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## United Nations Environment Programme

Conference of the Parties to the  
Minamata Convention on Mercury  
First meeting  
Geneva, 24–29 September 2017

### Report of the Conference of the Parties to the Minamata Convention on Mercury on the work of its first meeting

#### Introduction

1. In section III of its decision 25/5, the Governing Council of the United Nations Environment Programme (UNEP) requested the Executive Director of UNEP to convene an intergovernmental negotiating committee to prepare a global legally binding instrument on mercury. In keeping with its mandate, at its fifth session, in January 2013, the committee agreed on the text of the Minamata Convention on Mercury for adoption by a conference of plenipotentiaries. Subsequently, the Conference of Plenipotentiaries on the Minamata Convention adopted the text of the Convention at Kumamoto, Japan, on 10 October 2013 (UNEP(DTIE)/Hg/CONF/4, annex II), and the Convention was opened for signature thereafter.

2. Article 31 of the Minamata Convention provides that the Convention is to enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession. That milestone was reached on 18 May 2017, thereby triggering the entry into force of the Convention on 16 August 2017. Article 23 of the Minamata Convention provides that the first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP no later than one year after the date of entry into force of the Convention. Accordingly, the first meeting of the Conference of the Parties to the Minamata Convention was held at the Centre International de Conférences Genève, Geneva, from 24 to 29 September 2017.

#### I. Opening of the meeting (agenda item 1)

3. The meeting was opened at 3.15 p.m. on Sunday, 24 September 2017, by Mr. Jacob Duer, Principal Coordinator of the interim secretariat of the Minamata Convention on Mercury.

##### A. Opening statements

4. Opening statements were delivered by Mr. Marc Chardonens, State Secretary, Swiss Federal Office for the Environment, and Mr. Ibrahim Thiaw, Deputy Executive Director of UNEP.

5. In his opening remarks, Mr. Chardonens welcomed the participants on behalf of the Government of Switzerland, emphasizing that the current meeting represented the culmination of many years of preparation. Emissions and releases of mercury had affected many people worldwide, sometimes with catastrophic, long-term consequences, necessitating an urgent change in industrial processes and the identification of alternatives to mercury. He encouraged countries to ensure the effective implementation of the Minamata Convention on Mercury at the national level, and expressed the hope that the fruitful negotiations that had already taken place would make it possible to set ambitious goals during the course of the current meeting.

6. He further said that a number of actors, including the International Labour Organization and the World Health Organization, were working to reduce the use of mercury under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants. Mr. Chardonnens noted that at the 2017 meetings of the conferences of the parties to the Basel, Rotterdam and Stockholm conventions, parties had stressed the value of creating synergies and the need to establish a permanent secretariat for the Minamata Convention. The proposed integration of the interim secretariat of the Minamata Convention into the secretariat of the Basel, Rotterdam and Stockholm conventions would be an important item on the agenda of the meeting. He expressed his appreciation to the interim secretariat for its work and to the participants for their commitment to making mercury history, for the sake of the planet and the health of future generations.

7. In his statement, Mr. Thiaw said that he wanted to offer his voice to speak on behalf of the many and diverse people around the world who had suffered as a result of exposure to mercury. Citing examples of such individuals, he noted that the World Health Organization rated mercury as one of the top ten chemicals of major health concern. The Convention was important, he said, both because it was the first global environmental health agreement elaborated in nearly a decade and because it could serve as an essential building block of the 2030 Agenda for Sustainable Development.

8. There were three main issues to be tackled. First, too few people were aware that mercury could be found in everything from mascara and dental amalgam to small-scale artisanal gold mining and coal-fired power generation processes. Second, too few nations were equipped to deal with the deadly indestructible element that could seep into air, land, water and the food chain. Third, although bringing mercury under control could create many opportunities for sustainable development, too many such opportunities were currently being missed, along with potential means of addressing security, climate change, and social and economic development.

9. The Conference of the Parties, he said, could turn the situation around by addressing those issues. Awareness and action, for instance, could be scaled up, but countries needed to have the finances, resources and technology to track, collect and handle mercury. He drew the parties' attention to a new UNEP report, the *Global Mercury Waste Assessment 2017*, which assessed mercury waste management in 30 countries, noting that mercury was still used in too many basic household or commercial items that were regularly thrown away. Waste management itself remained a fundamental issue in many countries, and not only developing countries. Ninety per cent of electronic goods containing mercury were illegally dumped, currently representing 50 million tons of waste a year - a figure that was rapidly increasing. Dumped electronic waste also harboured opportunity, he said, being worth over \$50 million a year, and containing, among other things, some 300 tons of gold, or about 11 per cent of current global production. Consequently, mobilizing the private sector to take advantage of that opportunity offered huge potential to protect human health, create more sustainable jobs and recover valuable materials.

10. Artisanal and small-scale gold mining and coal-fired power production were two major sources of mercury exposure where, again, opportunities could be seized to reduce exposure as part of a larger sustainable development effort. Switching to renewable energy and smarter chemicals was a significant means of cutting pollution, creating jobs and stimulating economic growth as well as curbing climate change. Highlighting that every State on Earth had signed or ratified the Convention on the Rights of the Child, which obliged those States to take account of the health risks from contaminated food, water and pollution, that the Universal Declaration of Human Rights asserted peoples' right to share in scientific advancement and its benefits, and that some 150 national constitutions included provisions on environmental protection and over 100 countries guaranteed their citizens the right to a healthy environment, Mr. Thiaw urged parties to seize the chance to help all States to meet their commitments, and to rapidly translate the Minamata Convention into tangible action.

## **B. Regional and individual statements**

11. Representatives speaking on behalf of groups of countries and individual countries made general statements on the issues to be discussed during the meeting.

12. The representative speaking on behalf of Latin American and Caribbean States said that the effective implementation of the Minamata Convention was critical to achieving the global goal of reducing environmental levels of mercury and thereby protecting human health and the environment. Such implementation, he said, would require that parties receive adequate, predictable and timely financial and technical support, so it was urgent that the Conference of the Parties finalize at the current meeting the two separate and complementary parts of the Convention's financial mechanism,

namely, the Global Environment Facility (GEF) trust fund and the specific international programme to support capacity-building and technical assistance, and that both the guidance to GEF and the hosting arrangements for the specific international programme be agreed and adopted. GEF had made a significant contribution to the Minamata Convention during its sixth replenishment process, and the region would welcome additional contributions to the Convention in the next replenishment process. As for the specific international programme, it was crucial that it be sufficiently robust to enable regular pledging of funds. In that regard, his regional group had submitted a conference room paper on the programme for consideration at the current meeting and would also present a conference room paper containing a decision on the Basel and Stockholm conventions' regional and subregional centres for capacity-building, technical assistance and technology transfer, which had played a critical role in providing support to countries in the region to facilitate the implementation of the Minamata Convention.

13. Turning to other items on the agenda, he encouraged the Conference of the Parties to work in a constructive spirit to finalize its work and to focus on those issues that had not been previously discussed or agreed by the intergovernmental negotiating committee. The Latin American and Caribbean region attached great importance to safeguarding populations, and vulnerable groups in particular, from mercury exposure, and was therefore appreciative of the collaboration between the interim secretariat and the World Health Organization on health-related issues, including the development of a public health strategy for artisanal and small-scale gold mining. It welcomed the continued collaboration among relevant organizations on health issues and on challenges such as the remediation of contaminated sites, the elimination of mercury use in artisanal and small-scale gold mining, and the elimination of primary mercury mining.

14. The representative speaking on behalf of African States said that most of the current parties to the Minamata Convention were from the African region, which supported annual reporting on mercury production and trade but had found the management, tracking and monitoring of mercury to be extremely challenging. African States had identified mercury emissions and releases from coal-fired power stations, open waste burning, contaminated sites, artisanal and small-scale gold mining activities and mercury in products and in waste as priority concerns for the region, and lessons learned from the Stockholm Convention showed that adequate and sustainable resources would be needed to ensure the effective implementation of the Minamata Convention. With regard to the offer made by Switzerland to host the permanent secretariat of the Minamata Convention, African States supported the proposal to host the secretariat in Geneva within the secretariat of the Basel, Rotterdam and Stockholm conventions and to create a new dedicated branch for the Minamata Convention in order to facilitate the implementation of the Convention. African States also supported a transparent and accountable structure for the specific international programme through which adequate, sustainable, easily accessible and timely means of implementation would be provided to parties under the Convention in order to support, among other things, capacity-building, technical assistance, the promotion of innovative solutions, technology transfer, and the introduction of affordable, effective and environmentally-benign alternatives to mercury.

15. The representative speaking on behalf of the European Union and its member States said that the current meeting represented an important milestone in, and a first step towards, achieving the goal of eliminating the hazardous effects of mercury by gradually phasing out the substance. He said that the Conference of the Parties must lay a strong foundation to set the Convention on the right path by creating an enabling environment for parties to deliver on the Convention's goals and determine the Convention's strategic focus for years to come. Stating that the European Union and its member States welcomed the excellent work of the intergovernmental negotiating committee in preparing and provisionally adopting several documents pending formal adoption by the Conference of the Parties at its first meeting, he expressed support for the adoption of all such documents by the Conference of the Parties before substantive work began on the other issues on the agenda.

16. The representative speaking on behalf of Central and Eastern European States said that the current meeting represented a landmark event in eliminating the risks that mercury posed to the environment and human health by gradually phasing out mercury and mercury compounds, thereby ensuring a safe and healthy environment for all, and that it was important that the Conference of the Parties lay a strong foundation for the success of the Minamata Convention.

17. The representative speaking on behalf of Asian and Pacific States said that the largest portion of the world's mercury consumption and emissions occurred in the Asia-Pacific region, but the situation of different countries varied significantly and this made the implementation of the Minamata Convention in the region both challenging and complex. Some of the region's major challenges included the use of mercury in artisanal and small-scale gold mining, especially in poor communities where few alternatives existed, exposure to mercury from product manufacturing processes and

sectors, and exposure to mercury from mercury-added products such as lamps and batteries, of which the region was a hub and whose transformation into mercury-free products and industries would require massive investment and international assistance, in line with articles 14 and 15 of the Convention. A lack of information on mercury-related risks and high-risk populations in small-island developing States, the need to ensure the environmentally sound management of mercury waste across the region, and the need for technical assistance and resources to promote alternatives to mercury were other important regional challenges that needed to be addressed. Emphasizing the importance of the principle of common but differentiated responsibilities enshrined in the Convention's preamble, he said that the specific international programme must be made operational as soon as possible and effective means and tools must be developed at the current meeting to support both parties and non-parties that were in the process of ratifying the Convention. In closing, he said that the current meeting should be inclusive, enabling the views and interests of both parties and non-parties to be considered and the Convention to be moved into the implementation phase.

18. Following the regional statements above, statements were made by representatives of individual countries.

19. There was consensus among the speakers of the historic nature of the current meeting, which marked a milestone in the sustainable management of mercury and in protecting human health and the environment from the effects of mercury emissions and releases. Several representatives expressed their country's commitment to putting in place measures and activities that would help to achieve the objectives of the Minamata Convention. Artisanal and small-scale gold mining was identified as a particularly challenging area, with the potential to bring income to poor communities but at the same time presenting significant health and environmental problems.

20. A number of representatives outlined action being taken in their own countries to combat the negative impacts of mercury and to implement the Minamata Convention, which included the completion of Minamata Convention initial assessments and the development of national plans and strategies and procedures to reduce and eliminate mercury emissions and releases.

