

Summary of the Fifth meeting of the Conference of the Parties to the Minamata Convention on Mercury: 30 October – 3 November 2023

Driven by global scientific consensus that mercury causes brain damage, severe illnesses and birth defects, the Minamata Convention on Mercury was adopted in 2013 and governments committed themselves to “making mercury history.” Yet, ten years later, mercury remains a problem in many parts of the world. Thus, when parties to the Minamata Convention convened for the fifth meeting of the Conference of the Parties (COP-5), while commemorating the tenth anniversary of the Convention, they also considered decisions that will define success in its second decade.

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. They also agreed on language declaring mercury-free processes for production of sodium or potassium methylate or ethylate to be technically and economically feasible. However, efforts by the African Group and other parties to agree on a phaseout of dental amalgam, which is still widely used for dental fillings, did not achieve consensus. The final decision only requires parties that have not yet phased out dental amalgam to report on how they plan to do so.

A decision on mercury waste thresholds means that countries have a fixed standard now for measuring whether imports and exports contaminated with mercury contain more than the allowed total concentration value of 15 mg/kg. This is important for countries who fear becoming global dumping grounds for mercury-contaminated wastes, as it gives an international standard for deciding whether a shipment should be blocked. It also means that producer nations now have a benchmark for blocking exports of mercury-contaminated waste.

Parties also agreed on the composition of the Open-Ended Scientific Group for the first effectiveness evaluation of the Convention, and to complete this by COP-7 in 2027, which will also mark 10 years after the Convention entered into force.

COP-5 applauded the 95% rate of national reporting on what parties have done to meet their obligations under the Convention. They also made some changes to the existing format for national reports, so parties can better explain how their actions are contributing to the Convention’s implementation. The changes help ensure that reports are clear and reflect recent data.

Other decisions were taken to improve the functioning of the Secretariat and the support provided to parties, including a gender action plan, and a knowledge management and digitalization strategy. Parties welcomed the second review of the Convention’s financial mechanism, which provides new guidance to the Global Environment Facility (GEF) and notes that the GEF increased its funding for the Minamata Convention by more than 30% in its latest replenishment. However, the review also noted insufficient contributions for the Specific International Programme to support capacity building and technical assistance (SIP) to offer a fourth round of funding to parties. Many parties called for further funds to support critical efforts by developing countries to implement the Convention.

COP-5 adopted the budget and programme of work for the 2024-25 biennium, approving a core budget of USD 8.4 million and estimating needs of USD 4.83 million for its Special Trust Fund.

COP-5 also saw some emerging themes that are likely to shape the work of the Convention in years to come.

In this Issue

A Brief History of the Minamata Convention	2
Minamata COP-5 Report	3
Organizational Matters	3
Rules of Procedure for the COP: Consideration of Rule 45	4
Matters for Consideration or Action by the Conference of the Parties	4
International Cooperation and Coordination.	11
Programme of Work (POW) and Budget	11
Venue and Dates of COP-6	12
Closing and Adoption of the Meeting Report	12
A Brief Analysis of Minamata COP-5	12
Upcoming Meetings	14
Glossary.	14

One of them was the issue of how best to address where mercury comes from. Whereas previous COPs have dealt with this under the topic of “mercury stocks,” for the first time in its history, COP-5 considered the issue of mercury sources and trade as a separate agenda item, taking forward the hopes of the Bali Declaration on Combating Global Illegal Trade in Mercury, which was adopted as a non-binding declaration at COP-4.2. Parties requested the Secretariat to develop guidance to assist parties in identifying, managing, and reducing mercury trade from primary mercury mining, and to facilitate the exchange of trade-related information—a more upstream view, as compared with the downstream efforts to address the impacts of mercury in artisanal and small-scale mining (ASGM).

On the latter issue, parties adopted decisions that potentially will strengthen parties’ engagement with Indigenous Peoples in addressing the harmful impacts of mercury exposure in ASGM, and promote participatory approaches in the work of the Convention. The strong presence of Indigenous Peoples at this COP showed this to be emerging as another developing theme of the Convention’s work.

Finally, COP discussions highlighted the interlinkages between the Minamata Convention and recently-adopted global frameworks, especially the Kunming-Montreal Global Biodiversity Framework (GBF) and the Global Framework on Chemicals. Parties discussed how cooperation could strengthen action on mercury, and potentially open up new sources of finance for the Convention’s work.

COP-5 convened from 30 October – 3 November 2023 in Geneva, Switzerland. Over 846 delegates participated in person and for the first time the meeting was broadcast via livestream to 900 viewers, with the [recordings](#) available following each plenary session.

A Brief History of the Minamata Convention

The Minamata Convention was adopted in 2013 to address mercury, a heavy metal that is persistent in the environment. As a naturally occurring element, mercury 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 (such as switches and fluorescent lamps), laboratory and medical instruments (such as 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 and entered into force on 16 August 2017. It currently has 147 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 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. An *ad hoc* open-ended working group (OEWG) of government and stakeholder representatives agreed on one legally-binding option and three voluntary options for consideration by the UNEP GC.

UNEP GC-25/GMEF: In February 2009, the UNEP GC/GMEF adopted 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. 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 2013.

Negotiation of the Convention: The INC met five times between June 2010 and January 2013. The UNEP GC-27/GMEF in February 2013 adopted a decision welcoming the completion of negotiations of the mercury treaty and authorized UNEP’s Executive Director to provide an interim Secretariat to the instrument prior to its entry into force.

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. During the conference, the Convention was signed by 91 countries and the European Union (EU).

INC-6 and 7: INC-6 convened in November 2014 in Bangkok, Thailand, during the interim period between the adoption of the Convention and COP-1. Delegates discussed issues including the financial mechanism, rules of procedure and financial rules, and possible approaches to reporting. INC-7 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.

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.

Recent Meetings

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) where parties considered the remaining items on the agenda. COP-4.1, in November 2021, adopted the 2022 programme of work and budget, and set dates for COP-4.2. Participants also discussed three other time-sensitive issues: the Convention's effectiveness evaluation, national reporting, and the eighth replenishment of the GEF. COP-4.2 convened in Bali, Indonesia, in March 2022. Parties agreed to consult with Indigenous Peoples and local communities when developing their national action plans (NAPs) in relation to ASGM. COP-4.2 also adopted a framework for the first effectiveness evaluation of the Convention and established an Open-Ended Scientific Group to develop the terms of reference. The COP adopted the Bali Declaration as a non-binding political declaration on illegal trade in mercury.

Minamata COP-5 Report

COP-5 opened Monday morning, 30 October. Katrin Schneeberger, Director, Federal Office for the Environment, Switzerland, urged delegates to "deepen and expand" the Convention's work, update its annexes on phaseout of mercury-containing products and processes, and finalize the evaluation framework and indicators. She noted the Global Framework on Chemicals, adopted by the fifth International Conference on Chemicals Management, will complement the chemicals and waste conventions, including the Minamata Convention, by supporting their implementation and making them more visible.

In a video statement, Elizabeth Mrema, Deputy Executive Director, UNEP, highlighted the GBF, noting that 21 of its 23 targets reflect the close links between mercury pollution and biodiversity loss.

Monika Stankiewicz, Executive Secretary, Minamata Convention, stressed the urgency of meeting the Convention's "ambitious" deadlines. She noted while technology is often a solution to pollution, collaboration, trust building, recognition of the linkages between mercury and the climate and biodiversity conventions, and the knowledge of those most vulnerable to mercury exposure are also needed.

COP-5 President Claudia Dumitru (Romania) urged delegates to ensure all proposed decisions are agreed by Friday afternoon.

Delegates watched a video recalling the ten-year history of the Convention. Minamata victims, Hideki and Suemi Sato, told delegates that some 67 years after Minamata disease was discovered, the government has still not conducted full surveys of polluted areas.

Roger Baro, Minister of Environment, Water and Sanitation, Burkina Faso, acknowledged that protecting human health from mercury emissions and the use of products containing mercury is a difficult challenge.

For the AFRICAN GROUP, Botswana said the region is most affected by mercury impacts on human health and the environment

and does not want mercury-containing products. Pakistan, on behalf of ASIA-PACIFIC, called for dedicated financial mechanisms for developing countries to implement the Convention.

North Macedonia, for CENTRAL AND EASTERN EUROPE, welcomed proposals to amend Annex A on phasing out mercury-containing cosmetics, lighting, and dental amalgam. She also urged the COP to adopt the proposed guidance on best available techniques (BAT) and best environmental practices (BEP) to control releases of mercury from relevant sources.

Chile, for the LATIN AMERICAN AND CARIBBEAN GROUP (GRULAC), underscored the importance of the COP adopting the proposed gender action plan. He also urged mobilizing the resources for capacity building and technical assistance necessary to help developing countries implement their ASGM action plans.

