a Global Legally Binding Instrument on Mercury (INC7) begins today in Jordan and is scheduled to conclude on Tuesday, 15 March 2016. INC7 will carry out work to prepare for the entry into force of the Minamata Convention on Mercury and for the first meeting of its Conference of Parties (COP).

The Minamata Convention, which was adopted on 10 October 2013, bans new and phases out existing mercury mines; contains measures to control air emissions; and regulates the informal sector of artisanal and small-scale gold mining. The Minamata Convention will enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession (hereafter, 'ratifications'). To date, there are 128 signatories to the Convention and 23 ratifications.

Following a round of regional group meetings on Tuesday, 9 March, INC7 will address issues that will need to be decided upon by the COP at its first meeting. Issues under consideration include, *inter alia*: the register of notifications; registration of exemptions; arrangements for receiving and distributing information that parties may provide on their work toward implementation; procedures for export and import of mercury; operation of the financial mechanism; and draft rules of procedure and draft financial rules for the COP. Delegates will also consider guidance on a range of issues, including on identification of stocks of mercury and mercury compounds, and best available techniques and best environmental practice for controlling emissions.

### A BRIEF HISTORY OF THE GLOBAL ISSUE OF MERCURY

Mercury is a heavy metal that is widespread and persistent in the environment. It is a naturally occurring element and can be released into the air and water through weathering of rock containing mercury ore or through human activities such as industrial processes, mining, deforestation, waste incineration and burning of 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.

**24TH SESSION OF THE UNEP GC/GMEF:** In February 2007, the UN Environment Programme's Governing Council/Global Ministerial Environment Forum (UNEP GC/GMEF) discussed the issue of mercury extensively. Participants' 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. Delegates 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. The UNEP Executive Director was requested to prepare a report on mercury emissions and to strengthen the UNEP Mercury Partnership. An *ad hoc* open-ended working group (OEWG) of government and stakeholder representatives was established to review and assess options for enhanced voluntary measures and new or existing international legal instruments for addressing the global challenges posed by mercury.

**OEWG ON MERCURY:** The first meeting of the OEWG to Review and Assess Measures to Address the Global Issue of Mercury was held from 12-16 November 2007 in Bangkok, Thailand. The OEWG discussed options for enhanced voluntary measures, and new or existing international legal instruments on mercury. The second meeting of the OEWG on mercury convened in Nairobi, Kenya, from 6-10 October 2008. The OEWG discussed: elements to be addressed by a mercury framework; the type of framework to be used; and the capacity building, financial and technical support required to deliver on the identified elements. Delegates agreed on one legally binding option and three voluntary options for consideration by the UNEP GC.

**25TH SESSION OF THE UNEP GC/GMEF:** UNEP GC-25/GMEF took place from 16-20 February 2009 in Nairobi, Kenya. Decision GC 25/5 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 Executive Director to convene one OEWG meeting in 2009, and an INC commencing its deliberations in 2010, with the goal of completing its work by GC-27/GMEF in February 2013. Agreement could not be reached on "leaving the door open" to consider other heavy metals, but the decision recognized that the mandate of the INC may be supplemented by future GC decisions.



**AD HOC OEWG TO PREPARE FOR THE INC ON**

**MERCURY:** This meeting convened from 19-23 October 2009 in Bangkok, Thailand. The *ad hoc* OEWG agreed to recommend rules of procedure to the INC, as well as intersessional work for the Secretariat to prepare documentation for the INC, including options for the structure of the instrument and a description of options for substantive provisions.

**INC1:** The first session of the INC to prepare a global legally binding instrument on mercury convened from 7-11 June 2010 in Stockholm, Sweden. Delegates exchanged views on key elements of a convention, including: objectives; structure of the instrument; capacity building and technical and financial assistance; compliance; issues of supply, demand, trade, waste and storage; atmospheric emissions of mercury; and awareness raising and information exchange. The key outcome of INC1 was a request to the Secretariat to draft “elements of a comprehensive and suitable approach” to a legally binding instrument, which would serve as a basis for negotiation at INC2.