21. Some representatives said that it was important to strengthen international cooperation at all levels for the effective implementation of the Convention, including through synergies with the Basel, Rotterdam and Stockholm conventions, although one representative said that such synergies should not compromise the independence and integrity of the Minamata Convention. He also highlighted the need for an institutional structure, including an efficient, professional secretariat, that was suitable to meet the goals and provisions of the Convention.

22. Several representatives noted the need to provide developing countries with adequate and predictable support for implementation activities, including in the areas of financial and technical assistance, capacity-building, and the introduction of alternative, environmentally friendly technologies. One representative stressed the importance of applying the principle of common but differentiated responsibilities, taking into account that the environment was a common good that countries needed to protect according to their levels of responsibility and their relative capacities.

23. Following the country statements, additional statements were made by other speakers.

24. Ms. Shinobu Sakamoto, speaking on behalf of the International POPs Elimination Network and Zero Mercury Working Group, said that she had been exposed to mercury in her mother's womb and had been born with foetal Minamata disease, a neurological syndrome that still affected many people. She urged participants to continue their efforts to protect women and children from the impacts of mercury poisoning.

25. The representative of the World Alliance for Mercury-Free Dentistry praised the efforts of many countries and regional groupings to phase out the use of dental amalgam containing mercury, especially for children, pregnant women and breastfeeding women. Dental amalgam was often a black market source of mercury used in artisanal and small-scale gold mining, in which case phasing out dental amalgam would result in a twofold gain. Ending the use of dental amalgam in children was a key phase-down step. Atraumatic restorative treatment using mercury-free alternatives had been found by the World Health Organization to offer a viable and effective procedure for use in milk teeth.

26. The representative of the secretariat of the Basel, Rotterdam and Stockholm conventions said that the achievements of the recent meetings of the conferences of the parties to those conventions, held in Geneva from 24 April to 5 May 2017, attested to the vitality of each of the conventions in their own right. At those meetings, the parties to the conventions had reaffirmed their willingness to continue cooperating with the Minamata Convention on programmatic matters. He recalled that the four conventions, in accordance with their respective mandates, had been working together on areas of common interest for several years, with benefits for knowledge exchange, policy coherence, and the

effective and efficient use of resources. Coordination on substantive matters had included joint activities on mercury wastes, interim storage, and best available techniques and best environmental practices, and had also covered such cross-cutting issues as legal matters, financial resources and technical assistance, including through the engagement of regional centres. Cooperation had also extended to non-programmatic issues, such as the servicing of meetings and outreach activities. Information on the cooperative activities involving the four conventions was contained in documents UNEP/MC/COP.1/20 and UNEP/MC/COP.1/INF/5, while document UNEP/MC/COP.1/INF/14 set out a compilation of the decisions adopted by the conferences of the parties to the Basel, Rotterdam and Stockholm conventions that made specific reference to the Minamata Convention on Mercury.

## **II. Organizational matters (agenda item 2)**

### **A. Adoption of the rules of the procedure**

27. The representative of the secretariat presented the draft rules of procedure for the Conference of the Parties to the Minamata Convention on Mercury (UNEP/MC/COP.1/3), noting that the draft rules had been discussed extensively by the intergovernmental negotiating committee at its sixth session and considered further at its seventh session.

28. The Conference of the Parties adopted the rules of procedure, as set out in document UNEP/MC/COP.1/3, retaining the square brackets in paragraphs 1 and 3 of rule 45 and requesting interested parties with concerns about the text in question to discuss them informally and report back to plenary later in the week. Decision MC-1/1 adopting the rules of procedure is set out in annex I to the present report.

### **B. Election of officers**

29. In accordance with rules 8 and 9 of the rules of procedure, the Conference of the Parties elected the following officers to serve at the first meeting of the Conference of the Parties, during the intersessional period and at the second meeting of the Conference of the Parties:

President:	Mr. Marc Chardonens (Switzerland)
Vice-Presidents:	Ms. Svetlana Bolocan (Moldova)
	Mr. Karel Bláha (Czechia)
	Mr. Gregory Bailey (Antigua and Barbuda)
	Mr. Cesar Juarez (Mexico)
	Ms. Nina Cromnier (Sweden)
	Mr. David Kapindula (Zambia)
	Mr. Serge Molly Allo'o Allo'o (Gabon)
	Mr. Mitsugu Saito (Japan)
	Mr. Mohammed Khashashneh (Jordan)

30. Mr. David Kapindula (Zambia) was elected to serve as rapporteur.

### **C. Adoption of the agenda**

31. The Conference of the Parties adopted the following agenda on the basis of the provisional agenda (UNEP/MC/COP.1/1):

1. Opening of the meeting.
2. Organizational matters:
  - (a) Adoption of the rules of procedure;
  - (b) Election of officers;
  - (c) Adoption of the agenda;
  - (d) Appointment of the credentials committee;
  - (e) Organization of work.
3. Report of the credentials committee.

4. Report on the achievements of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury.
5. Matters for action by the Conference of the Parties at its first meeting:
  - (a) Matters stipulated under the Convention:
    - (i) The guidance in relation to article 3, particularly in regard to paragraphs 5 (a), 6 and 8 of article 3;
    - (ii) The required content of the certification referred to in paragraphs 6 (b) and 8 of article 3;
    - (iii) The guidance referred to in paragraphs 8 (a) and 8 (b) of article 8;
    - (iv) The measures to give effect to the arrangements for the financial mechanism referred to in article 13;
    - (v) The membership of the Implementation and Compliance Committee as referred to in paragraph 3 of article 15;
    - (vi) The timing and format of the reporting to be followed by the parties, as referred to in paragraph 3 of article 21;
    - (vii) The establishment of arrangements in regard to effectiveness evaluation, as referred to in paragraph 2 of article 22;
    - (viii) Financial rules for the Conference of the Parties and any of its subsidiary bodies, as well as financial provisions governing the functioning of the secretariat, as referred to in paragraph 4 of article 23;
  - (b) Matters stipulated by the Conference of Plenipotentiaries:
    - (i) Provisions for the functions of the permanent secretariat of the Minamata Convention;
    - (ii) Draft memorandum of understanding between the Conference of the Parties to the Minamata Convention and the Council of the Global Environment Facility;
  - (c) Matters recommended by the intergovernmental negotiating committee:
    - (i) Adoption of forms to be used in requesting an exemption from the phase-out dates listed in Annex A and Annex B;
    - (ii) Guidance document on the preparation of national action plans for artisanal and small-scale gold mining;
    - (iii) Physical location of the permanent secretariat;
    - (iv) Consideration of the report on open burning;
  - (d) Programme of work of the secretariat and budget for the period 2018–2019.
6. Matters stipulated by the Convention for action by the Conference of the Parties:
  - (a) Consideration of whether trade in specific mercury compounds compromises the objective of the Convention and whether specific mercury compounds should, by their listing in an additional annex adopted in accordance with article 27, be made subject to paragraphs 6 and 8 of article 3;
  - (b) Reports submitted by parties implementing paragraph 2 of article 4 and review of the effectiveness of the measures;
  - (c) The review of Annex A referred to in paragraph 8 of article 4;
  - (d) The review of Annex B referred to in paragraph 10 of article 5;
  - (e) The guidance referred to in paragraphs 9 (a) and 9 (b) of article 8;
  - (f) The guidance referred to in paragraphs 7 (a) and 7 (b) of article 9;
  - (g) The guidelines on the interim storage of mercury and mercury compounds referred to in paragraph 3 of article 10;

- (h) The definition of mercury waste thresholds referred to in paragraph 2 of article 11;
  - (i) The guidance on the management of contaminated sites referred to in paragraph 3 of article 12;
  - (j) The consideration of capacity-building, technical assistance and technology transfer as referred to in paragraph 4 and paragraph 5 of article 14, including any recommendations on how such activities could be further enhanced under article 14;
  - (k) Consultation and collaboration with the World Health Organization, the International Labour Organization and other relevant intergovernmental organizations, and promotion of cooperation and exchange of information, as appropriate, in relation to health-related issues or activities, as referred to in paragraph 2 of article 16.
7. Venue and date of the second meeting of the Conference of the Parties.
  8. Other matters.
  9. Adoption of the report.
  10. Closure of the meeting.

#### **D. Appointment of the credentials committee**

32. The Conference of the Parties agreed that the Bureau, with the support of the interim secretariat, would act as the credentials committee at the current meeting and requested Mr. Bláha (Czechia) to prepare the committee's report for consideration by the Conference of the Parties.

#### **E. Organization of work**

33. In accordance with the proposal of the President on the basis of the suggestions of the outgoing Bureau of the intergovernmental negotiating committee, the Conference of the Parties decided that it would meet from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. each day and that small groups would be established as necessary.

34. The Conference of the Parties agreed to establish a committee of the whole. The Committee of the Whole would be chaired by Mr. Fernando Luján (Uruguay), who had ably chaired the seven sessions of the intergovernmental negotiating committee, and would consider all unresolved matters under items 5 and 6, reporting back to plenary the following Friday, 29 September.

35. The President informed the Conference of the Parties that after the opening ceremony of the high-level segment in the afternoon of Thursday, 28 September 2017, there would be ministerial round-table discussions on the impact of mercury on air, land and water, followed by an interactive high-level session, to be held at the Palais des Nations, Geneva. The high-level segment would reconvene at the Centre International de Conférences Genève on the morning of Friday, 29 September, to hear the outcomes of the ministerial round tables and to give ministers an opportunity to convey action messages in relation to their countries' commitments on mercury from which key take-home messages would be formulated by the President. The key take-home messages developed by the President are set out in annex II to the present report.

36. The Conference of the Parties would then reconvene in plenary on Friday, 29 September 2017, with the aim of finalizing its work, adopting its decisions and completing the work on items 7 to 10 of the agenda.

#### **F. Work of the Committee of the Whole**

The Committee of the Whole held nine meetings from 25 to 29 September 2017 to consider the agenda items assigned to it. At the second plenary session of the Conference of the Parties, on the evening of 29 September 2017, the Chair of the Committee reported on the outcome of the Committee's work. The report on the proceedings of the Committee is set out in annex III to the present report.

#### **G. Attendance**

37. The meeting was attended by representatives of the following 69 parties: Afghanistan, Antigua and Barbuda, Austria, Benin, Bolivia (Plurinational State of), Botswana, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica, Czechia, Denmark, Djibouti, Ecuador, El Salvador, Estonia,

European Union, Finland, France, Gabon, Gambia, Ghana, Guinea, Guyana, Honduras, Hungary, Iran (Islamic Republic of), Japan, Jordan, Kuwait, Latvia, Lesotho, Liechtenstein, Madagascar, Mali, Mauritania, Mexico, Monaco, Mongolia, Netherlands, Nicaragua, Norway, Palau, Panama, Peru, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Samoa, Senegal, Seychelles, Sierra Leone, Slovakia, Slovenia, Sri Lanka, Swaziland, Sweden, Switzerland, Thailand, Togo, United Arab Emirates, United States of America, Uruguay, Viet Nam, Zambia.

38. In addition, the meeting was attended by representatives of the following States: Albania, Algeria, Angola, Argentina, Armenia, Australia, Azerbaijan, Bahamas, Bangladesh, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Burundi, Cambodia, Cameroon, Central African Republic, Chile, Colombia, Comoros, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Egypt, Ethiopia, Georgia, Germany, Guatemala, Guinea Bissau, Haiti, Holy See, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Kazakhstan, Kenya, Kiribati, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Marshall Islands, Mauritius, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nigeria, Paraguay, Philippines, Poland, Qatar, Republic of Korea, Russian Federation, Saint Lucia, Saudi Arabia, Serbia, Singapore, South Africa, Spain, Sudan, Suriname, Syrian Arab Republic, Tajikistan, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Yemen, Zimbabwe.