Spain, for the EUROPEAN UNION, said protecting human health and the environment from mercury pollution is a shared responsibility that transcends borders. She expressed satisfaction with the development of Convention governance and noted the importance of the new Global Framework on Chemicals.

Organizational Matters

Agenda and organization of work: On Monday, delegates adopted the agenda ([UNEP/MC/COP.5/1](#)) and approved the organization of work presented by COP-5 President Dumitru and detailed by the Secretariat ([UNEP/MC/COP.5/1/Add.1](#), Annex II). Dumitru announced that a new Bureau, Implementation and Compliance Committee (ICC), and Governing Board for the SIP would be elected later in the week, and called for all regions to submit their nominations for these positions by the end of plenary on Tuesday.

Election of officers: On Friday, delegates elected Osvaldo Patricio Álvarez Pérez (Chile) as President of COP-6. The following Vice-Presidents were nominated by their respective regions and elected to the COP-6 Bureau: Sidi Ould Aloueimine (Mauritania) and Mohamed Abdulahi Kamara (Sierra Leone) for the African Group; Syed Mujtaba Hussain (Pakistan) and Saeed Al-Zahrani (Saudi Arabia) for Asia Pacific; Claudia Dumitru (Romania) and Irma Gurguliani (Georgia) for Central and Eastern Europe (CEE); Linroy Christian (Antigua and Barbuda) for GRULAC; and Rachel Burgess (Australia) and Tuulia Toikka (Finland) for the Western European and Others Group (WEOG).

The following were elected to the ICC: Jean Hervé Mye Beh (Gabon), Oluwatoyin Olabanji (Nigeria), and Musa Kuzumila Ngunila (Tanzania) for the African Group; Hossein Rahdar (Iran), Hu Yunfang (China), and Satyendra Kumar (India) for Asia-Pacific; Eva Šalplachtová (Czechia), Jelena Kovačević (Montenegro), and Atanas Stoyanov Dishkelov (Bulgaria) for CEE; Jimena Nieto Carrasco (Colombia), María del Mar Solano Trejos (Costa Rica), and Meredith Henry-Cumberbatch (Suriname) for GRULAC; and Helga Schrott (Austria), Anik Beaudoin (Canada), and Gene Smilansky (US) for WEOG.

Elected to the SIP Governing Board were: Liliane Randrianomenjanahary (Madagascar) and Obed Meringo Baloyi (South Africa) for the African Group; Luay Sadeq Almkhtar (Iraq) and Wasantha Dissanayake (Sri Lanka) for Asia-Pacific; Mario Vujić (Croatia) and Suzana Andonova (North Macedonia) for the CEE; Ana Cristina Linhares (Brazil) and Michelle Astwood (Guyana)

for GRULAC; and Rafael Zubrzycki (Germany) and Andrew Clark (US) for WEOG.

Report on credentials: On Monday, the Secretariat asked all parties to submit their required credentials and Oarabile Serumola (Botswana), Co-Chair of the Credentials Committee, reported to plenary on Tuesday that 100 parties had submitted valid credentials, and 13 were yet to submit. On Thursday, Co-Chair Cheryl Eugene-St. Romain (St Lucia) advised plenary that nine parties—Cameroon, Chad, Comoros, Congo, Guinea, Iraq, Mali, Paraguay, and Vanuatu—had not provided valid credentials and would therefore be recorded as observers.

Rules of Procedure for the COP: Consideration of Rule 45

On Monday, the Secretariat introduced the agenda item ([UNEP/MC/COP.5/2](#)), noting bracketed text around the option for parties to take a decision by voting on matters of substance. She further explained that the text describes action that can be taken in case there is doubt as to whether something is a matter of substance, or a matter of procedure. NIGERIA called for removal of the brackets to allow for voting, and for decisions to be taken by a simple majority. Delegates agreed to return to this item later in the week.

On Wednesday, Dumitru proposed the matter be deferred to COP-6. NIGERIA expressed hope that COP-6 will finally resolve the matter. Delegates agreed to defer the matter to COP-6.

Matters for Consideration or Action by the Conference of the Parties

Financial rules: On Monday, the Secretariat introduced the agenda item ([UNEP/MC/COP.5/17](#)), noting bracketed text in the COP-1 decision ([MC-1/10](#)) regarding contributions, and in annex text regarding procedures of allocation from the Specific Trust Fund.

Final Outcome: Parties agreed to defer the matter to the next COP.

Mercury supply sources and trade: On [Wednesday](#), the Secretariat presented its note on mercury supply sources and trade, relating to implementation of Article 3 ([UNEP/MC/COP.5/3](#)). President Dumitru noted that this was the first time a COP has considered this agenda item. Parties were invited to consider a draft decision contained in the document as well as a proposal (UNEP/MC/COP.5/CRP.2) submitted by Australia, Canada, GRULAC, and the US to conduct a study of the global supply, trade and use of mercury compounds. CANADA noted the goal of the proposal is to compile information to assist future decisions of the COP. Several parties requested more time to submit comments.

CANADA presented a revised text during [Thursday](#) morning's plenary. Delegates reviewed proposed amendments from COLOMBIA, the US, the EU, and JAPAN on the draft decision prepared by the Secretariat on mercury supply sources and trade. CHILE raised objections to the term "secondary mining" in the EU proposal, and several parties agreed there was no agreed definition of "secondary mining." JAPAN, noting that her country engages in mercury trade that complies with the Convention, proposed text that referred to "incompliant" trade. Following objections from COLOMBIA to this term, JAPAN agreed to facilitate informal consultations in the evening to revise its proposed text.

Discussion resumed on Friday to finalize the outstanding paragraph 5(e) on exchange of information. Parties agreed the following amended text: "Facilitate the exchange of any trade-

related information the Secretariat has received from parties pursuant to paragraph 6 of Article 3, and which the parties concerned have not objected to sharing with other parties."

Responding to a question from GUINEA on whether the draft decision applies to trade in all categories of mercury or only primary production, the Secretariat noted that the scope is trade in elemental mercury.

The COP adopted the decision, which was welcomed by INDONESIA as a very important resolution that is a first step towards achieving the objective of the [Bali Declaration on combatting illegal trade in mercury](#), as agreed at COP4-2.

Final Outcome: In its decision (UNEP/MC/COP.5/CRP.2), the COP encourages parties to report on all primary mercury mining activities carried out in their territories in their national reports, irrespective of whether their status is formal, informal, or illegal. It requests that the Secretariat develop guidance to assist parties in identifying, managing, and reducing mercury trade from primary mercury mining, and facilitate the exchange of any trade-related information the Secretariat has received from parties pursuant to paragraph 6 of Convention Article 3, and which the parties concerned have not objected to sharing with other parties.

Mercury-added products and manufacturing processes in which mercury or mercury compounds are used: Amendment to Annexes A and B, and consideration of feasibility of mercury-free alternatives for manufacturing processes listed in Annex B: On [Monday](#), the Secretariat introduced the relevant documents ([UNEP/MC/COP.5/INF/3](#), [UNEP/MC/COP.5/INF/4/Rev.1](#)) and the African Group's proposals ([UNEP/MC/COP.5/5](#)) on amendments to the deadlines for phaseout of skin-lightening cosmetics ([UNEP/MC/COP.5/5/Add.1](#)), dental amalgam ([UNEP/MC/COP.5/5/Add.2](#)), and two categories of fluorescent lamps ([UNEP/MC/COP.5/5/Add.3](#)), including information on the availability of alternatives.

The African Group's proposals were referred to a contact group co-chaired by Itsuki Kuroda (Japan) and Moleboheng Juliet Petlane (Lesotho). The group was also mandated to consider proposals forwarded by COP-4 via [decision MC-4/3](#), covering:

- phaseout for certain batteries, fluorescent lamps, switches and relays,
- phaseout of polyurethane production using mercury-containing catalysts; and
- a determination of the technical and economic feasibility of mercury-free alternative technologies for production of vinyl chloride monomer (VCM) and sodium or potassium methyllate or ethylate.

The group met Monday afternoon through Thursday afternoon. They decided to consider the African and MC-4/3 proposals on batteries, lamps, and switches and relays as a package. Item entries for all but one product category were agreed early on, with only decisions on their phaseout dates left open because of multiple proposed dates.

On polyurethane, the group decided on Monday to phase out the use of mercury catalysts by 2025.

Regarding COP-5 decision language on the economic and technical feasibility of mercury-free technologies for production of certain substances, the group agreed on Tuesday on a feasibility declaration for sodium or potassium methyllate or ethylate.

On VCM, an informal consensus was reached on Monday evening on the feasibility of mercury-free alternatives, only to have one party seek on Tuesday to delete the draft decision language on the matter. To address the impasse, the US and NORWAY presented a proposal (UNEP/MC/COP.5/CRP.5) for a stand-alone decision initiating an information collection and analysis process that could enable a final decision on feasibility at COP-6. After some adjustments to the dates in CRP.5, the group agreed to forward the text to the plenary for adoption.

