



## DIPLOMATIC CONFERENCE OF PLENIPOTENTIARIES ON THE MINAMATA CONVENTION ON MERCURY: 7-11 OCTOBER 2013

A two-day open-ended intergovernmental preparatory meeting gathers today in Kumamoto, Japan, in preparation for the Diplomatic Conference for the Minamata Convention on Mercury from 9-11 October.

During the preparatory meeting, governments are expected to negotiate resolutions on elements of the Final Act (to be adopted at the actual Conference), including on: 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 will be followed by the Conference of Plenipotentiaries, which will adopt the Minamata Convention on Mercury and open it for signature.

The Minamata Convention on Mercury provides controls and reductions across a range of products, processes and industries where mercury is used, released or emitted, including from medical equipment, thermometers and energy-saving light bulbs to the mining, cement and coal-fired power sectors. The Minamata Convention includes a ban on new mercury mines, the phase-out of existing ones, control measures on air emissions, and the international regulation of the informal sector of artisanal and small-scale gold mining.

### 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.

Since 2001, the United Nations Environment Programme's (UNEP) Governing Council/Global Ministerial Environment Forum (GC/GMEF) has regularly discussed the need to protect human health and the environment from the releases of mercury and its compounds.

**24TH SESSION OF THE UNEP GC/GMEF:** In February 2007, GC-24/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 be employed to 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 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.

Decision 24/3 IV includes the following priorities: to reduce atmospheric mercury emissions from human sources; to find environmentally sound solutions for the management of waste containing mercury and mercury compounds; to reduce global mercury demand related to use in products and production processes; to reduce the global mercury supply, including considering curbing primary mining and taking into account a hierarchy of sources; to find environmentally sound storage solutions for mercury; to address the remediation of existing contaminated sites affecting human and environmental health; and to increase knowledge on areas such as inventories, human and environmental exposure, environmental monitoring and socioeconomic impacts.

**FIRST MEETING OF THE 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. Delegates agreed on intersessional tasks to be undertaken by the Secretariat, including analyses of: financial considerations of a free-standing convention, a new protocol to the Stockholm Convention on Persistent Organic Pollutants (POPs) and voluntary measures; sustainable technology transfer and support; implementation options; organization of response measures; costs and benefits for each of the strategic objectives; meeting demand for mercury if primary production is phased out; major mercury-containing products and processes for which effective substitutes exist;



and funding available through the Global Environment Facility (GEF) and the Strategic Approach to International Chemicals Management.

#### **SECOND MEETING OF THE OEWG 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 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 does recognize 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" for 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.

**RIO+20 CONFERENCE:** The UN Conference on Sustainable Development (Rio+20) took place in Rio de Janeiro, Brazil, from 20-22 June 2012. The outcome document, "The Future We Want," contains a paragraph on the negotiation of an instrument on mercury stating that countries "welcome the ongoing negotiating process on a global legally binding instrument on mercury to address the risks to human health and the environment and call for a successful outcome of the negotiations."

**INC4:** INC4 convened from 27 June – 2 July 2012 in Punta del Este, Uruguay. Progress was achieved on artisanal and small-scale gold mining (ASGM), 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, present possible compromise articles where there was divergence among countries; the Secretariat to analyze in cooperation with the World Health Organization (WHO) the extent to which the other provisions of the draft mercury instrument reflect the content of article 20 bis on health aspects; the Secretariat to present a draft of the final act for consideration by INC5 to determine work from the moment of the signature of the instrument until its entry into force; and intersessional work on emissions and releases.

**INC5:** INC5 convened from 13-19 January, in Geneva, Switzerland. Delegates negotiated on the basis of a text prepared by INC Chair Lugris during the intersessional period. INC5 addressed several complex 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 final compromise was reached late Friday night, based on a package addressing outstanding issues related to the preamble, finance and compliance. Delegates successfully completed the negotiation of the Minamata Convention on Mercury.

#### **INTERSESSIONAL HIGHLIGHTS**

**UNEP GOVERNING COUNCIL MEETING:** The first universal session of the UNEP Governing Council took place from 18-22 February 2013, in Nairobi, Kenya. In an omnibus decision on chemicals and wastes management (UNEP/GC.27/L.4), the GC welcomed the completion of the negotiation of a global mercury treaty. The decision on mercury: authorized the Executive Director to provide secretariat support to the Minamata Convention on Mercury and, if so decided by the Conference of Plenipotentiaries of the Minamata Convention on Mercury, to provide an interim secretariat to the instrument prior to its entry into force; requested the Executive Director to inform the diplomatic conference of the Minamata Convention on Mercury about possible options available for the interim secretariat; and invited parties to the Basel, Rotterdam and Stockholm Conventions to consider, at their next meeting, steps that would facilitate possible future cooperation and coordination with the Minamata Convention on Mercury and to forward any outcome of that consideration to the Minamata Conference of Plenipotentiaries.

**EXCOPS2:** The eleventh meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (BC COP11), the sixth meeting of the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (RC COP6), the sixth meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants (POPs) (SC COP6), and the second simultaneous extraordinary meetings of the Conferences of the Parties to the three conventions (ExCOPS2) convened from 28 April - 10 May 2013 in Geneva, Switzerland. In its omnibus decision on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions, ExCOPS2 expressed its interest and signaled its readiness to cooperate and coordinate with the Minamata Convention; and invited the Conference of the Plenipotentiaries of the Minamata Convention to consider cooperation and coordination in areas of mutual interest to the four conventions.