39. The following United Nations entities and specialized agencies were represented as observers: the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, Economic Commission for Europe, Food and Agriculture Organization of the United Nations (FAO), Global Environment Facility (GEF), the Secretariat of the Inter-Organization Programme for the Sound Management of Chemicals, Mediterranean Action Plan-Barcelona Convention Coordinating Unit, Pacific Regional Centre for Training and Technology Transfer for the Joint Implementation of the Basel and Waigani Conventions in the South Pacific Region, World Bank, United Nations Development Programme (UNEP), United Nations Environment Programme (UNEP), United Nations Industrial Development Organization (UNIDO), United Nations Institute for Training and Research (UNITAR), World Health Organization (WHO).

40. The following intergovernmental organizations were represented as observers: African Union Commission, Amazon Cooperation Treaty Organization, Commission of the Economic Community of West African States, League of Arab States, Organization for Economic Cooperation and Development, World Trade Organization.

41. The following Basel Convention regional and coordinating centres and Stockholm Convention regional and subregional centres were represented as observers: Basel Convention Regional Centre for the South American Region (BCRC-Argentina); Basel Convention Regional Centre for Training and Technology Transfer for Asia and the Pacific (BCRC-China) / Stockholm Convention Regional Centre for Capacity-building and the Transfer of Technology (SCRC-China); Basel Convention Regional Centre for Training and Technology Transfer for Arab States (BCRC-Egypt); Stockholm Convention Regional Centre for Capacity-building and the Transfer of Technology (SCRC-Panama); Basel Convention Regional Centre (BCRC-Russian Federation); Basel Convention Regional Centre for Training and Technology Transfer for French-speaking Countries in Africa (BCRC-Senegal)/Stockholm Convention Regional Centre for Capacity-building and the Transfer of Technology (SCRC-Senegal); Basel Convention Regional Centre for Training and Technology Transfer for the English-speaking African Countries (BCRC-South Africa)/Stockholm Convention Regional Centre For Capacity-building and the Transfer of Technology (SCRC-South Africa); Basel Convention Regional Centre for the Caribbean Region (BCRC-Trinidad and Tobago).

42. A number of non-governmental organizations were represented as observers. The names of those organizations are included in the list of participants (UNEP/MC/COP.1/INF.17).

### III. Report of the credentials committee (agenda item 3)

43. Presenting the report of the Bureau on credentials, Mr. Bláha said that the Bureau had examined the credentials submitted by parties in accordance with rules 19 and 20 of the rules of procedure, and had found that, as of Tuesday 26 September 2017, the representatives of 53 parties had submitted credentials issued either by a head of State or Government or by a minister for foreign affairs or, in the case of a regional economic integration organization, by the competent authority of that organization. In addition, 16 parties had communicated credentials or information concerning the



appointment of representatives by facsimile or in photocopy, or in the form of letters or notes verbales from the mission concerned. Of those, six had since submitted original credentials. One party had not communicated any information on its representatives.

44. The Conference approved the report of the Bureau acting as the credentials committee.

#### **IV. Report on the achievements of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury (agenda item 4)**

45. Mr. Lugris, Chair of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury, provided a brief report on the committee's achievements in fulfilling its mandate and completing its negotiations before the twenty-seventh session of the Governing Council of UNEP. The committee's work, he said, had been conducted in an open and consultative manner, culminating in a balanced text that included obligations to enable parties to address the challenges associated with mercury throughout its life cycle, coupled with an innovative financial mechanism to support them in that regard, which would require the backing of an effective secretariat and, among other things, a sound means of evaluating reporting effectiveness. In addition, the Minamata Convention had been equipped with a facilitative implementation and compliance committee and agreement had been reached on several key guidance documents that had already been adopted provisionally during the negotiating process, in particular in relation to trade and supply sources, exemptions and guidance on emissions. Those documents, he said, were expected to be formally adopted at an early stage at the current meeting. Noting that there were still a number of issues requiring further consideration, he said that he was confident that the positive spirit that had characterized the proceedings of the intergovernmental negotiating committee would continue over the coming week and would enable the Conference of the Parties to conclude its work in a cooperative and inclusive manner. He also expressed his appreciation to all involved in the process, in particular the members of the Bureau, the co-chairs of the contact groups and the facilitators of the intergovernmental negotiating committee.

#### **V. Matters for action by the Conference of the Parties at its first meeting (agenda item 5)**

46. Introducing items 5 and 6, the President proposed, and the Conference of the Parties agreed, that the Conference of the Parties would seek to expedite its work by considering several documents that had been adopted on a provisional basis by the intergovernmental negotiating committee by consensus, while sending others directly to the Committee of the Whole for further consideration. That process had been discussed and agreed to during the regional consultations held prior to the current meeting.

47. During subsequent discussions, the President noted that once the meeting entered the decision-making stage, he would seek confirmation on whether any party objected to the adoption of a particular decision, as only parties could participate in the decision-making process. Once a decision had been adopted, non-parties and observers could make additional comments. Two representatives expressed concern that this decision-making procedure did not allow all participants to make equal contributions, as had been the case during discussions in the intergovernmental negotiating committee. It would be important for all views to be taken into consideration by the Conference of the Parties in order for it to reach the best possible decisions and to avoid adopting decisions that might make it difficult for a country to ratify the Convention. Two other representatives underscored the importance of not reopening issues on which agreement had already been reached by the intergovernmental negotiating committee, with one noting that doing so would imperil the ability of the Conference of the Parties to complete its work. Another representative noted that while it was necessary to adhere to proper decision-making procedures, it was also important to listen to all views and maintain an inclusive and transparent process. The President confirmed that all participants would be given the opportunity to make interventions prior to the meeting entering into decision-making mode, at which time only parties would be allowed to take the floor.

**A. Matters stipulated under the Convention****1. The guidance in relation to article 3, particularly in regard to paragraphs 5 (a), 6 and 8 of article 3**

48. The President introduced the sub-item, outlining the information set out in document UNEP/MC/COP.1/5 and noting that the guidance document and draft decision had been approved by the intergovernmental negotiating committee.

49. The Conference of the Parties adopted the guidance document and decision MC-1/2 on guidance in relation to mercury supply sources and trade in relation to certification, submitted by the intergovernmental negotiating committee, as set out in annex I to the present report.

50. Following the adoption of the decision, one representative noted that while his delegation recognized that the intergovernmental negotiating committee had reached consensus on the sub-item, it would have preferred that additional discussion take place in the Committee of the Whole. In its view, the guidance required transparent definitions of several key terms and other refinements. His delegation would submit a document outlining those concerns to the secretariat which he requested be circulated to participants.

**2. The required content of the certification referred to in paragraphs 6 (b) and 8 of article 3**

51. The President introduced the sub-item, outlining the information set out in document UNEP/MC/COP.1/5 and noting that the guidance document and draft decision had been approved by the intergovernmental negotiating committee.

52. The Conference of the Parties adopted the guidance document and decision MC-1/3 on guidance in relation to mercury supply sources and trade, submitted by the intergovernmental negotiating committee, as set out in annex I to the present report.

53. Following the adoption of the decision, one representative noted that while his delegation recognized that the intergovernmental negotiating committee had reached consensus on the sub-item, it would have preferred that additional discussion on the matter take place in the Committee of the Whole. In his delegation's view, the guidance required transparent definitions of several key terms and other refinements. His delegation would submit a document outlining those concerns to the secretariat which he requested be circulated to participants.

**3. The guidance referred to in paragraphs 8 (a) and 8 (b) of article 8**

54. The President introduced the sub-item, outlining the information set out document UNEP/MC/COP.1/7 and noting that the guidance document and draft decision had been approved by the intergovernmental negotiating committee.

55. In the ensuing discussion, many representatives underscored the importance for the implementation of the Convention by their countries of the draft guidance on best available techniques and on best environmental practices to control emissions of mercury, taking into account any differences between new and existing sources and the need to minimize cross-media effects, and on support for parties in implementing the measures set out in paragraph 5, in particular in determining goals and in setting emission limit values. One representative emphasized that some measures in the guidance document might not be applicable in all contexts and that as guidance documents were inherently dynamic, the current one would need to be revised in the future based on experience gained by the parties over time.

56. Several representatives underscored the importance of providing adequate financial resources, technical assistance and technology transfer to developing countries to assist them in implementing elements of the guidelines and to control emissions of mercury. A number outlined specific issues of national concern or activities under way in their countries relevant to limiting emissions. Two representatives highlighted issues surrounding emissions which they believed the document did not adequately address, with one introducing a conference room paper to include household extraction of gold from waste in the Convention. Two other representatives suggested that the work being done under article 8 with regard to emissions should also apply to relevant issues under article 9. Two representatives expressed reservations on the draft decisions accompanying the guidance, with one offering specific amendments.

57. The Conference of the Parties concluded its initial consideration of the sub-item by agreeing to adopt the draft guidance as contained in document UNEP/MC/COP.1/7, but to forward the accompanying draft decision to the Committee of the Whole for further consideration.

58. Subsequently, the Conference of the Parties adopted decision MC-1/4, referred to it by the Committee of the Whole, on guidance in relation to mercury emissions, as set out in annex I to the present report.

**4. The measures to give effect to the arrangements for the financial mechanism referred to in article 13**

59. The Conference of the Parties engaged in a preliminary exchange of views on the sub-item prior to the detailed consideration of the relevant documentation.

60. One representative drew attention to two conference room papers introduced by a regional group during its opening statement that contained proposals relevant to the financial rules and the specific international programme to support capacity-building and technical assistance, respectively. He underscored the proposal that the specific international programme should be hosted by the secretariat of the Minamata Convention, be governed by a dedicated committee, and not be restricted to existing for a limited period of time. One representative, speaking on behalf of a group of countries, recalled discussions on that and related issues by the international negotiating committee and introduced a conference room paper concerning the guidance to be given by the Conference of the Parties to GEF as part of the arrangements for the financial mechanism. Another representative stated that her delegation could not accept a financial mechanism that did not include both GEF and the specific international programme.

61. The Conference of the Parties adopted decision MC-1/5, referred to it by the Committee of the Whole, on guidance to the Global Environment Facility, as set out in annex I to the present report.

62. On the matter of the specific international programme, one representative [F], speaking also on behalf of those Central and Eastern European States that were not member States of the European Union and that were signatories to the Convention but had not yet ratified it, said that signatories to the Convention should be eligible for funding from the specific international programme for technical assistance and capacity-building activities.

63. The Conference of the Parties adopted decision MC-1/6, referred to it by the Committee of the Whole, on the specific international programme to support capacity-building and technical assistance, as set out in annex I to the present report, with bracketed text relating to the eligibility of non-parties for funding retained in appendix I to the decision, on hosting arrangements, guidance on the operations and duration of the specific international programme and in appendix II, on terms of reference of the specific international programme, specifically relating to the eligibility of non-parties to serve on the Governing Board of the programme.

64. Following the adoption of the draft decision, one representative, speaking on behalf of a group of countries, said that as the brackets only remained in the appendices to the decision and the actual body of the decision was clean text, the specific international programme had been formally adopted and could thus be fully implemented.

**5. The membership of the Implementation and Compliance Committee as referred to in paragraph 3 of article 15**

65. The Conference of the Parties adopted decision MC-1/7, referred to it by the Committee of the Whole, on the membership of the Implementation and Compliance Committee as referred to in paragraph 3 of article 15, as set out in annex I to the present report.