On cosmetics, the group agreed to phase out all mercury-added cosmetics by 2025, including skin-lightening soaps and creams, but not include cosmetics applied to the eye area, where mercury is used as a preservative and no effective and safe substitute preservatives are available. Some parties were reluctant to accept the African proposals on mercury in cosmetics, so the compromise was to draft a stand-alone decision initiating an information collection and analysis process on challenges in preventing the manufacture, import and export of such cosmetics, with a view to informing work on annex listings at COP-6.

On dental amalgam, several parties were not ready to agree to a phaseout date, so this decision was deferred to COP-6. Several parties were not ready to agree to the proposal for Annex A Part II to exclude dental amalgam from government insurance policies and programmes, so the group also agreed to defer this proposal to COP-6. The group did agree to amend Part II to require parties that have not yet phased out dental amalgam to submit to the Secretariat a national action plan, or a report based on available information, on progress they have made or are making to phase out or phase down dental amalgam.

On Friday, the Secretariat introduced the relevant proposals for COP decisions developed by the group (UNEP/MC/COP.5, CRP.8, CRP.9 and 9/Add.1, and CRP.10). After a report to plenary by Co-Chairs Kuroda and Petlane on the results of the group's work, COP-5 President Dumitru sought to clarify if India could lift its reservation on the sole bracketed new entry for Annex A Part I, thereby setting a phaseout for very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge switch or relay. INDIA requested the COP to accept its proposed addition exempting those switches and relays used for research and development purposes from this phaseout. Delegates agreed to this amendment.

The three decisions were adopted.

Final Outcomes: In its decision on amendments of the annexes (UNEP/MC/COP.5/CRP.9), the COP sets the following phaseout dates for products:

- 2025 for button zinc silver oxide batteries with a mercury content < 2% and button zinc air batteries with a mercury content < 2%;
- 2025 for very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge switch or relay;
- 2026 for compact fluorescent lamps (CFLs) for general lighting purposes that are > 30 watts;
- 2026 for CFLs with a non-integrated ballast (CFL.ni) for general lighting purposes that are ≤ 30 watts with a mercury content not exceeding 5 mg per lamp burner;

- 2026 for halophosphate phosphor linear fluorescent lamps (LFLs) for general lighting purposes;
- 2027 for triband phosphor LFLs for general lighting purposes; and
- 2025 for cosmetics, except eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available.

The same decision also sets 2025 as the phaseout date in Annex B, Part I for use of mercury catalysts in the production of polyurethane.

Each new phaseout entry for a product or processes is considered a separate amendment for the purposes of entry into force under Article 27 of the Convention.

The decision also:

- amends Annex B, Part II to require those parties that have not already phased out dental amalgam to submit to the Secretariat, every four years as part of national reporting, a national action plan or a report based on available information with respect to progress they have made or are making to phase down or phase out dental amalgam;
- establishes that mercury-free processes for sodium or potassium methylate or ethylate production have become technically and economically feasible; and
- forwards to COP-6 for its consideration the proposals on phaseout for dental amalgam and for amending Annex A, Part I to require parties to exclude or not allow the use of dental amalgam in government insurance policies and programmes.

In its decision on VCM (UNEP/MC/COP.5/CRP.8), the COP:

- invites parties and relevant organizations to submit information to the Secretariat by 31 March 2025 on technically and economically feasible alternatives to the use of mercury and mercury compounds in VCM production; and
- requests the Secretariat to provide a report based on submitted information for COP-6 consideration.

In its decision on cosmetics (UNEP/MC/COP.5/CRP.10), the COP invites parties and relevant stakeholders to submit information to the Secretariat by 30 June 2024 on challenges in preventing the manufacture, import, and export of cosmetics listed under Part I of Annex A, as well as current measures to address such challenges. The Secretariat will prepare a draft report based on this information and make it available by 31 March 2025 for comments and prepare a final report taking into account the comments for consideration by COP-6.

Artisanal and small-scale gold mining (ASGM): On [Monday](#), the Secretariat presented the draft decision on the implementation of Convention Article 7 on ASGM ([UNEP/MC/COP.5/6](#)). Under Article 7, parties with ASGM in their territories are required to take steps to reduce, and where feasible, eliminate, the use of mercury and mercury compounds in such mining and processing. Information documents were presented on: lessons learned from submitted NAPs ([UNEP/MC/COP.5/INF/6](#)), technology transfer activities in [planetGOLD](#) phase 1 projects ([UNEP/MC/COP.5/INF/7](#)); needs and priorities of Indigenous Peoples and local communities with regard to the use of mercury in ASGM ([UNEP/MC/COP.5/INF/8](#)); and technical background on monitoring of mercury and mercury compounds in and around ASGM sites ([UNEP/MC/COP.5/INF/9](#)).

Brazil, on behalf of GRULAC, presented (UNEP/MC/COP.5/CRP.1), co-sponsored by Australia and Canada, on the effects of mercury pollution on Indigenous Peoples and local communities. The AFRICAN GROUP proposed that parties review their NAPs to integrate needs of Indigenous Peoples. PAKISTAN requested the Secretariat to undertake a study on health impacts on pregnant women working in ASGM.

Deliberations continued on [Tuesday](#), and many parties agreed on the need for effective measures and technical support to protect vulnerable populations in ASGM. The plenary adopted the GRULAC proposal as a COP decision. With reference to the impacts of mercury on Indigenous Peoples and local communities, BRAZIL, with AUSTRALIA, recommended that those most affected by mercury pollution should have “an agenda item of their own” at future COPs.

With regard to the draft decision prepared by the Secretariat ([UNEP/MC/COP.5/6](#)), the US proposed alternative text on engagement and livelihoods, and further discussion was postponed pending revision of the text.

INDIGENOUS ORGANIZATIONS called for access to regional monitoring programmes. The INTERNATIONAL INDIAN TREATY COUNCIL called for an end to the global trade in mercury.

COP-5 President Dumitru also requested the Secretariat develop a draft summarizing parties’ views on the issues. On Thursday, plenary adopted a draft decision on ASGM based on the Secretariat draft (UNEP/MC/COP.5/CRP.7).

Final Outcomes: In its decision on the effects of mercury pollution on Indigenous Peoples and on local communities (UNEP/MC/COP.5/CRP.1), which notes with concern that Indigenous Peoples are on the frontlines of health and environmental impacts of mercury exposure due to their close relationship with the environment, the COP calls on parties to:

- support, as appropriate, participation of Indigenous Peoples, as well as local communities and other relevant stakeholders, in COPs and other related processes;
- promote policies that enable Indigenous Peoples and local communities to benefit from and contribute to information, awareness, and education on emissions and releases of mercury; and
- request the Secretariat to compile views on the needs and priorities of Indigenous Peoples and local communities on impacts of mercury on health, livelihoods, culture, and knowledge with a view to identifying solutions through future work.

In its decision on ASGM (UNEP/MC/COP.5/CRP.7), the COP, *inter alia*, calls on parties and other relevant stakeholders to:

- obtain free, prior and informed consent of Indigenous Peoples and local communities to ASGM in their territories;
- engage with Indigenous Peoples and local communities in decision-making processes regarding ASGM;
- protect and strengthen traditional livelihoods and cultural practices of Indigenous Peoples and local communities and, where appropriate, develop and promote alternative and sustainable economic activities;
- improve multilateral cooperative efforts to enforce national laws on international trade of mercury; and

- promote healthcare services for prevention, treatment and care for Indigenous Peoples and local communities affected by exposure to mercury from ASGM.

Emissions of Mercury: On [Tuesday](#), the Secretariat introduced the relevant document ([UNEP/MC/COP.5/7](#)), noting it contained a proposal for a COP decision.

Noting the lack of good and comparable data on emissions in their region, the AFRICAN GROUP urged more financial and technical assistance to improve data collection, generation, and sharing, as well as a regional programme to monitor atmospheric emissions of mercury. THAILAND urged updating existing guidance on BAT and BEP on emissions. PAKISTAN called for training sessions on the use of BAT and BEP. The EU supported the draft decision. The US urged countries to establish emissions inventories and supported an update by the Secretariat at COP-6 on national plans. The INTERNATIONAL POLLUTANTS ELIMINATION NETWORK (IPEN) urged producing BAT and BEP for all emissions sources, and more studies and data, including regarding emissions in the oil and gas sector.

Delegates adopted the draft decision.

Final Outcome: In its decision ([UNEP/MC/COP.5/7](#)), the COP:

- encourages parties to advance their efforts to implement Convention Article 8, taking note of the deadlines for controlling emissions of mercury from new and existing sources (no later than 10 years from the entry into force of the Convention for the party) and establishing inventories of emissions (no later than five years after entry-into-force for the party);
- calls upon parties that have chosen to prepare a national plan pursuant to Article 8(3) but have not yet submitted them to do so as soon as possible, noting the plans were due no later than four years after entry-into-force for the party;
- requests the Secretariat to provide COP-6 with an update on national plans submitted; and
- encourages parties with experience in using the guidance adopted by the COP on BAT/BEP, criteria for identifying relevant emission sources, and the methodology for preparing emission inventories, to provide information on their experiences to the Secretariat.