**INC2:** The second session of the INC convened from 24-28 January 2011 in Chiba, Japan. INC2 marked the first opportunity for delegates to start textual negotiations on potential elements for the mercury instrument, contained in a paper prepared by the Secretariat. INC2 achieved a first full reading of the paper and mandated the Secretariat to prepare a new draft text for further negotiation at INC3.

**INC3:** The third session of the INC convened from 31 October - 4 November 2011 in Nairobi, Kenya. 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.

**INC4:** INC4 convened from 27 June - 2 July 2012 in Punta del Este, Uruguay. Progress was achieved on storage, wastes and contaminated sites, and options were narrowed on articles related to information and reporting. Views diverged on compliance, finance and control measures for products and processes, with discussions focusing on laying out the range of positions. 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, 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 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 from 13-19 January 2013 in Geneva, Switzerland. Delegates successfully completed the negotiation of a new global treaty: the Minamata Convention on Mercury. 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.

**27TH SESSION OF THE UNEP GC/GMEF:** UNEP GC/GMEF took place from 18-22 February 2013 in Nairobi, Kenya. Decision GC.27/L.4 welcomed the completion of negotiations of the mercury treaty, authorized the 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 (BRS) Conventions to consider steps to facilitate cooperation and coordination with the Minamata Convention.

**THE 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, following decades of increased awareness regarding the toxicity of mercury and mercury-related compounds. The week started with a two-day open-ended intergovernmental preparatory meeting on 7-8 October, during which participants negotiated resolutions on elements of the Final Act, including: promoting and preparing for the early implementation of the mercury instrument; arrangements for the interim period between the signing of the instrument and its entry into force, such as arrangements for financial and technical assistance during that period; and secretariat arrangements. This was followed by the Diplomatic Conference of Plenipotentiaries on 10-11 October, attended by more than 1,000 participants from over 140 countries, intergovernmental organizations and non-governmental organizations. The Convention was signed by 91 countries and the European Union (EU).

**INC6:** The sixth session of the INC convened from 3-7 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 open-ended working group to address finance prior to INC7.

**INTERSESSIONAL HIGHLIGHTS**

**BUREAU MEETINGS:** In a teleconference held on 20 April 2015, members of the Bureau reflected on the outcomes of INC6 and initiated preparations for INC7. The Bureau met from 1-2 July 2015 in Moscow, the Russia Federation, and discussed, *inter alia*, activities related to chemicals and waste, including those of the BRS Conventions, and their possible impacts on the Minamata Convention, and activities undertaken by the Global Environment Facility since INC6. During a meeting held from 18-19 January 2016 in Jakarta, Indonesia, members discussed progress toward ratification and early implementation in their regions; received progress reports from intersessional expert group meetings on Article 8 (emissions) and Article 13 (finance). Members noted a high level of ambition for INC7 and noted the importance of resolving technical issues at this meeting, including on guidance that would be used prior to COP1.

**BRS CONVENTIONS COPS:** The twelfth meeting of the COP to the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal, the seventh meeting of the Conference of Parties to the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the seventh meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants convened from 4-15 May 2015 in Geneva, Switzerland. Delegates agreed on a number of decisions that called for greater cooperation between the BRS Conventions and the Minamata Convention. Furthermore, Basel Convention COP12 adopted technical guidelines for mercury wastes.

**UNEP OECPR:** The second meeting of the Open-Ended Committee of Permanent Representatives (OECPR-2) to the UN Environment Programme (UNEP) met from 15-19 February 2016 at UNEP Headquarters in Nairobi, Kenya. Among other issues, delegates called for UNEP to contribute to the process of developing indicators for the Sustainable Development Goals in collaboration with the secretariats of the chemicals and waste agreements, including the Minamata Convention on Mercury.