**6. The timing and format of the reporting to be followed by the parties, as referred to in paragraph 3 of article 21**

66. The Conference of the Parties adopted decision MC-1/8, referred to it by the Committee of the Whole, on the timing and format of reporting by the parties, as set out in annex I to the present report.

**7. The establishment of arrangements in regard to effectiveness evaluation as referred to in paragraph 2 of article 22**

67. The Conference of the Parties adopted decision MC-1/9, referred to it by the Committee of the Whole, on the establishment of arrangements in regard to effectiveness evaluation, as set out in annex I to the present report.

**8. Financial rules for the Conference of the Parties and any of its subsidiary bodies, as well as financial provisions governing the functioning of the secretariat, as referred to in paragraph 4 of article 23**

68. The Conference of the Parties adopted decision MC-1/10, referred to it by the Committee of the Whole, on financial rules for the Conference of the Parties to the Minamata Convention on

Mercury and any of its subsidiary bodies, as well as financial provisions governing the functioning of the secretariat, as set out in annex I to the present report, noting that the rules retained certain references to developing countries in brackets.

## **B. Matters stipulated by the Conference of Plenipotentiaries**

### **1. Provisions for the functions of the permanent secretariat of the Minamata Convention**

69. The Conference of the Parties adopted decision MC-1/11, referred to it by the Committee of the Whole, on the secretariat, as set out in annex I to the present report.

### **2. Draft memorandum of understanding between the Conference of the Parties to the Minamata Convention and the Council of the Global Environment Facility**

70. The President introduced the sub-item, drawing attention to the information contained in document UNEP/MC/COP.1/15 and the draft memorandum of understanding set out in the annex thereto.

71. During the initial consideration of the sub-item, one representative, speaking on behalf of a group of countries, proposed adopting the draft memorandum of understanding between the Conference of the Parties to the Minamata Convention and the Council of the Global Environment Facility, noting that it had been approved by the intergovernmental negotiating committee. Expressing support for that proposal, one representative noted that the memorandum of understanding was not a legally binding document and had been discussed in detail by the intergovernmental negotiating committee. Another representative said that additional discussions were required on the draft text and proposed specific amendments. The Conference of the Parties agreed to forward the issue to the Committee of the Whole for further deliberation.

72. Subsequently, following the deliberations of the Committee of the Whole, one representative said that his party could not accept the draft decision or its appendix containing the draft memorandum of understanding between the Conference of the Parties to the Minamata Convention and the GEF Council without reference to political considerations operating within the GEF Council that had the potential to hinder the efforts of developing countries and countries with economies in transition to implement their obligations under the Convention. A number of representatives, including one speaking on behalf of a group of countries, said that they were not able to accept the inclusion of such text in the draft decision.

73. The representative of the GEF secretariat said that the purpose of the memorandum of understanding was to make provisions for the relationship between the Conference of the Parties and the GEF Council, and to give effect to the provisions related to the GEF Trust Fund in certain paragraphs of the GEF Instrument and in paragraphs 5, 6, 7, 8, 10 and 11 of article 13 of the Minamata Convention. While the decision on guidance to GEF had been adopted at the present meeting, the arrangements were not yet in place to give effect for GEF to function as a financing mechanism for the Minamata Convention.

74. The Conference of the Parties agreed to defer further consideration of the matter to the second meeting of the Conference of the Parties.

## **C. Matters recommended by the intergovernmental negotiating committee**

### **1. Adoption of forms to be used in requesting an exemption from the phase-out dates listed in Annex A and Annex B**

75. The President introduced the sub-item, outlining the information set out in document UNEP/MC/COP.1/16 and noting that the guidance document and draft decision had been approved by the intergovernmental negotiating committee.

76. The Conference of the Parties adopted the guidance document and decision MC-1/12 on formats to be used in registering an exemption from the phase-out dates listed in Annex A and Annex B, including the information to be provided upon registering for an exemption, and for the register of exemptions, submitted by the intergovernmental negotiating committee, as set out in annex I to the present report.

### **2. Guidance document on the preparation of national action plans for artisanal and small-scale gold mining**

77. The Conference of the Parties adopted decision MC-1/13, referred to it by the Committee of the Whole, on artisanal and small-scale gold mining, as set out in annex I to the present report.

### **3. Physical location of the permanent secretariat**

78. As highlighted under item 5 (b) (i), above, on the provisions for the functions of the permanent secretariat of the Minamata Convention, the Conference of the Parties adopted decision MC-1/11, referred to it by the Committee of the Whole, on the secretariat, as set out in annex I to the present report.

### **4. Consideration of the report on open burning**

79. The Conference of the Parties adopted decision MC-1/14, referred to it by the Committee of the Whole, on mercury emissions related to the open burning of waste, as set out in annex I to the present report.

## **D. Programme of work of the secretariat and budget for the period 2018–2019**

80. On the matter of the proposed budget for the Minamata Convention on Mercury for the period 2018–2019, the representative of Switzerland clarified that the host country contribution of Switzerland also contained the party's assessed contribution.

81. Subsequently, the Conference of the Parties adopted decision MC-1/15, referred to it by the Committee of the Whole, on the programme of work of the secretariat and proposed budget for the biennium 2018–2019, as set out in annex I to the present report.

## **VI. Matters stipulated by the Convention for action by the Conference of the Parties (agenda item 6)**

### **A. Consideration of whether trade in specific mercury compounds compromises the objective of the Convention and whether specific mercury compounds should, by their listing in an additional annex adopted in accordance with article 27, be made subject to paragraphs 6 and 8 of article 3**

82. The Conference of the Parties took note of the proposed action as set out in the report of the Committee of the Whole.

### **B. Reports submitted by parties implementing paragraph 2 of article 4 and review of the effectiveness of the measures**

83. The Conference of the Parties took note of the proposed action as set out in the report of the Committee of the Whole.

### **C. The review of Annex A referred to in paragraph 8 of article 4**

84. The Conference of the Parties took note of the proposed action as set out in the report of the Committee of the Whole.

### **D. The review of Annex B referred to in paragraph 10 of article 5**

85. The Conference of the Parties took note of the proposed action as set out in the report of the Committee of the Whole.

### **E. The guidance referred to in paragraphs 9 (a) and 9 (b) of article 8**

86. The President introduced the sub-item, outlining the information set out in document UNEP/MC/COP.1/23 and noting that the guidance document and draft decision had been approved by the intergovernmental negotiating committee.

87. The Conference of the Parties adopted the guidance document and decision MC-1/16, referred to it by the Committee of the Whole, on guidance in relation to mercury emissions referred to in paragraphs 9 (a) and 9 (b) of article 8, submitted by the intergovernmental negotiating committee, as set out in annex I to the present report.

### **F. The guidance referred to in paragraphs 7 (a) and 7 (b) of article 9**

88. The Conference of the Parties adopted decision MC-1/17, referred to it by the Committee of the Whole, on guidance in relation to mercury releases, as set out in annex I to the present report.

**G. The guidelines on the interim storage of mercury and mercury compounds referred to in paragraph 3 of article 10**

89. The Conference of the Parties adopted decision MC-1/18, referred to it by the Committee of the Whole, on draft guidelines on the interim storage of mercury and mercury compounds referred to in paragraph 3 of article 10, as set out in annex I to the present report.

**H. The definition of mercury waste thresholds referred to in paragraph 2 of article 11**

90. The Conference of the Parties adopted decision MC-1/19, referred to it by the Committee of the Whole, on mercury waste thresholds, as set out in annex I to the present report.

**I. The guidance on the management of contaminated sites referred to in paragraph 3 of article 12**

91. The Conference of the Parties adopted decision MC-1/20, referred to it by the Committee of the Whole, on guidance on the management of contaminated sites, as set out in annex I to the present report.

**J. The consideration of capacity-building, technical assistance and technology transfer as referred to in paragraph 4 and paragraph 5 of article 14, including any recommendations on how such activities could be further enhanced under article 14**

92. The Conference of the Parties took note of the proposed action, as set out in the report of the Committee of the Whole, and also adopted decision MC-1/21, referred to it by the Committee of the Whole, on capacity-building, technical assistance and technology transfer, as set out in annex I to the present report.

**K. Consultation and collaboration with the World Health Organization, the International Labour Organization and other relevant intergovernmental organizations, and promotion of cooperation and exchange of information, as appropriate, in relation to health-related issues or activities, as referred to in paragraph 2 of article 16**

93. The Conference of the Parties took note of the proposed action as set out in the report of the Committee of the Whole.

**VII. Venue and date of the second meeting of the Conference of the Parties (agenda item 7)**

94. The Conference of the Parties decided to hold the second meeting of the Conference of the Parties in Geneva from 19 to 23 November 2018.

**VIII. Other matters (agenda item 8)**

95. No other matters were considered.

**IX. Adoption of the report (agenda item 9)**

96. The Conference adopted the present report on the basis of the draft report (UNEP/MC/COP.1/L.1), on the understanding that the Rapporteur would be entrusted with its finalization, in consultation with the secretariat.

**X. Closure of the meeting (agenda item 10)**

97. The President declared the meeting closed at 3.15 a.m. on Saturday, 30 September 2017.

## Annex I

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ADVANCE



**MC-1/1: Rules of procedure**

*The Conference of the Parties,*

*Recalling* paragraph 4 of article 23 of the Minamata Convention on Mercury,

*Decides* to adopt the rules of procedure for the Conference of the Parties set out in the annex to the present decision, with the exception of the second sentence of paragraph 1 of rule 45 and paragraph 3 of rule 45.

**Annex to decision MC-1/1****Rules of procedure for the Conference of the Parties to the Minamata Convention on Mercury****I. Introduction****Rule 1**

The present rules of procedure shall apply to any meeting of the Conference of the Parties to the Minamata Convention on Mercury convened in accordance with article 23 of the Convention.

**Rule 2**

For the purposes of the present rules:

1. "Convention" means the Minamata Convention on Mercury, adopted at Kumamoto, Japan, on 10 October 2013;
2. "Party" means a party as defined in article 2 (g) of the Convention;
3. "Conference of the Parties" means the Conference of the Parties established by article 23 of the Convention;
4. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with article 23 of the Convention;
5. "Regional economic integration organization" means an organization defined in paragraph (j) of article 2 of the Convention;
6. "President" means the President of the Conference of the Parties elected in accordance with paragraphs 1 or 2 of rule 22;
7. "Secretariat" means the secretariat established by paragraph 1 of article 24 of the Convention;
8. "Subsidiary body" means any body established pursuant to paragraph 5 (a) of article 23 of the Convention;
9. "Parties present and voting" means parties present at the meeting in which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting;
10. "Chair" means chair or co-chairs as appropriate.

**II. Meetings****Rule 3**

The meetings of the Conference of the Parties shall take place at the seat of the secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the parties.

**Rule 4**

1. Unless otherwise decided by the Conference of the Parties, the second and third ordinary meetings of the Conference of the Parties shall be held yearly and, thereafter, ordinary meetings shall be held every two years.
2. At each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting. The Conference of the Parties should endeavour not to hold

such meetings at a time that would make the attendance of a significant number of delegations difficult.

3. Extraordinary meetings of the Conference of the Parties shall be held at such times as may be decided either by the Conference of the Parties at an ordinary meeting or at the written request of any Party, provided that, within ninety days of the request being communicated to the parties by the secretariat, it is supported by at least one third of the parties.