Releases of mercury: On [Wednesday](#), the Secretariat introduced the guidance document on BAT and BEP to control mercury releases, and the related draft decision ([UNEP/MC/COP.5/8](#)). Bianca Dlamini (Eswatini), Co-Chair of the group of technical experts, together with Chile, noted the group’s consensus agreement on the guidance.

All parties intervening expressed support for the draft decision. The EU urged parties that have not yet established a pollutant release and transfer register to do so. MEXICO requested parties to share their experience of how they quantify emissions and releases. The AFRICAN GROUP called for resources to enable implementation.

IRAQ, as an observer, proposed changing the decision language to request the Secretariat to “support parties, especially developing country parties and countries with economies in transition, in the application of the guidance.”

The US proposed deleting the phrase “to keep the guidance under review,” stating that implementation should have a higher priority than review.

IPEN said other mercury sources should be listed as relevant sources, including incinerator bottom ash, shipbreaking activities, and mercury-based pesticides.

The COP agreed to the changes and adopted the decision.

Final Outcome: In its decision ([UNEP/MC/COP.5/8](#)), the COP:

- adopts the guidance on BAT and BEP to control releases of mercury from relevant sources;
- invites parties with relevant sources of mercury releases to take account of the guidance when taking measures to control releases of mercury and preparing a national plan thereon; and
- requests the Secretariat to support parties, especially developing country parties and countries with economies in transition, in the application of the guidance.

Mercury waste thresholds: On [Tuesday](#), the Secretariat introduced the relevant documents ([UNEP/MC/COP.5/9](#), [UNEP/MC/COP.5/INF/12](#) and [INF/13](#)). Oluwatoyin Olabanji (Nigeria), Co-Chair of Group of Technical Experts on Mercury Waste Thresholds, reported that while the group decided that a single threshold total concentration value should be adopted for wastes contaminated with mercury or its compounds, they could not agree on which of three options to endorse: 10, 15 or 25 mg/kg. The group also proposed an “opt-out clause” for those parties that already have certain targeted waste management measures in place that protect human health and the environment.

In the plenary discussions, some delegations supported including the “opt-out clause” in the decision. Most also favored inviting the Basel Convention COP to update the Basel Convention technical guidelines on environmentally sound management of wastes consisting of, containing, or contaminated with mercury or mercury compounds, taking into account any Minamata COP-5 decision.

BURKINA FASO endorsed the 10 mg threshold option. PERU expressed support for a low threshold. The EU, NORWAY, and THAILAND said they preferred a 25 mg threshold. AUSTRALIA favored a 15 mg threshold. The US and SWITZERLAND said they preferred a 10 or 15 mg threshold. MEXICO said that while its law currently has a 25 mg threshold, it was open to considering lower values.

JAPAN and IRAQ said any threshold chosen should be backed up by scientific evidence. CHINA, IRAN, BANGLADESH, and SAUDI ARABIA said the threshold choice should consider differing national circumstances.

The ENVIRONMENTAL AND SOCIAL DEVELOPMENT ORGANIZATION and the ZERO MERCURY WORKING GROUP urged setting a threshold limit as low as possible, no greater than 10 mg. IPEN concurred, saying if a higher threshold is set by COP-5, it should be reviewed by COP-7.

Delegates decided to create a contact group, co-chaired by Karissa Kovner (US) and Zaigham Abbas (Pakistan), to further discuss this issue. The group met from Tuesday through Thursday.

During the group’s early discussions, the delegates questioning whether there is a scientific basis for determining a threshold level withdrew their opposition to setting a threshold value.

During the rest of the week, the final decision on the value level was linked to discussions on the opt-out clause. As finally revised on Thursday, the opt-out paragraph would allow a party to, as an alternative to accepting the single total threshold concentration value, document that it has an alternative approach that protects

human health and the environment. With the opt-out thus finalized, the group agreed on a compromise threshold level of 15 mg/kg.

On Tuesday, the group agreed to approve the guidance document on leachate test methods to be used for the tier-2 threshold for tailings from mining other than primary mercury ([UNEP/MC/COP.5/INF/13](#)).

On Wednesday, as a result of discussions undertaken by a small informal group, the contact group concluded that no new Minamata Convention guidance is needed on transboundary movements of mercury wastes, since the existing Basel Convention provisions are clear. They agreed on a note on their conclusions for the Co-Chairs to read to plenary for inclusion in the meeting report.

The group also agreed on Wednesday to decision language regarding fulfillment of Convention Article 11(3)(a)’s obligation to develop an annex on environmentally sound management (ESM) of mercury wastes that takes into account both the Basel technical guidelines on the subject and parties’ waste management regulations and programmes.

On Thursday afternoon, several parties proposed new preambular decision language on the Basel Convention tackling illegal traffic of mercury waste, but it was pointed out this needed to be converted into an operative paragraph instead. During its Thursday evening session, the group reworded the invitation and moved it into the operative portion of the draft decision.

On Friday, the Secretariat outlined the contents of the draft decision proposed by the contact group (UNEP/MC/COP.5/CRP.12). Co-Chair Kovner then read into the meeting record the group’s conclusions on transboundary movements, which in essence stated:

- Convention Article 11(3)(c) is already clear in setting out the applicable legal regime;
- only one Minamata Convention party is not a Basel Convention party. The Basel Convention applies to all Minamata parties that are parties to the Basel Convention. As that one party normally trades with Basel Convention parties, Article 11(3)(c) of the Minamata Convention is also in fact clear for the situation with that party;
- even for parties that take advantage of the new opt-out clause, which could lead parties with different thresholds to trade together, Article 11(3)(c) is clear that the Basel Convention governs the transboundary movement of the Minamata Convention mercury waste, and Basel Convention Article 6(5) would allow a party to refuse an import of mercury waste with a higher mercury content than what applies in its country.
- therefore, no further action is needed by the COP on this issue.

Delegates adopted the decision as proposed by the contact group.

Final Outcome: In its decision (UNEP/MC/COP.5/CRP.12), the COP establishes 15 mg/kg total concentration of mercury as the threshold for wastes under subcategory 2(c) of Article 11 of the Convention (wastes contaminated with mercury). Parties and relevant stakeholders should submit to the Secretariat any scientific and regulatory data and information on the effectiveness of the threshold in protecting human health and the environment, as well as challenges and experiences related to its use, for consideration at COP-7.

The COP decides that a party may, alternatively, use a different approach to determine whether a given waste is a mercury waste falling under subcategory 2(c), provided that that party has documented waste management measures in place to protect human

health and the environment, including measures to ensure that mercury waste is managed pursuant to Convention Article 11(3) (ESM), as well as measures to identify mercury waste.

A party making use of the alternative approach is to submit to the Secretariat its documented waste management measures, and the Secretariat will maintain a public register of the information.

Regarding preparations for work on a Convention annex on ESM, the decision invites parties to submit by 31 October 2024 information on their waste management regulations and programmes, with a focus on matters not addressed by the Basel Convention's technical guidelines on the ESM of wastes consisting of, containing or contaminated with mercury or mercury compounds ([UNEP/CHW.15/6/Add.6/Rev.1](#)). The Secretariat will collect, organize and distribute the information by 1 January 2025, to enable discussion on the matter at COP-6.

The decision also:

- states that COP-7 will decide whether to update the various lists of mercury wastes;
- invites parties to use the guidance document on the leachate test methods for the tier-2 threshold for tailings from mining other than primary mercury mining ([UNEP/MC/COP.5/INF/13](#)); and
- invites the Basel Convention COP to consider illegal traffic of mercury waste, as appropriate, emphasizing the need for collaborative efforts to ensure the protection of human health and the environment.

Financial resources and mechanism: Delegates took up this agenda item on [Monday](#), addressing matters regarding the GEF, the SIP; and review of the financial mechanism.

Global Environment Facility: The Secretariat introduced the documents regarding the Convention and the GEF Trust Fund ([UNEP/MC/COP.5/10](#) and [Add.1](#)), the report of the GEF Council ([UNEP/MC/COP.5/INF/14](#)). The GEF Secretariat briefed delegates on its support during July 2021 – July 2022 on activities such as national reporting on ASGM, noting the importance for the GEF of projects that foster synergies across the chemical conventions. For the eighth replenishment cycle (GEF-8), USD 269 million has been allocated to support the Minamata Convention, an increase of 30.6% from GEF-7.