4. In the case of an extraordinary meeting held at the written request of a Party, it shall be held not more than ninety days after the date on which the request is supported by at least one third of the parties in accordance with paragraph 3 of the present rule.

#### **Rule 5**

The secretariat shall notify all parties of the dates and venue of ordinary and extraordinary meetings at least sixty days before the meeting in question is due to commence.

### **III. Observers**

#### **Rule 6**

1. The United Nations, its specialized agencies, the International Atomic Energy Agency, as well as any State not party to the Convention and any entity operating the mechanism referred to in paragraph 5 of article 13 of the Convention, may be represented at meetings as observers.

2. Such observers may, upon the invitation of the President, participate in the proceedings of any meeting without the right to vote, unless at least one third of the parties present at the meeting object.

#### **Rule 7**

1. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the secretariat of its wish to be represented at a meeting as an observer, may be so admitted, unless at least one third of the parties present object.

2. Such observers may, upon the invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent, unless at least one third of the parties present at the meeting object.

#### **Rule 8**

The secretariat shall notify those entitled to be observers and those that have informed the secretariat of their wish to be represented, pursuant to rules 6 and 7 of the present rules of procedure, of the dates and venue of the next meeting.

### **IV. Agenda**

#### **Rule 9**

In agreement with the President, the secretariat shall prepare the provisional agenda of each meeting.

#### **Rule 10**

The provisional agenda of each ordinary meeting shall include, as appropriate:

- (a) Items arising from the articles of the Convention, including those specified in its article 23;
- (b) Items the inclusion of which has been decided at a previous meeting;
- (c) Items referred to in rule 16 of the present rules of procedure;
- (d) The proposed budget as well as all questions pertaining to the accounts and financial arrangements;
- (e) Any item proposed by a Party and received by the secretariat before the provisional agenda is circulated.

**Rule 11**

For each ordinary meeting, the provisional agenda, together with supporting documents, shall be issued in the official languages of the Conference of the Parties and distributed by the secretariat to the parties at least six weeks before the opening of the meeting.

**Rule 12**

The secretariat shall, in agreement with the President, include any item that is proposed by a Party and has been received by the secretariat after the provisional agenda for an ordinary meeting has been produced, but before the opening of the meeting, in a supplementary provisional agenda.

**Rule 13**

When adopting the agenda for an ordinary meeting, the Conference of the Parties may decide to add, delete, defer or amend items. Only items that are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

**Rule 14**

The agenda for an extraordinary meeting shall consist only of those items proposed for consideration by the Conference of the Parties at an ordinary meeting or in the request for the holding of the extraordinary meeting. It shall be distributed to the parties at the same time as the notification of the extraordinary meeting.

**Rule 15**

The secretariat shall report to the Conference of the Parties on the administrative and budgetary implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the Conference of the Parties decides otherwise, no such substantive agenda item shall be considered until at least forty-eight hours after the Conference of the Parties has received a report of the secretariat on its administrative and budgetary implications.

**Rule 16**

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the provisional agenda of the next ordinary meeting, unless otherwise decided by the Conference of the Parties.

**V. Representation and credentials****Rule 17**

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

**Rule 18**

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

**Rule 19**

The credentials of representatives as well as the names of alternate representatives and advisers shall be submitted to the secretariat if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

**Rule 20**

The Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties.

**Rule 21**

Representatives shall be entitled to participate provisionally in the meeting, pending a decision by the Conference of the Parties on their credentials.

## VI. Officers

### Rule 22

1. At the commencement of the first ordinary meeting of the Conference of the Parties, a President and nine Vice-Presidents, one of whom shall act as Rapporteur, shall be elected from among the representatives of the parties present at the meeting. These officers shall serve as the Bureau of the Conference of the Parties. Each of the five United Nations regional groups shall be represented by two Bureau members. They shall remain in office until the closure of the second ordinary meeting of the Conference of the Parties, including for any intervening extraordinary meeting.

2. At the second and subsequent ordinary meeting of the Conference of the Parties, a President and nine Vice-Presidents, one of whom shall act as Rapporteur, shall be elected from among the representatives of the parties present at the meeting. These officers shall serve as the Bureau of the Conference of the Parties. Each of the five United Nations regional groups shall be represented by two Bureau members. These officers shall commence their term of office at the closure of the meeting at which they are elected and remain in office until the closure of the following ordinary meeting of the Conference of the Parties, including for any intervening extraordinary meeting.

3. The offices of the President and Rapporteur shall normally be subject to rotation among the United Nations regional groups. No elected officer may serve on the Bureau for more than two consecutive terms.

4. The President shall participate in meetings of the Conference of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the meetings and to exercise the right to vote.

5. The chairs of any subsidiary bodies shall be members ex-officio of the Bureau.

### Rule 23

1. In addition to exercising the powers conferred upon the President elsewhere by the present rules, the President shall declare the opening and closing of the meeting, preside at the meeting, ensure the observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to the present rules, shall have complete control of the proceedings and over the maintenance of order at the meeting.

2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

3. The President, in the exercise of the functions of that office, remains under the authority of the Conference of the Parties.

### Rule 24

1. The President, if temporarily absent from a meeting or any part thereof, shall designate a Vice-President to act as President. The President so designated shall not at the same time exercise the rights of a representative of a Party.

2. A Vice-President acting as President shall have the powers and duties of the President.

### Rule 25

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's term.

## VII. Subsidiary bodies

### Rule 26

Save as provided in rules 28–31, the present rules shall apply, mutatis mutandis, to the proceedings of any subsidiary bodies, subject to any modifications decided by the Conference of the Parties.

**Rule 27**

1. The Conference of the Parties may establish, in accordance with paragraph 5 (a) of article 23 of the Convention, such subsidiary bodies as it considers necessary for the implementation of the Convention.

2. Meetings of subsidiary bodies shall be held in public unless the Conference of the Parties or the subsidiary body concerned decides otherwise.

**Rule 28**

In the case of a subsidiary body that is not open-ended, a simple majority of the parties designated by the Conference of the Parties to participate therein shall constitute a quorum.

**Rule 29**

The Conference of the Parties shall decide on the dates of the meetings of the subsidiary bodies, taking note of any proposals to hold such meetings in conjunction with the meetings of the Conference of the Parties.

**Rule 30**

The chair of any subsidiary body shall be elected by the Conference of the Parties unless the Conference of the Parties decides otherwise with due consideration to rotation. Each subsidiary body shall elect its own officers other than the chair. The officers of such subsidiary bodies shall be elected with due regard to the principle of equitable geographical representation and shall not serve for more than two consecutive terms.

**Rule 31**

The Conference of the Parties shall determine the matters to be considered by each subsidiary body and the President may, upon the request of the Chair of the subsidiary body concerned, adjust the allocation of work.

**VIII. Secretariat****Rule 32**

1. The head of the secretariat, or the representative of the head of the secretariat, shall exercise the functions of that office in all meetings of the Conference of the Parties and of its subsidiary bodies.

2. The head of the secretariat shall arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, within available resources. The head of the secretariat shall manage and direct such staff and services and provide appropriate support and advice to the Bureau of the Conference of the Parties and its subsidiary bodies.

**Rule 33**

In addition to the functions specified in the Convention, in particular in article 24, the secretariat shall, in accordance with the present rules:

- (a) Arrange for interpretation at the meeting;
- (b) Collect, translate, reproduce and distribute the documents of the meeting;
- (c) Publish and distribute the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting;
- (e) Arrange for the custody and preservation of the documents of the meeting.

**IX. Conduct of business****Rule 34**

Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise.

**Rule 35**

1. The President shall not declare a session of the meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the parties to the Convention

are present. The presence of two thirds of the parties to the Convention shall be required for any decision to be taken.

2. For the purposes of determining a quorum for a decision to be taken on a matter within the competence of a regional economic integration organization, that organization shall be counted to the extent of the number of votes it is entitled to cast in accordance with paragraph 2 of article 28 of the Convention.

**Rule 36**

1. No one may address a meeting without having previously obtained the permission of the President. Subject to rules 37, 38, 39 and 41, the President shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.

2. The Conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

**Rule 37**

The chair or rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

**Rule 38**

During the discussion of any matter, a representative may at any time raise a point of order, on which the President shall immediately rule in accordance with the present rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

**Rule 39**

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote taken on the proposal or amendment in question.

**Rule 40**

Proposals and amendments to proposals shall normally be introduced in writing, in one of the official languages, by the parties and handed to the secretariat, which shall circulate copies to delegations. As a general rule, no proposal or amendment to a proposal shall be discussed or put to the vote at any session unless copies of it have been circulated to delegations not later than the day preceding that session. The President may, however, permit the discussion and consideration of proposals, of amendments to proposals or of procedural motions even though such proposals, amendments to proposals or motions have not been circulated or have been circulated only the same day.

**Rule 41**

1. Subject to rule 38, the following motions shall have precedence in the order indicated below over all other proposals or motions:

- (a) To suspend the session;
- (b) To adjourn the session;
- (c) To adjourn the debate on the question under discussion;
- (d) To close the debate on the question under discussion.

2. Permission to speak on a motion falling within paragraph 1 (a)–(d) of the present rule shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

**Rule 42**

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other Party.

**Rule 43**

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by a two-thirds majority of the parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover, to one speaker in favour of and two against the proposal, after which it shall be put immediately to the vote.

**X. Voting****Rule 44**

1. Each Party shall have one vote, except as provided for in paragraph 2 of the present rule.
2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

**Rule 45**

1. The parties shall make every effort to reach agreement on all matters of substance by consensus. [If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the parties present and voting, unless otherwise provided by the Convention, by the financial rules referred to in paragraph 4 of article 23 of the Convention or by the present rules of procedure.]
2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the parties present and voting.
- [3. If the question arises of whether a matter is one of a procedural or substantive nature, [this matter shall be considered as a matter of substance.] [the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately [and the President's ruling shall stand unless overruled by a majority of the parties present and voting.]] [and the matter shall be treated as substantive unless determined to be procedural by a two-thirds majority of the parties present and voting.]]
4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

**Rule 46**

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Conference of the Parties may, after each vote on a proposal, decide whether to vote on the next proposal.

**Rule 47**

1. Any representative may request that any part of a proposal or of an amendment to a proposal be voted on separately. The President shall allow the request unless a Party objects. If an objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The President may limit the time allowed to each speaker.
2. If the request referred to in paragraph 1 is allowed or adopted, those parts of a proposal or of an amendment to a proposal that are approved shall then be put to a vote as a whole. If all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

**Rule 48**

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

**Rule 49**

If two or more amendments to a proposal are proposed, the Conference of the Parties shall first vote on the amendment furthest removed in substance from the original proposal, then on the next

amendment furthest removed therefrom, and so on, until all the amendments have been put to the vote. The President shall determine the order of voting on the amendments under the present rule.

#### **Rule 50**

1. Voting, except for elections, shall normally be by show of hands. A roll call vote shall be taken if so requested by any Party. The roll call shall be taken in the English alphabetical order of the names of the parties, beginning with the Party whose name is drawn by lot by the President. If at any time, however, a Party requests a secret ballot, that shall be the method of voting on the issue in question.

2. When the Conference of the Parties votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll call.

3. The vote of each Party participating in a roll call or recorded vote shall be included in the relevant documents of the meeting.

#### **Rule 51**

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his or her vote on his or her own proposal or amendment, except if it has been amended.

## **XI. Elections**

#### **Rule 52**

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

#### **Rule 53**

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of the present rule.

#### **Rule 54**

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the parties present and voting shall be deemed elected.