Specific International Programme to support capacity building and technical assistance: The Secretariat presented a report on the SIP ([UNEP/MC/COP.5/11](#)) for the period from COP-4 to June 2023, summarizing the SIP mid-term evaluation; reflections of the Governing Board on the mid-term evaluation, and reflections of the Board Co-Chairs on the fourth round of applications to the SIP ([UNEP/MC/COP.5/11/Add.1](#)); and the full report on the mid-term evaluation prepared by an external consultant, including recommendations for improvement ([UNEP/MC/COP.5/INF/16](#)). Governing Board Co-Chair Andrew Clark (US) said the Board noted with disappointment that the level of funding received was below the same stage in the previous round, and insufficient to launch the fourth round of applications.

ARGENTINA, SOUTH AFRICA, MALI, and IRAQ voiced concern on insufficient levels of funding, and NIGERIA called for fundraising efforts. BOTSWANA called for a financing approach adapted to the needs of developing countries, and noted the AFRICAN GROUP encourages private sector involvement.

Review of the financial mechanism: The Secretariat presented its note on the review of the financial mechanism ([UNEP/MC/COP.5/12](#)), covering both the GEF and the SIP, and containing a draft decision for the COP. The EU requested to modify text related to the GEF-8 replenishment, suggesting a reference to synergies with other focal points of the GEF. The President asked parties with substantive amendments to consult with each other on proposed changes, and submit proposed language to the Secretariat, for preparation of a CRP on the review of the financial mechanism.

On Thursday, the plenary adopted the decision.

Final Outcome: In its decision (UNEP/MC.COP.5/CRP.4), the COP:

- encourages the GEF to consider recommendations of the report on the second review of the financial mechanism in implementation of programming for GEF-8; and in discussions on the 9th replenishment;
- requests the SIP Governing Board to take into consideration recommendations of the review regarding indicators for use in monitoring and reporting;
- encourages parties to increase efforts to analyze, communicate and respond to needs for implementation support;
- requests the Secretariat to prepare an analysis of expected funding needs through the second half of the initial term of the SIP; and
- requests the Secretariat to forward the report on the second review of the financial mechanism and the present decision to the GEF Secretariat and Council.

Capacity building, technical assistance and technology transfer: On [Monday](#), the Secretariat introduced the document containing a draft decision ([UNEP/MC/COP.5/13](#)) and a background document on the activities of the UNEP Global Mercury Partnership ([UNEP/MC/COP.5/INF/32](#)). Many developing countries expressed appreciation for the work of the Partnership, and for the GEF's planetGOLD programme. NORWAY regretted that funding levels have been insufficient to allow the launch of a fourth round of funding from the SIP and urged parties to provide further funding.

AUSTRALIA, JAPAN, the EU, the UK, and the US supported the draft decision, which includes a proposal for the Secretariat to conduct a desktop study of technologies for mercury-free alternatives. The UK, supported by the US, requested insertion of the phrase "on mutually agreed terms" to any mention of technology transfer. The AFRICAN GROUP, IRAN, and ARGENTINA stressed the need for technology transfer so mercury-free alternatives can be cost-effective and accessible.

The US stressed the decision text should not make any link to ICC recommendations, and requested removal of footnotes that explain some of the decision text is based on recommendations from the ICC ([UNEP/MC.COP.5/14](#)), including language on financial and technical assistance, capacity building and technology transfer to support developing country parties in their implementation of the Convention, and on ASGM.

Several developing countries emphasized the importance of capacity building, for example, of customs officials to address mercury trade at the point of entry.

In response to questions from parties for further information on the desk study, the Secretariat noted that this would be a compilation of existing information on effective approaches for mercury management.

President Dumitru, responding to concern from some parties about descriptions of the ICC's work in the draft decision, proposed that the Secretariat integrate parties' comments in a CRP.

On Wednesday, the plenary resumed discussion of this item. The AFRICAN GROUP noted that more work was needed to better target the needs of the region, for example on surveillance and mercury contamination. The plenary agreed to the revised text as presented by Secretariat.

Final Outcome: In its decision (UNEP/MC/COP.5/CRP.3), the COP:

- requests the Secretariat, subject to availability of resources, to undertake a desk study for consideration at COP-6, drawing on existing information from stakeholders including the Global Mercury Partnership, the regional centers of the Basel, Rotterdam and Stockholm (BRS) Conventions, the International Conference on Mercury as a Global Pollutant, Indigenous Peoples' organizations and relevant international organizations, which will develop case studies on existing initiatives and progress made in relation to alternative technologies, including private-sector engagement, the needs of parties— particularly developing-country parties—for alternative technologies, and any challenges experienced by parties;
- requests the Secretariat, subject to availability of resources, to develop and disseminate tools and training materials on parties' obligations in relation to recommendations of the ICC regarding implementation of Articles 4, 7 and 11 of the Convention, and to undertake crosscutting capacity-building activities;
- calls upon parties in a position to do so to contribute to the Special Trust Fund to enable these studies and capacity-building activities;
- calls upon parties to continue efforts to collaborate to support developing country parties and parties with economies in transition through capacity building, technical assistance, and technology transfer, on mutually agreed terms;
- calls upon parties to continue cooperating to provide support in capacity building, financial and technical assistance, and technology transfer, on mutually agreed terms, for the development of and improved access to sustainable mercury-free alternative technologies for ASGM;
- invites parties to participate in targeted capacity-building, financial, and technical assistance activities relating to mercury waste, including those offered by the Secretariat; and
- requests the Secretariat, subject to availability of resources, to continue and enhance cooperation with the Global Mercury Partnership.

Implementation and Compliance Committee: On [Tuesday](#), the COP took up this agenda item in conjunction with national reporting. ICC Chair Paulina Riquelme (Chile) presented the Committee's report ([UNEP/MC.COP.5/14](#)), which includes recommendations to the COP on issues ranging from reporting format, implementation, and systemic issues identified in national reporting.

The US requested that any recommendations to the COP be connected to issues of compliance that are clearly identified and examined by the committee.

Final Outcome: In its decision on national reporting (see below), the COP took note of the ICC's report.

National reporting: On [Tuesday](#), the Secretariat presented the documents on proposed amendments to the reporting format ([UNEP/MC/COP.5/15/Add.1](#)) and draft guidance on completing the national reporting format ([UNEP/MC/COP.5/15/Add.2](#)). COP-5 President Dumitru and many delegates applauded the 95% reporting rate by parties, describing it as an impressive achievement.

PAKISTAN pointed out there is no provision for recovery and recycling of mercury in the reporting format. The AFRICAN GROUP noted challenges with data collection at national level.

The EU voiced support for the draft guidance. The US also welcomed the changes to the reporting format, but expressed concern that some changes may create an unnecessary burden on parties.

UGANDA proposed consideration of a real-time reporting tool, noting that national reporting is limited by the lack of tools and availability of accredited laboratory facilities.

NIGERIA and CHILE supported the proposals for changes to the reporting format.

The US, CANADA, and INDIA proposed changes to specific elements of the reporting format and the draft guidance. President Dumitru established a Friends of the President group to take forward the discussion, chaired by Anik Beaudoin (Canada) and Paulina Riquelme (Chile).

SAUDI ARABIA preferred establishing a formal contact group so that participation would be open to all. President Dumitru, with CANADA, stressed that any parties with constructive proposals would be welcome to join the Friends of the President group.

On Wednesday, Riquelme reported back to plenary. She noted that the group, comprising 12 parties, had agreed on amendments to improve clarity of the draft guidance.

On Friday, President Dumitru reminded plenary that the outcome of the group's negotiation, UNEP/MC/COP.5/CRP.11, had been posted to the in-session portal on Wednesday. She noted that few comments had been received. Executive Secretary Stankiewicz presented the revised draft decision. There were no further comments, and the plenary adopted the draft decision.

Final Outcome: In its final decision (UNEP/MC/COP.5/CRP.11), the COP:

- welcomes the high 95% rate of submission of the first full national reports, and parties' implementation and compliance efforts;
- recognizes the importance of clarity in the information transmitted in national reports;
- encourages parties to achieve a high rate of reporting for the second short reports, due by 31 December 2021;
- takes note of the report on the work of the ICC, as contained in document UNEP/MC/COP.5/14;
- calls on parties that have not submitted their national reports for the first full national reporting cycle to do so by 31 December 2023;
- calls on parties that have not provided complete information on the number of facilities and on the estimated amount of mercury used in processes listed in Part II of Annex B to the Convention to do so as soon as possible;
- encourages parties that are developing Minamata Initial Assessments to complete them as soon as possible so as to support implementation measures and national reporting efforts;

- adopts the amendments to the reporting format and the reporting guidance, as set out in Annexes I and II to the decision; and
- requests the Secretariat to report to COP-6 on implementation of this decision.

Effectiveness evaluation: On [Tuesday](#), the Secretariat introduced the relevant documents ([UNEP/MC/COP.5/16](#), [UNEP/MC/COP.5/16/Add.1](#) and [UNEP/MC/COP.5/16/Add.2](#)), noting three matters for the COP's attention: consideration of a draft decision on the effectiveness evaluation; establishment of the effectiveness evaluation group; and adoption of the package of 36 proposed indicators for evaluation. The issue of establishing the effectiveness evaluation group had stalled at the previous COP, due to sensitivities about adequate representation from the large Asia-Pacific region.