2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the number of places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the number of places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

## **XII. Languages and sound records**

#### **Rule 55**

The official languages of the Conference of the Parties shall be Arabic, Chinese, English, French, Russian and Spanish.



**Rule 56**

1. Statements made in an official language shall be interpreted into the other official languages.
2. A representative of a Party may speak in a language other than an official language if the Party provides for interpretation into one such official language.

**Rule 57**

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

**Rule 58**

Sound recordings of the meetings of the Conference of the Parties, and whenever possible of the subsidiary bodies, shall be kept by the secretariat, consistent with the practice of the United Nations.

**XIII. Amendments to the rules of procedure****Rule 59**

The present rules of procedure may be amended by consensus by the Conference of the Parties.

**XIV. Overriding authority of the Convention****Rule 60**

In the event of any conflict between any provision of the present rules and any provision of the Convention, the Convention shall prevail.

**MC-1/2: Guidance in relation to mercury supply sources and trade**

*The Conference of the Parties,*

*Recognizing* the importance of the informed consent procedures set out in article 3 of the Minamata Convention on Mercury,

*Recognizing also* the importance of information on stocks of mercury and mercury compounds and sources of supply of mercury,

*Decides* to adopt the guidance in regard to article 3, particularly in regard to paragraphs 5 (a), 6 and 8 on stocks of mercury and mercury compounds, sources of supply of mercury, and the export of mercury from parties and non-parties, as put forward by the intergovernmental negotiating committee.<sup>1</sup>

**MC-1/3: Guidance in relation to mercury supply sources and trade in relation to certification**

*The Conference of the Parties*

*Decides* to adopt the required content of certification to be used in conjunction with the forms for the export of mercury from parties and non-parties as put forward by the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury.<sup>2</sup>

<sup>1</sup> UNEP/MC/COP.1/5, annexes II–IV.

<sup>2</sup> UNEP/MC/COP.1/6, annex II.

## MC-1/4: Guidance in relation to mercury emissions

*The Conference of the Parties,*

### I

*Recognizing* the importance of the control of mercury emissions in achieving the objective of the Minamata Convention on Mercury,

*Decides* to adopt the guidance with regard to article 8, particularly its paragraphs 8 (a) and (b), on best available techniques and on best environmental practices, taking into account any differences between new and existing sources and the need to minimize cross-media effects, and on support for parties in implementing the measures set out in paragraph 5, in particular in determining goals and in setting emission limit values, as put forward by the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury;<sup>3</sup>

### II

*Recognizing* further that some of the control measures described in the guidance may not be available to all parties for technical or economic reasons,

*Noting* that paragraph 10 of Article 8 of the convention requires the Conference of the Parties to keep guidance under review, and update it as appropriate, in order to reflect any circumstances not currently fully covered,

*Requests* parties with experience in using such guidance to provide the secretariat with information on that experience, and the secretariat to compile such information and, in consultation with parties and others, to update the guidance as necessary.

## MC-1/5: Guidance to the Global Environment Facility

*The Conference of the Parties*

1. *Adopts* the guidance to the Global Environment Facility on the overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources and on an indicative list of categories of activities that could receive support from the Global Environment Facility Trust Fund, as set out in the annex to the present decision;

2. *Requests* the secretariat to transmit the guidance to the Council of the Global Environment Facility.

### Annex to decision MC-1/5

#### **Guidance to the Global Environment Facility on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources and on an indicative list of categories of activities that could receive support from the Global Environment Facility Trust Fund**

1. Pursuant to article 13 of the Minamata Convention on Mercury, the present guidance is intended to assist the Global Environment Facility (GEF) in fulfilling its role as one of the entities entrusted with the operation of the financial mechanism of the Minamata Convention.

### **I. Eligibility for access to and utilization of financial resources**

2. To be eligible for funding from GEF as one of the entities comprising the financial mechanism of the Minamata Convention on Mercury, a country must be a Party to the Convention and must be a developing country or a country with an economy in transition.

3. Activities that are eligible for funding from the GEF Trust Fund are those that seek to meet the objectives of the Convention and are consistent with the present guidance.

4. Signatories to the Convention are eligible for funding from GEF for enabling activities, provided that any such signatory is taking meaningful steps towards becoming a Party as evidenced by a letter from the relevant minister to the Executive Director of the United Nations Environment Programme and to the Chief Executive Officer and Chairperson of the Global Environment Facility.

<sup>3</sup> UNEP/MC/COP.1/7, annexes II and III.

## II. Overall strategies and policies

5. In accordance with article 13, paragraph 7, of the Convention, the GEF Trust Fund shall provide new, predictable, adequate and timely financial resources to meet costs in support of implementation of the Convention as agreed by the Conference of the Parties, including costs arising from activities that:

- (a) Are country-driven;
- (b) Are in conformity with programme priorities as reflected in relevant guidance provided by the Conference of the Parties;
- (c) Build capacity and promote the utilization of local and regional expertise, if applicable;
- (d) Promote synergies with other focal areas;
- (e) Continue to enhance synergies and co-benefits within the chemicals and waste focal area;
- (f) Promote multiple-source funding approaches, mechanisms and arrangements, including from the private sector, if applicable;
- (g) Promote sustainable national socioeconomic development, poverty reduction and activities consistent with existing national sound environmental management programmes geared towards the protection of human health and the environment.

## III. Programme priorities

6. In accordance with article 13, paragraph 7, of the Convention, the GEF Trust Fund shall provide resources to meet the agreed incremental costs of global environmental benefits and the agreed full costs of some enabling activities.

7. In particular, it should give priority to the following activities when providing financial resources to developing-country parties and parties with economies in transition:

- (a) Enabling activities, particularly Minamata Convention initial assessment activities and national action plans for artisanal and small-scale gold mining;
- (b) Activities to implement the provisions of the Convention, affording priority to those that:
  - (i) Relate to legally binding obligations;
  - (ii) Facilitate early implementation on entry into force of the Convention for a Party;
  - (iii) Allow for a reduction in mercury emissions and releases and address the health and environmental impacts of mercury.

8. In providing resources for an activity, GEF should take into account the potential mercury reductions of a proposed activity relative to its costs in accordance with paragraph 8 of article 13 of the Convention.

## IV. Indicative list of categories of activities that could receive support

### A. Enabling activities

1. Minamata Convention initial assessments (MIAs)
2. Preparation of national action plans for artisanal and small-scale gold mining in accordance with paragraph 3 of article 7 and Annex C
3. Other types of enabling activities as agreed by the Conference of the Parties

### B. Activities to implement the provisions of the Convention

1. Activities to implement the provisions of the Convention that relate to legally binding obligations

9. When providing financial resources to eligible parties for activities to implement the provisions of the Convention, GEF should afford priority to those activities that relate to legally binding obligations of parties under the Convention and should take into account the potential mercury

reductions of a proposed activity relative to its costs. Such activities could include those related to the following areas, listed in no particular order:

- Mercury supply sources and trade;
- Mercury-added products;
- Manufacturing processes in which mercury or mercury compounds are used;
- Artisanal and small-scale gold mining;
- Emissions;
- Releases;
- Environmentally sound interim storage of mercury, other than waste mercury;
- Mercury wastes;
- Reporting;
- Relevant capacity-building, technical assistance and technology transfer in relation to the above.

**2. Activities to implement the provisions of the Convention that facilitate early implementation on entry into force of the Convention for a Party**

10. When considering activities to implement the provisions of the Convention that facilitate early implementation on entry into force, GEF should also consider providing support for activities that, although they are not the subject of a legal obligation under the Convention, may significantly contribute to a Party's preparedness to implement the Convention upon its entry into force for that country.

11. Within the context of the GEF mandate, such activities could include, inter alia, support for:

- (a) With regard to emissions, the development by parties with relevant sources of emissions of national plans setting out the measures to be taken to control emissions and their expected targets, goals and outcomes;
- (b) With regard to releases, the development by parties with relevant sources of releases of national plans setting out the measures to be taken to control releases and their expected targets, goals and outcomes;
- (c) With regard to contaminated sites, capacity-building for the development of strategies for identifying and assessing sites contaminated by mercury or mercury compounds and, as appropriate, the remediation of those sites;
- (d) Information exchange;
- (e) Public information, awareness and education;
- (f) Cooperation in the development and improvement of research, development and monitoring;
- (g) Development of implementation plans following initial assessments.

**3. Activities to implement the provisions of the Convention that allow for the reduction of mercury emissions and releases and address both the health and environmental impacts of mercury**

12. Activities to implement the provisions of the Convention that allow for the reduction of mercury emissions and releases and address both the health and environmental impacts of mercury may encompass activities relating to both binding and non-binding provisions, with priority accorded to the legally binding provisions discussed above, that accord with the GEF mandate to deliver global environmental benefits and reflect the GEF chemicals and waste focal area strategy.

## **V. Review by the Conference of the Parties**

13. In accordance with paragraph 11 of article 13, the Conference of the Parties will review, no later than at its third meeting, and thereafter on a regular basis, the level of funding, the guidance provided by the Conference of the Parties to GEF as one of the entities entrusted with operationalizing the mechanism established under article 13 and the mechanism's effectiveness and ability to address the changing needs of developing-country parties and parties with economies in transition. On the

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basis of such review, the Conference of the Parties will take appropriate action to improve the effectiveness of the financial mechanism, including by updating and prioritizing as necessary its guidance to GEF.

ADVANCE

## **MC-1/6: Specific international programme to support capacity-building and technical assistance**

*The Conference of the Parties,*

*Recalling* article 13 of the Minamata Convention on Mercury, which establishes a financial mechanism to support developing-country parties and parties with economies in transition in implementing their obligations under the Convention, and that the mechanism includes the Global Environment Facility Trust Fund and a specific international programme to support capacity-building and technical assistance,

*Recalling also* paragraph 6 of the resolution on financial arrangements of the Final Act of the Conference of Plenipotentiaries of the Minamata Convention on Mercury (known as “resolution 2”), in which the Conference requested the intergovernmental negotiating committee to develop a legally binding instrument on mercury “to develop for consideration by the Conference of the Parties at its first meeting a proposal for the hosting institution for the specific international programme, including any necessary arrangements with the hosting institution, as well as guidance on the operation and duration of that programme”,

1. *Decides* that the hosting institution referred to in paragraph 9 of article 13 is provided by the United Nations Environment Programme;

2. *Approves* the necessary hosting arrangements, as well as guidance on the operations and duration of that programme, set out in annex I to the present decision and the terms of reference of the specific international programme set out in the annex II to the present decision;

3. *Requests* the Executive Director of the United Nations Environment Programme to establish a trust fund for the specific international programme;

4. *Also requests* the Executive Director of the United Nations Environment Programme to implement the governance arrangements set out in the annexes to the present decision.

### **Annex I to decision MC-1/6**

#### **Hosting arrangements, guidance on the operations of and duration of the specific international programme**

##### **A. Governance arrangements for the specific international programme**

1. The Executive Director of the United Nations Environment Programme (UNEP) will deliver administrative support to the programme, through the allocation of human and other resources, through the secretariat of the Minamata Convention.<sup>4</sup>

2. The Conference of the Parties will establish a governing board of the specific international programme, which will oversee and implement its guidance, including decision-making on projects and project management.

##### **B. Guidance on the specific international programme**

###### **1. Scope**

3. The specific international programme is to support capacity-building and technical assistance in accordance with paragraph 6 (b) of article 13.

4. Technical assistance and capacity-building activities under specific international programme and those undertaken by the Minamata Convention secretariat pursuant to article 14 should avoid duplication and overlap.