GRULAC called for financial and technical support to be provided to the effectiveness evaluation.

The EU, SWITZERLAND, and CANADA supported adopting the indicators. IPEN proposed that the indicators on the total amount of mercury mined should take into account parties' different approaches to calculating the percentage of mercury extracted from cinnabar and should cover both legal and illegal mining.

On membership of the effectiveness evaluation group, the EU proposed having not more than three members from each UN region. With NORWAY, he noted that evaluation of the Stockholm Convention has been conducted with just two members per region. The UK and JAPAN also supported having a limited number of representatives. IRAN stated that having a larger number of members in the group will help to ensure the evaluation takes a comprehensive perspective.

On timeline, parties differed over when the effectiveness evaluation should be finalized, with the EU preferring it to be done by COP-6 or COP-7, SWITZERLAND, the US, and NORWAY suggesting COP-7; and CHINA preferring COP-8.

COP-5 President Dumitru established a Friends of the President group, facilitated by Linroy Christian (Antigua and Barbuda). She requested the Secretariat to prepare a draft reflecting the agreed changes.

On Wednesday, Christian reported to plenary that negotiations were ongoing.

On Thursday, Dumitru noted general agreement that the indicators contained in [UNEP/MC/COP.5/16/Add.1](#) could be adopted. The Secretariat reported the group had agreed that membership of the effectiveness evaluation group will comprise five representatives of parties from each UN region, making a total of 25 members.

The COP adopted the decision with the changes as orally presented.

- Final Outcome:** In its decision ([UNEP/MC/COP.5/16](#)), the COP:
- agrees to consider the outcome of the first effectiveness evaluation of the Convention at COP-7;
 - establishes the Effectiveness Evaluation Group to work in accordance with its terms of reference; and
 - requests the Secretariat to continue supporting the effectiveness evaluation process.

Gender: On [Wednesday](#), the Secretariat presented the gender action plan and associated draft decision ([UNEP/MC/COP.5/18](#)). Several delegates emphasized women are the main driving force for change, but continue to face multiple cultural and social limitations that exclude them from decision-making processes. Others noted

that women, especially during pregnancy, are vulnerable due to health concerns resulting from exposure to mercury, and through them, future generations. UGANDA suggested reviewing NAPs to integrate gender concerns, noting that at some mining sites women who cannot afford to buy mercury are resorting to "regrettable means" to acquire the mercury. Plenary adopted the decision as presented by the Secretariat.

Final Outcome: In its decision ([UNEP/MC/COP.5/18](#)), the COP, *inter alia*,

- recalls UN Environment Assembly [resolution 4/17](#) on promoting gender equality and the human rights and empowerment of women and girls in environmental governance, which invites Member States to prioritize the implementation of gender policies and action plans developed under the multilateral environmental agreements to which they are a party;
- requests the Secretariat to carry out activities during the 2024-2025 biennium to implement the gender action plan;
- invites parties to provide financial resources to support the implementation of the plan; and
- requests the Secretariat to propose possible activities for the Secretariat, parties, and other stakeholders during the 2026-2027 biennium for consideration at COP-6.

Knowledge management: On [Wednesday](#), the Secretariat introduced the document and draft decision on knowledge management and digitalization to support parties to the Minamata Convention ([UNEP/MC/COP.5/19](#)), noting this topic was appearing as a COP agenda item for the first time.

The AFRICAN GROUP requested the COP to adopt the strategy. INDONESIA expressed support.

The EU and US stressed the importance of using InforMEA, the UN's information portal, to collaborate. In place of requesting the Secretariat to "propose" activities to implement the knowledge management strategy, the EU preferred the Secretariat to "prioritize relevant" activities. With this change, the COP adopted the decision.

- Final Outcome:** In its decision ([UNEP/MC/COP.5/19](#)), the COP:
- notes with appreciation the digital strategy for the Minamata Convention Secretariat, as outlined in Annex 1 to the document;
 - agrees that implementation should begin in the biennium 2024-25, and requests the Secretariat to prioritize relevant activities to implement the strategy; and
 - requests the Minamata Secretariat to continue collaborating with the secretariats of other multilateral environment agreements and partners, including the InforMEA initiative, in knowledge management, digitalization, and information exchange.

Mercury and the Kunming-Montreal Global Biodiversity Framework: On [Wednesday](#), the Secretariat introduced the documents relating to the contribution of the Minamata Convention to the Kunming-Montreal Global Biodiversity Framework (GBF), and mutually supportive implementation ([UNEP/MC/COP.5/20](#) and [UNEP/MC/COP.5/INF/27](#)).

Several parties noted the potential for cooperation and action on mercury under Target 7 of the GBF, which seeks to reduce the overall risk from pesticides and highly hazardous chemicals by at least half by 2030. They debated whether the draft decision should request the GBF *Ad Hoc* Expert Group to consider an additional "headline indicator" for the GBF, in view of the lack of indicators under GBF's Target 7 for highly hazardous chemicals. CANADA

anticipated this approach may encounter resistance and proposed instead approaching the Convention on Biological Diversity (CBD) COP with this proposal, and to refer to “complementary indicators.”

The EU, US, NIGERIA, TÜRKIYE, CHILE, LIBYA, IPEN, and IUCN supported the draft decision.

The EU requested addition of a paragraph welcoming the Bern meetings set up by Switzerland to support synergies between relevant multilateral agreements, including Minamata.

After adjourning to develop a revised text, the plenary took up the item again on Thursday. CHINA expressed concern over the “headline indicator” text and the proposed approach to the CBD COP, stating that GBF Target 7 already provides for actions that will reduce the risks from highly hazardous chemicals, for example, through its indicators on wastewater treatment and solid waste.

The EU, CANADA and AUSTRALIA preferred to retain the text. CANADA argued that the GBF currently does not have much of a chemicals focus, and therefore indicators for highly hazardous chemicals are needed.

After adjourning for further consultation, AUSTRALIA presented compromise text developed with China, and delegates adopted the text with revisions as presented.

Final Outcome: In its decision ([UNEP/MC/COP.5/20](#)), the COP, *inter alia*:

- takes note of the Secretariat’s report on how the Minamata Convention and the Kunming-Montreal GBF can be implemented in a mutually supportive manner;
- encourages parties, through their operational focal points of the GEF, to integrate mercury action into projects developed under the biodiversity focal area and integrated programmes of the eighth replenishment of the GEF trust fund, as well as through the new GBF fund;
- encourages parties and others, as appropriate, to promote research on the impacts of mercury on biodiversity and ecosystem functions and services, to reflect national mercury reduction and control targets in their national biodiversity strategies and action plans, and to share lessons learned and disseminate information on actions that can generate co-benefits for both Conventions;
- notes the absence, in the GBF’s monitoring framework, of indicators for highly hazardous chemicals and invites the CBD COP to consider additional indicators under Target 7 of the GBF to cover highly hazardous chemicals and mercury; and
- requests the Secretariat, subject to availability of resources, to support parties and other stakeholders to prepare a draft road map, including possible actions and indicators, for consideration of COP-6.

International Cooperation and Coordination

On Wednesday, the Secretariat introduced its note on its activities to cooperate and coordinate with other entities ([UNEP/MC/COP.5/21](#)) and a note on cooperation and coordination between secretariats of the Minamata Convention and the BRS Conventions. ([UNEP/MC/COP.5.22](#)).

Rolph Payet, Executive Secretary, BRS Conventions, presented a joint report on activities between entities in the chemicals and waste cluster and the Minamata Convention ([UNEP/MC/COP.5/INF/28](#)), and highlighted trade control of elemental mercury as a new area of interlinkages. He noted the Chemicals Review

Committee recommended at its meeting in October 2023 that the next COP of the Rotterdam Convention consider listing mercury in Annex 3 to the Rotterdam Convention. Delegates agreed to insert a mention of the Bonn Declaration on chemicals, adopted by the Fifth International Conference on Chemicals Management, in the draft decision on cooperation with international frameworks.

Several partner organizations reported on joint activities, including UNEP ([UNEP/MC/COP.5/INF/29](#)), which is a lead agency of the planetGold project that supports the reduction of mercury use in ASGM. The World Health Organization (WHO) ([UNEP/MC/COP.5/INF/30/Rev.1](#)) expressed its commitment to supporting parties seeking greater ambition on dental amalgam, and the International Labor Organization (ILO) emphasized the trend towards a rights-based approach following last year’s decision at the ILO Conference on the right to a safe and healthy working environment that is free from mercury-related risks. The US, for the Global Mercury Partnership, presented its report of activities ([UNEP/MC/COP.5/INF/32](#)). Plenary adopted the two decisions.