###### **2. Eligibility**

5. Developing-country parties and parties with economies in transition are eligible for resources under the financial mechanism in accordance with paragraph 5 of article 13 of the Convention. The specific international programme should also take full account of the specific needs and special circumstances of parties that are small island developing States and least developed countries, in line with paragraph 4 of article 13.

<sup>4</sup> Without prejudging the decision on the hosting of the Minamata Convention secretariat.

6. [Non-parties are not eligible to apply for funding but can participate in some activities undertaken by the specific international programme upon invitation by a Party, on a case-by-case basis.]

[6 alt Signatories to the Convention are eligible for funding from the specific international programme for technical assistance and capacity-building activities, provided that any such signatory is taking meaningful steps towards becoming a Party as evidenced by a letter from the relevant minister to the Executive Director of the United Nations Environment Programme.]

7. In presenting projects, eligible parties may consider the participation of implementing and executing agencies or other actors, such as non-governmental organizations and the regional and subregional centres of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Stockholm Convention on Persistent Organic Pollutants.

### 3. Operations

8. The specific international programme will be guided in its operations as follows. It should:

(a) Be country-driven, taking into consideration national priorities, country ownership and the sustainable implementation of the obligations under the Convention;

(b) Ensure complementarity and avoid duplication with other existing arrangements to provide capacity-building and technical support, in particular the Global Environment Facility and the Special Programme to support institutional strengthening at the national level for implementation of the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention, the Minamata Convention and the Strategic Approach to International Chemicals Management, as well as other existing assistance frameworks;

(c) Build upon lessons learned and engage at the national and regional levels, including by encouraging South-South cooperation;

(d) Be consistent with the integrated approach to financing the sound management of chemicals and waste, as relevant to the implementation of the Convention.

### 4. Resources

9. Resources for the specific international programme shall include financial and in-kind contributions and expertise. Contributions of resources are encouraged from a broad range of sources. This includes all parties to the Minamata Convention with the capacity to contribute, as well as other relevant stakeholders, including Governments, the private sector, foundations, non-governmental organizations, intergovernmental organizations, academia and other types of civil society actors;

10. A resource mobilization strategy for the specific international programme should be developed by the secretariat in consultation with the specific international programme Governing Board with a view to achieving the objective of the Convention and attracting a broad range of donors, building on lessons learned in other areas. It should include approaches whose purpose is to leverage resources, including in-kind resources, from non-State actors;

11. Other sources of resources for the specific international programme may be leveraged through its coordination with other relevant programmes and initiatives, including:

(a) Linkages with existing programmes and initiatives to seek co-benefits where possible;

(b) Promoting and leveraging partnerships and collaboration as appropriate, building on lessons learned from other conventions.

### C. Duration

12. The specific international programme will be open to receive voluntary contributions and applications for support for a period of ten years from the establishment of its trust fund. The Conference of the Parties may decide to extend this period, not exceeding an additional seven years, taking into account the review process of the financial mechanism in accordance with paragraph 11 of article 13 of the Minamata Convention.

## **Annex II to decision MC-1/6**

### **Terms of reference of the specific international programme**

#### **A. Governing Board of the specific international programme (SIP Governing Board)**

1. The Governing Board of the specific international programme (hereinafter "SIP Governing Board") shall consist of 10 members [from] [nominated by] parties. Each of the five United Nations regions shall nominate two members through their respective Bureau representatives.
2. The first members of the SIP Governing Board shall be nominated no later than 31 December 2017, and will serve until the third meeting of the Conference of the Parties to the Minamata Convention. Thereafter, the members shall be nominated every two years by regional groups and their membership confirmed by the Conference of the Parties.
3. The draft rules of procedure of its Governing Board shall be drafted by the secretariat for consideration and adoption by the Board, and presented to the Conference of the Parties at its second meeting for its information.
4. The SIP Governing Board will have two co-chairs, elected from among the members of the Board, reflecting the composition of the Board and the purpose of the Programme.
5. The SIP Governing Board will take its decisions by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall be taken by a three-quarters majority of its members present and voting.
6. The SIP Governing Board will in principle meet once a year to approve project applications and review progress under the Programme on the basis of reports from the Minamata Convention secretariat, as well as other relevant information provided to them on implementation of the Programme.
7. The SIP Governing Board will take operational decisions regarding the functioning of the specific international programme, including the approval of applications for funding based on the guidance provided by the Conference of the Parties and will endorse, as appropriate, criteria and procedures for application, assessment, reporting and evaluation.
8. The secretariat will process application proposals for approval by the SIP Governing Board, manage approved allocations and service the SIP Governing Board. The secretariat will report on its operations to the Governing Board and will be accountable to the Executive Director of UNEP for administrative and financial matters. The secretariat will submit an annual report to the Governing Board, which will also be presented to the Conference of the Parties, including relevant information on the rejection of project proposals.

#### **B. Project screening, appraisal and approval processes**

9. The Minamata Convention secretariat will receive applications directly from national Governments through their national focal points.
10. All those in a position to do so may provide technical assistance in the development of project applications, upon request by project applicants.
11. The Minamata Convention secretariat will screen project applications for completeness and eligibility. The secretariat will also appraise, with the appropriate staff expertise within the secretariat, applications for consideration and decision by the Governing Board, in consultation with relevant international governmental organizations, provided that there are no cost implications.

#### **C. Administrative support to the specific international programme**

12. The secretariat will provide one position for the technical assistance and capacity-building activities of the secretariat and the activities of the specific international programme, to be covered by the General Trust Fund, taking into account that the staffing requirements of the specific international programme will be reviewed.
13. The costs related to the operation of the specific international programme, including the costs of meetings, shall be funded from voluntary contributions to the programme.

#### **D. Expected outcomes**

14. The support for capacity-building and technical assistance provided by the specific international programme is expected to improve the capacity of developing-country parties and parties with economies in transition in implementing their obligations under the Convention.



**E. Accounts and audit**

15. The accounts and financial management of the specific international programme shall be subject to the internal and external audit process of the United Nations. Accounts for the specific international programme shall be presented to the SIP Governing Board within three months after the closure of the financial period and shall also be considered by the Conference of the Parties to the Minamata Convention.

**MC-1/7: Membership of the implementation and compliance committee as referred to in paragraph 3 of article 15***The Conference of the Parties*

*Elects*, in accordance with paragraph 3 of article 15 of the Minamata Convention on Mercury, the following members to serve on the committee to promote the implementation of, and review compliance with, all the provisions of the Convention:

## From the African States:

Ms. Hanitriniaina Liliane Randrianomenjanahary (Madagascar)

Mr. Mohamed Abdoulay Kamara (Sierra Leone)

Ms. Bianca Hlob'sile Dlamini (Swaziland)

## From the Asia-Pacific States:

Ms. Wang Qian (China)

Mr. Heidar Ali Balouji (Islamic Republic of Iran)

Mr. S.M.D.P. Anura Jayatilake (Sri Lanka)

## From the Central and Eastern European States:

Mr. Boyko Malinov (Bulgaria)

Ms. Inga Poroghin (Moldova)

Ms. Claudia Sorina Dumitru (Romania)

## From the Latin American and Caribbean States:

Mr. Diego Henrique Costa Pereira (Brazil)

Ms. Vilma Morales Quillama (Peru) (1st year) and Mr. José Antonio Piedra Montoya (Ecuador) (2nd year)

Mr. Arturo Gavilan Garcia (Mexico) (1st year) and Ms. Alejandra Acosta (Argentina) (2nd year)

## From the Western European and other States:

Ms. Janine van Aalst (Netherlands)

Mr. Mark Govoni (Switzerland)

Ms. Jennifer Landsidle (United States of America)

**MC-1/8: Timing and format of reporting by the parties***The Conference of the Parties*

1. *Decides* that, in accordance with article 21 of the Minamata Convention on Mercury, each party shall report every four years using the full format set out in the annex to the present decision and report every two years with respect to the questions in that format marked by an asterisk by 31 December of the following year;

2. *Decides also* that, in accordance with article 21, each party shall submit its first biennial short report using the available information by 31 December 2019 and its first full report by 31 December 2021 for consideration by the Conference of the Parties at its subsequent meeting;

3. *Adopts* the format for reporting pursuant to article 21 set forth in the annex to the present decision;

4. *Encourages* each party, when submitting its report pursuant to article 21, to provide the secretariat with an electronic version of its report;
5. *Requests* the secretariat to make available to parties the above-mentioned format for reporting;
6. *Also requests* the secretariat to make available an electronic version of the party's previous report so that it may be updated as appropriate;
7. *Further requests* the secretariat to provide information, including the reporting rate, to the Conference of the Parties to assist in its review pursuant to paragraph 5 (c) of article 23.

## Annex to decision MC-1/8

### Reporting format for the Minamata Convention on Mercury

#### Reporting on measures to be taken to implement the provisions of the Convention, the effectiveness of such measures and the challenges encountered

##### INSTRUCTIONS

Pursuant to article 21 of the Minamata Convention on Mercury, each Party to the Convention shall report to the Conference of the Parties on the measures it has taken to implement the provisions of the Convention, on the effectiveness of such measures and on possible challenges in meeting the objectives of the Convention.

Parties are requested to use the attached reporting format to report in accordance with article 21. An electronic version of the format is available for download from the Convention home page: <http://www.mercuryconvention.org>. Hard copies and electronic versions in CD format are also available upon request from the secretariat (see below for contact details). Subsequent to the submission of each party's first report, the secretariat will send out an electronic version of the Party's previous report so that it can be updated as appropriate.

Part A of the reporting format calls for general information on the Party for which the report is being submitted, such as the name and contact details of the national focal point or the contact officer submitting the report on behalf of the Party. It is expected that the national focal point will have been designated by the Party in accordance with article 17, paragraph 4, of the Convention. It is important that all relevant information be provided in order to assist the secretariat in identifying the completed report.

Part B of the format calls for information on the measures taken by the reporting Party to implement the relevant provisions of the Minamata Convention and on the effectiveness of such measures in meeting the objectives of the Convention. Note that the effectiveness of implementing measures that are described by a party is separate from the evaluation of the effectiveness of the treaty under article 22. Description of the effectiveness of the implementing measures should be provided based on a party's particular situation and capabilities, but should nevertheless be handled as consistently as possible in the party's report. Mandatory information forms the core of the reporting format. As noted, additional information would facilitate the evaluation of the effectiveness of the Convention and additional questions have been added to obtain this information. These additional questions are identified as supplemental information and responses can be provided voluntarily at the party's discretion, but parties are strongly encouraged to complete these aspects where they have relevant information.

Part C provides an opportunity to comment on possible challenges in meeting the objectives of the Convention.

Part D provides an opportunity to comment on the reporting format and possible improvements.

Part E provides an opportunity to provide additional comments on each of the articles in free text if the Party chooses to do so. In implementing an electronic format, the opportunity for comment would be available throughout part B of the reporting format, with links from each article.

Additional information to supplement that requested may be attached.