Final Outcomes: In its decision on enhanced international cooperation and coordination ([UNEP/MC/COP.5/21](#)) the COP, *inter alia*, calls on parties to:

- continue to enhance cooperation and coordination with the Secretariat of the Strategic Approach to International Chemicals Management; and develop a proposal for activities providing mutual support for the implementation of their respective frameworks for COP-6 to consider;
- continue and enhance further cooperation and cooperate with the WHO to support parties’ efforts to implement health-related aspects of the Convention; and
- request the Secretariat to report on implementation of the present decision to COP-6.

In its decision ([UNEP/MC/COP.5/22](#)) on cooperation and coordination between the secretariats of the Minamata Convention and the BRS Conventions, the COP, *inter alia*, requests the Executive Secretary to:

- explore further ways to cooperate on relevant administrative, programmatic, scientific, and technical assistance matters in accordance with programme of work and budget;
- continue to implement shared services and purchase of relevant services with the BRS Conventions Secretariat on a cost recovery basis; and
- report on a stable framework for cooperation and sharing of services and provide an outline of the cooperation activities planned under such a framework for the 2026-2027 biennium for consideration at COP-6.

Programme of Work (POW) and Budget

On Tuesday, the Secretariat presented the relevant documents in plenary ([UNEP/MC/COP.5/23](#)). The COP established a contact group, co-chaired by Maria del Mar Solano Trejos (Costa Rica) and Přemysl Štěpánek (Czechia). Several parties, including SWITZERLAND, EU, JAPAN, and the UK, stressed that core activities, such as the effectiveness evaluation, should be covered by core contributions. The AFRICAN GROUP voiced support for the “5% scenario” out of two budget scenarios that were under discussion in the contact group, as opposed to the alternative “zero nominal growth” scenario, stating that only the former scenario

would allow adequate resources for intersessional work and full participation of developing countries in meetings.

On Thursday, the contact group reported back to plenary, requesting more time to complete its work.

On Friday, the contact group reported agreement on the final budget and POW. BAHRAIN noted that each COP has brought new decisions and therefore new obligations for countries. He called for focusing on capacity building and technical assistance, noting the needs of developing countries are not being met through the core budget, but from the Special Trust Fund, but that contributions to the Special Trust Fund have been insufficient. BRAZIL and SOUTH AFRICA concurred, calling for further contributions to the fund.

Delegates adopted the budget and POW for the 2024-25 biennium as presented by the contact group.

Final Outcome: In its decision (UNEP/MC5/COP.5/CRP.6 and UNEP/MC5/COP.5/CRP.6/Add.1), the COP:

- approves a core budget (General Trust Fund) of USD 8.4 million and invites parties to pay any outstanding contributions;
- agrees to estimates of USD 4.83 million for the Special Trust Fund budget, noting implementation of planned activities is subject to the availability of resources contributed, and requests parties and non-parties in a position to do so to provide contributions to support representatives from developing countries and countries with economies in transition to attend the meetings of the COP and its subsidiary bodies;
- takes note of the report of the SIP, and the Specific Trust Fund established for these activities, and invites support, including in-kind contributions; and
- requests the Executive Secretary to prepare the budget and POW for the 2026-27 biennium, for consideration at COP-6.

Venue and Dates of COP-6

On Friday, the Secretariat, noting no offers from a party to host COP-6, suggested that it be held 3-7 November 2025 in Geneva, subject to the availability of suitable facilities. Delegates agreed to this and adopted the decision (UNEP/MC/COP.5/24).

Closing and Adoption of the Meeting Report

On Friday afternoon, the Secretariat presented the meeting report (UNEP/MC/COP.5/L.1 and UNEP/MC/COP.5/L.1/Add.1), which delegates adopted.

In closing statements, GRULAC expressed pride as the sponsor of CRP.1 on Indigenous Peoples and local communities, which accords special attention to the groups most affected by mercury pollution, and welcomed a decision on a single mercury waste threshold after seven years of work and the decision on the effectiveness evaluation group.

The AFRICAN GROUP highlighted their contribution to end the dumping of inefficient and toxic products thanks to proposals on lighting, dental amalgam, and cosmetics; and expressed hope that COP-6 will adopt a phase-out date on dental amalgam. She thanked the donors and urged them to prioritize capacity-building activities and technical support, which are key pillars for the region.

The EU welcomed important decisions taken during the week, notably the single threshold on mercury waste, paving the way for the Convention to attain full maturity. He regretted the failure to reach a decision on dental amalgam, despite the urgency to safeguard the health of dental practitioners and their patients.

ASIA PACIFIC singled out the effectiveness evaluation decision as a top priority to ensure implementation of the Convention, and stressed the importance of funding for capacity building and technical assistance for developing countries.

CENTRAL AND EASTERN EUROPE welcomed the significant progress made and thanked the AFRICAN GROUP for its proposals.

CHILE thanked the COP-5 President for doing an extraordinary job steering deliberations throughout the week and urged delegates to make COP-6 a landmark that will go down in history as the moment where the tide turns to make mercury history.

IPEN hailed the important decisions at COP-5, but called for strong action to end mercury trade, and identify health activities to address mercury poisoning. She also cautioned that the opt-out clause in the waste threshold decision means any country can use any threshold, opening the door to transboundary exploitation.

The WORLD ALLIANCE FOR MERCURY-FREE DENTISTRY and SAY NO TO MERCURY also regretted the COP failed to agree on a phaseout for dental amalgam, and the COLLABORATIVE LABELLING AND COMPLIANCE STANDARDS PROGRAM welcomed the decision to phase out fluorescent lighting, which will effectively end the industry.

KENYA, as a future party, said she looked forward to collaborating with parties.

UNEP congratulated COP-5 President Dumitru on the success of the meeting, saying “You did set the bar high.”

In closing remarks, Executive Secretary Stankiewicz described the COP as a great success which, she said, will be remembered for many years. She paid tribute to the COP-5 President for her leadership and warmth.

President Dumitru, in her closing remarks, emphasized the importance of working collegially and with mutual respect. She commended all participants for a “tremendously productive” meeting, which, she said, will strengthen the implementation of the Convention.

A Brief Analysis of Minamata COP-5

Over 2,000 years ago, the first emperor of China wanted to live forever, and believed that mercury held the key to eternal life. Over the centuries, the perception of mercury as mystical has given way to an idea that it is safe; safe enough to use as dental fillings for children, and to apply directly to scraped knees. In 2013, the world came together to confront the undeniable hazards of mercury. The Minamata Convention was born, signifying a global commitment to banish mercury and safeguard people and future generations from its enduring threat.

As the Convention matures, the path toward a mercury-free future grows more complex, marked by intricate technical advancements, obstructed by commercial interests, and complicated by political challenges. All of these dynamics were in display at the fifth meeting of the Conference of the Parties (COP-5), as delegates got “into the weeds” of decision making that will move towards making mercury history.

Perhaps the most important marker of the Convention’s progress, at COP-5 was the efficient and drama-free way in which delegates moved through a packed agenda during the week to successfully tackle many substantive and operational issues.

This brief analysis looks at how far the Convention has come and what challenges still lie ahead.

Much Done in a Short Time...

While it is true that the Convention was adopted in 2013, it only entered into force four years later, in 2017. Considering it has been operational for only six years, the Convention has many accomplishments to celebrate. As a result of the Convention's obligations, many mercury-added products are already banned, and COP-5 added many more to the list. Acetaldehyde production using mercury, the cause of the Minamata Bay incident, was phased out in 2018, and chlor-alkali and polyurethane production using mercury are due to follow in 2025. Restrictions on the manufacture, trade and use of dental amalgam are underway and were further advanced at COP-5. Convention parties have prepared national action plans (NAPs) on artisanal and small-scale gold mining (ASGM), a major source of mercury pollution. Parties are preparing national inventories and plans on emission reductions from key sources such as coal-fired power plants, cement clinker production, and waste incineration.

Over the past six years, parties have also worked steadily toward completing tasks enumerated in the Convention, including adopting guidance on best available techniques (BAT) and best environmental practices (BEP) on many topics, and starting national reporting on actions regarding mercury. As a result of COP-5's work, parties now have launched an effectiveness evaluation process for the Convention, set a threshold value for controlling waste contaminated with mercury, and begun the process toward a new Convention annex on the environmentally sound management (ESM) of mercury waste and decisions on the phaseout of dental amalgam, mercury-added cosmetics, and vinyl chloride monomer (VCM), a precursor chemical used to produce the plastic polyvinyl chloride (PVC).

...But Don't Pat Yourself on the Back Just Yet

During the closing plenary, many delegates hailed the meeting's accomplishments and the spirit of constructive engagement that prevailed. Incoming COP-6 President Osvaldo Patricio Álvarez Pérez (Chile), expressed hope that the next COP would be remembered "as the turning point in making mercury history."

As many delegates acknowledge, part of the secret of Minamata's steady progress is that, unlike the Basel, Rotterdam or Stockholm Conventions, it is focused on a single substance, about which there is broad scientific consensus and certainty about its risks to human health and the environment. "We all know mercury's dangers," said one delegate. "We don't have to waste time debating that. The debate comes in how far and how fast we can go in steps to eliminate that danger."

The "how far, how fast" debate was exemplified during COP-5's debates on dental amalgam, cosmetics, VCM, and trade. On dental amalgam, despite the best efforts of the African Group, the COP only agreed to ask parties to submit NAPs or report on steps they are taking to phase out dental amalgam; the decision on a phaseout was deferred to COP-6.

On cosmetics, many parties hesitated to place a total ban, arguing that sometimes mercury is the only proven safe and effective preservative. As a result, COP-6 will discuss a report on the challenges facing a total phaseout of mercury-added cosmetics.

On VCM, only one major producer and consumer of VCM, China, refused to accept there is sufficient existing data to declare that mercury-free VCM production is technically and economically

feasible (a necessary step under the treaty toward before agreeing on a phaseout). As a result, COP-5 initiated an information-gathering process to enable a decision at COP-6.

Finally, many countries called for action on trade in primary mercury and transboundary movements of mercury wastes. COP-5 was able to agree to request the Secretariat to develop guidance to assist parties in identifying, managing, and reducing trade in elemental mercury, and to ask the Basel Convention COP to consider the issue of illegal traffic of mercury waste.

It has become clear that the treaty needs to do more on key sources of mercury pollution, namely ASGM and atmospheric emissions from coal-fired power plants. On the former, parties are uncertain what the next steps should be, beyond the NAPs and the Global Environment Facility-backed planetGOLD project. A COP-5 decision encourages parties to engage more closely with Indigenous Peoples and local communities on the development of ASGM NAPs. NGOs at COP-5 pointed out the inherent contradiction, under Article 2(k), of treating ASGM as a case of "allowed use" of mercury, given that, cumulatively, ASGM activities are the largest contributor to mercury in the environment.

This new COP decision is likely to expand the work of the Convention under Article 7 (ASGM), but also risks making its work more diffuse and, therefore, potentially less effective. This risk may be mitigated through collaboration with other treaty bodies and international organizations, as this COP sought to do through its decision to propose that the Convention on Biological Diversity's (CBD) COP develop additional indicators on mercury and highly hazardous chemicals under the Kunming-Montreal Global Biodiversity Framework (GBF), which, if taken up by the CBD COP, could successfully embed action on mercury in the work of biodiversity-related treaty bodies and organizations.

As for atmospheric emissions, COP-5 adopted a decision reminding parties of their obligations and deadlines under the treaty to submit inventories and/or plans and information on control measures, such as emission limit values, to address relevant point-source emissions, such as coal-fired power plants. For many parties, these plans were already supposed to be submitted in 2021 and inventory submissions were due in 2022. The COP-5 decision calls for a report at COP-6 taking stock of who has met these obligations, just two years before the treaty requires most parties to have control measures in place.

The Road Ahead

COP-5 accomplished a lot. Parties agreed to new bans on mercury-added products and a phaseout for mercury use in polyurethane production, set a threshold for wastes contaminated with mercury so that regulators and customs agents can better monitor and control them, set in motion work on a new annex on environmentally sound management (ESM) of mercury wastes, and launched an effectiveness evaluation.

But it left several key issues for COP-6 to resolve, including phasing out dental amalgam and all mercury-added cosmetics, and establishing the feasibility of mercury-free VCM production. COP-6 will also examine the draft guidance on trade, a report on national emission inventories and plans, and consider the ESM annex. Given the declaration at COP-5 that mercury-free production of sodium or potassium methylate or ethylate production is technically and

economically feasible, it is likely that some parties will propose that COP-6 should phase out any mercury use in such production.

Given the productive record and constructive atmosphere at COP-5, delegates have some basis for hoping for an equally successful COP-6 in November 2025.

Looking further down the road, COP-7 in 2027, the 10th anniversary of the Convention's entry into force, will discuss the outcome of the effectiveness evaluation. The evaluation will provide the first full reading about whether all these efforts since 2017 have resulted in significant, concrete progress on mercury-linked risks to human health and the environment on the ground—in other words, just how far down the road we really have gotten toward “making mercury history.”

Upcoming Meetings

Plastic Pollution INC-3: The third meeting of the Intergovernmental Negotiating Committee (INC) to develop an international legally binding instrument on plastic pollution, including in the marine environment, will start negotiations on a “zero draft” of the instrument. **dates:** 13-19 November 2023 **location:** Nairobi, Kenya **www:** unep.org/inc-plastic-pollution/session-3

OWEG-2 on a Science-Policy Panel to Contribute Further to the Sound Management of Chemicals and Waste and to Prevent Pollution: The second session of the Open-ended Working Group will continue the group's work to prepare proposals for the science-policy panel. **dates:** 11-15 December 2023 **location:** Nairobi, Kenya **www:** unep.org/oweg-spp-chemicals-waste-pollution

66th meeting of the GEF Council (GEF-66): The GEF is one of the financial mechanisms of the Minamata Convention. The Council adopts and evaluates the operational policies for GEF-financed activities, considers instructions from the COPs for which it serves as the financial mechanism, and approve the GEF work program (projects submitted for approval). **dates:** 5-9 February 2024 **location:** Washington DC, US **www:** thegef.org

UNEA-6: The sixth session of the United Nations Environment Assembly will convene under the theme “Effective, inclusive and sustainable multilateral actions to tackle climate change, biodiversity loss and pollution.” It will be preceded by the sixth meeting of the Open-ended Committee of Permanent Representatives, which will take place from 19-23 February 2024. **dates:** 26 February – 1 March 2024 **location:** Nairobi, Kenya **www:** unep.org/environmentassembly/unea-6

Plastics Treaty INC-4: Under its mandate from UNEA, the INC is scheduled to continue negotiations on a treaty on plastics pollution. **dates:** 21-30 April 2024 **location:** Ottawa, Canada **www:** unep.org/inc-plastic-pollution/session-4

Basel Convention OEWG-14: The 14th meeting of the Open-ended Working Group (OEWG) of the Basel Convention will review technical guidelines, including for persistent organic pollutant wastes and waste batteries. It will also take up issues related to reviewing the annexes of the Convention and improving the prior informed consent procedure. **dates:** June 2024 (TBA) **location:** TBA **www:** basel.int

OEWG-3 Science-Policy Panel to Contribute Further to the Sound Management of Chemicals and Waste and to Prevent Pollution: Under its UNEA mandate, OEWG 3 is expected to

complete its work proposals for the science-policy panel for UNEA consideration. **dates:** 17-21 June 2024 **location:** Geneva, Switzerland **www:** unep.org/oweg-spp-chemicals-waste-pollution

67th meeting of the GEF Council (GEF-67): GEF is one of the financial mechanisms of the Minamata Convention. **dates:** 17-21 June 2024 **location:** Washington DC, US **www:** thegef.org/events

UN Biodiversity Conference CBD COP-16: COP-16 will consider implementation of the GBF. The 11th Meeting of the COP serving as the Meeting of the Parties (MOP) to the Cartagena Protocol on Biosafety (CP-MOP-11) and the fifth MOP to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization (NP-MOP-5) will also convene. **dates:** 21 October - 1 November 2024 **location:** TBA **www:** cbd.int/meetings

Basel COP17 Rotterdam COP12 and Stockholm COP12: The next TripleCOP will address the listing of chemicals under the Rotterdam and Stockholm Conventions as well as technical guidelines for the sound management of wastes under the Basel Convention. Technical and financial support, among other issues, will also be addressed. **dates:** 28 April – 9 May 2025 **location:** Geneva, Switzerland **www:** brsmeas.org

Minamata Convention COP-6: COP-6 is expected to consider, *inter alia*: a phaseout proposal on dental amalgam; draft guidance to assist parties in identifying, managing and reducing mercury trade from primary mercury mining; a report on challenges in phasing out mercury in cosmetics; a report on national emissions plans; and a proposal to establish that mercury-free production of VCM is technically and economically feasible. **dates:** 3-7 November 2025 **location:** Geneva, Switzerland (TBC) **www:** minamataconvention.org

For additional meetings, see sdg.iisd.org

Glossary

ASGM	Artisanal and small-scale gold mining
BAT	Best available techniques
BEP	Best environmental practices
BRS	Basel, Rotterdam, and Stockholm Conventions
CBD	Convention on Biological Diversity
COP	Conference of the Parties
ESM	Environmentally sound management
GBF	Kunming-Montreal Global Biodiversity Framework
GEF	Global Environment Facility
GRULAC	Latin American and Caribbean Group
ICC	Implementation and Compliance Committee
IPEN	International Pollutants Elimination Network
NAP	National action plan
SIP	Specific International Programme to support capacity building and technical assistance
UNEP	UN Environment Programme