The reporting forms must be submitted to the Conference of the Parties through the Minamata Convention secretariat in any of the six official languages of the United Nations. Further information and assistance may be sought from the secretariat at the following address:

Secretariat for the Minamata Convention

United Nations Environment Programme

*To be completed*

Internet home page: [www.mercuryconvention.org](http://www.mercuryconvention.org)

**Part A**

MINAMATA CONVENTION ON MERCURY NATIONAL REPORT PURSUANT TO ARTICLE 21	
1. INFORMATION ON THE PARTY	
Name of party	
Date on which its instrument of ratification, accession, approval or acceptance was deposited	<i>(day/month/year)</i>
Date of entry into force of the Convention for the Party	<i>(day/month/year)</i>
2. INFORMATION ON THE NATIONAL FOCAL POINT	
Full name of the institution	
Name and title of contact officer	
Mailing address	
Telephone number	
Fax number	
E-mail	
Web page	
3. INFORMATION ABOUT THE CONTACT OFFICER SUBMITTING THE REPORTING FORMAT IF DIFFERENT FROM THE ABOVE	
Full name of the institution	
Name and title of contact officer	
Mailing address	
Telephone number	
Fax number	
E-mail	
Web page	
4. DATE THE REPORT WAS SUBMITTED	<i>(day/month/year)</i>

**Part B****Article 3: Mercury supply sources and trade**

1. Does the party have any primary mercury mines that were operating within its territory at the date of entry into force of the Convention for the Party? (Para. 3.)

- Yes  
 No

If **yes**, please indicate:

- a) The anticipated date of closure of the mine(s): (*month, year*) OR  
 b) The date upon which the mine(s) closed: (*month, year*)  
 c) \*Total amount mined \_\_\_\_\_ metric tons per year

2. Does the party have any primary mercury mines that are now in operation that were not in operation at the time of entry into force of the Convention for the Party? (Para. 3, para. 11.)

- Yes  
 No

If **yes**, please explain.

3. Has the party endeavoured to identify individual stocks of mercury or mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year that are located within its territory? (Para. 5.)

- Yes  
 No

a) \*If the party answered Yes to Question 3 above:

- i. Please attach the results of your endeavour or indicate where it is available on the internet, unless unchanged from a previous reporting round.  
 ii. Supplemental: Please provide any related information, for example on the use or disposal of mercury from such stocks and sources.

b) If the party answered No above, please explain.

4. Does the party have excess mercury available from the decommissioning of chlor-alkali facilities? (Para. 5. (b).)

- Yes  
 No

If **yes**, please explain the measures taken to ensure that the excess mercury was disposed of in accordance with the guidelines for environmentally sound management referred to in paragraph 3 (a) of article 11 using operations that did not lead to recovery, recycling, reclamation, direct re-use or alternative uses. (Para. 5 (b), para. 11.)

5. \*Has the party received consent, or relied on a general notification of consent, in accordance with article 3, including any required certification from importing non-parties, for all exports of mercury from the Party's territory in the reporting period. (Para. 6, para. 7.)

- Yes, exports to parties   
 Yes, exports to non-parties:   
 No

If **yes**,

a. and the Party has submitted copies of the consent forms to the secretariat, then no further information is needed.

If the Party has not previously provided such copies, it is recommended that it do so.

Otherwise, please provide other suitable information showing that the relevant requirements of paragraph 6 of article 3 have been met.

Supplemental: please provide information on the use of the exported mercury.

b. If exports were based on a general notification in accordance with article 3, paragraph 7, please indicate, if available, the total amount exported and any relevant terms or conditions in the general notification related to use.

6. Has the Party allowed the import of mercury from a non-Party?

- No  
 Yes.

If **yes**, and the Party has submitted copies of the consent forms to the secretariat, then no further information is needed.

If the Party has not previously provided such copies, it is recommended that it do so.

Otherwise, please provide other suitable information showing that the relevant requirements of paragraph 8 of article 3 have been met.

Supplemental: Please provide information on the quantities and countries of origin.

- The importing Party has relied on paragraph 7 of article 3

If **yes**, or **if the Party relied on paragraph 7 of article 3**, did the non-Party provide certification that the mercury is not from sources identified under paragraph 3 or paragraph 5 (b) of article 3? (Para. 8.)

- Yes.  
 No

- The Party has submitted its general notification of consent, applied paragraph 9 of article 3, and provided information on the quantities and countries of origin.

If **no**, please explain

#### Article 4: Mercury-added products

1. Has the Party taken any appropriate measures to not allow the manufacture, import or export of mercury-added products listed in Part I of Annex A of the Convention after the phase-out date specified for those products? (Para.1.)

(If the Party is implementing paragraph 2, please skip to question 2.)

- Yes  
 No

If **yes**, please provide information on the measures.

If **no**, has the Party registered for an exemption pursuant to article 6?

- Yes  
 No

If **yes**, for which products (please list)? (Para. 1, para. 2 (d).)

2. If **yes** (implementing paragraph 2 of article 4):  
 (Para. 2.)

Has the Party reported to the Conference of the Parties at the first opportunity a description of the measures or strategies implemented, including a quantification of the reductions achieved?  
 (Para. 2 (a).)

- Yes  
 No

Has the Party implemented measures or strategies to reduce the use of mercury in any products listed in Part I of Annex A for which a de minimis value has not yet been obtained?  
 (Para. 2 (b).)

- Yes  
 No

If **yes**, please provide information on the measures.

Has the Party considered additional measures to achieve further reductions?  
(Para. 2 (c).)

- Yes
- No

If **yes**, please provide information on the measures.

3. Has the Party taken two or more measures for the mercury-added products listed in Part II of Annex A in accordance with the provisions set out therein? (Para. 3.)

- Yes
- No

If **yes**, please provide information on the measures.

4. Has the Party taken measures to prevent the incorporation into assembled products of mercury-added products whose manufacture, import and export are not allowed under article 4? (Para. 5.)

- Yes
- No

If **yes**, please provide information on the measures.

5. Has the Party discouraged the manufacture and the distribution in commerce of mercury-added products not covered by any known use in accordance with article 4, paragraph 6? (Para. 6.)

- Yes
- No

If **yes**, please provide information on the measures taken.

If **no**, has there been an assessment of the risks and benefits of the product that demonstrates environmental or health benefits? Has the Party provided to the secretariat, as appropriate, information on any such product?

- Yes
- No

If **yes**, please name the product: \_\_\_\_\_

**Article 5: Manufacturing processes in which mercury or mercury compounds are used**

1. Are there facilities within the territory of the Party that use mercury or mercury compounds for the processes listed in Annex B of the Minamata Convention in accordance with paragraph 5 (b) of article 5 of the Convention? (Para. 5.)

- Yes
- No
- Do not know (*please explain*)

If **yes**, please provide information on measures taken to address emissions and releases of mercury or mercury compounds from such facilities.

If available, please provide information on the number and type of facilities and the estimated annual amount of mercury or mercury compounds used in those facilities.

Please provide information on how much mercury (in metric tons) is used in the processes listed in the two first entries of Part II of Annex B in the last year of the reporting period.

2. Are measures in place to not allow the use of mercury or mercury compounds in manufacturing processes listed in Part I of Annex B after the phase-out date specified in that Annex for the individual process? (Para. 2, para. 5 (b).)

Chlor-alkali production:

- Yes
- No
- Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

Acetaldehyde production in which mercury or mercury compounds are used as a catalyst:

- Yes
- No
- Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

If **no** to either of the questions above, has the Party registered for an exemption pursuant to article 6?

- Yes
- No

If **yes**, for which process(es)? (*please list*)

3. Are measures in place to restrict the use of mercury or mercury compounds in the processes listed in Part II of Annex B in accordance with the provisions set out therein? (Para. 3, Para. 5 (b).)

Vinyl chloride monomer production:

- Yes
- No
- Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

Sodium or potassium methylate or ethylate:

- Yes
- No
- Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

Production of polyurethane using mercury-containing catalysts:

- Yes
- No
- Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

4. Is there any use of mercury or mercury compounds in a facility using the manufacturing processes listed in Annex B that did not exist prior to the date of entry into force of the Convention for the Party? (Para. 6.)

- Yes
- No

If **yes**, please explain the circumstances.

5. Is there any facility that has been developed using any other manufacturing process in which mercury or mercury compounds are intentionally used that did not exist prior to the date of entry into force of the Convention? (Para. 7.)

- Yes
- No

If **yes**, please provide information on how the Party tried to discourage this development or that the Party has demonstrated the environmental and health benefits to the Conference of the Parties and that there are no technically and economically feasible mercury-free alternatives available providing such benefits.

**Article 7: Artisanal and small-scale gold mining**

1. Have steps been taken to reduce, and where feasible eliminate, the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from, artisanal and small-scale gold mining and processing subject to article 7 within your territory? (Para. 2.)

- Yes
- No
- There is no artisanal and small-scale gold mining and processing subject to article 7 in which mercury amalgamation is used in the territory.

If **yes**, please provide information on the steps.

2. Has the Party determined and notified the secretariat that artisanal and small-scale gold mining and processing within its territory is more than insignificant?

- Yes
- No

If **no**, please proceed to article 8 on emissions

3. Has the Party developed and implemented a national action plan and submitted it to the secretariat? (Para. 3 (a), para. 3 (b).)

- Yes
- No
- In progress

4. Attach your most recent review that must be completed under paragraph 3 (c) of article 7, unless it is not yet due.

5. Supplemental: Has the Party cooperated with other countries or relevant intergovernmental organizations or other entities to achieve the objective of this article? (Para. 4.)

- Yes
- No

If yes, please provide information.

**Article 8: Emissions**

1. Identify any Annex D source categories for which there are new sources of emissions of mercury or mercury compounds as defined in paragraph 2 (c) of article 8.

For each of those source categories describe the measures in place, including the effectiveness of such measures, to implement the requirements of paragraph 4 of article 8.

Has the Party required the use of best available techniques or best environmental practices (BAT/BEP) to control and where feasible reduce emissions for new sources no later than 5 years after the date of entry into force of the Convention for the Party? (Para. 4.)

- Yes
- No (*please explain*)

2. Identify any Annex D source categories for which there are existing sources of emissions of mercury or mercury compounds as defined in paragraph 2 (e) of article 8.

For each of those source categories, select and provide details on the measures implemented under paragraph 5 of article 8 and explain the progress that these applied measures have achieved in reducing emissions over time in your territory:

- A quantified goal for controlling and, where feasible, reducing emissions from relevant sources;
- Emission limit values for controlling and, where feasible, reducing emissions from relevant sources;
- Use of BAT/BEP to control emissions from relevant sources;



- Multi-pollutant control strategy that would deliver co-benefits for control of mercury emissions;
- Alternative measures to reduce emissions from relevant sources.

Have the measures for existing sources under paragraph 5 of article 8 been implemented no later than 10 years after the date of entry into force of the Convention for the Party?

- Yes
- No (please explain)

3. Has the Party prepared an inventory of emissions from relevant sources within 5 years of entry into force of the Convention for it? (Para. 7.)

- Yes
- No
- Have not been a Party for 5 years

If **yes**, when was the inventory last updated?

Please indicate where this inventory is available.

If no such inventory exists, please explain.

4. Has the Party chosen to establish criteria to identify relevant sources covered within a source category? (Para. 2 (b).)

- Yes
- No

If **yes**, please explain how the criteria for any category include at least 75 percent of the emissions from that category and explain how the Party took into account guidance adopted by the Conference of the Parties.

5. Has the Party chosen to prepare a national plan setting out the measures to be taken to control emissions from relevant sources and its expected targets, goals and outcomes? (Para. 3.)

- Yes
- No

If **yes**, has the Party submitted its national plan to the Conference of the Parties under this article no later than 4 years after the date of entry into force of the Convention for your Party?

- Yes
- No (*please explain*)

#### **Article 9: Releases**

1. Are there, within the Party's territory, relevant sources of releases as defined in paragraph 2 (b) of article 9? (Para. 4.)

- Yes
- No
- Do not know (*please explain*)

If **yes**, please indicate the measures taken to address releases from relevant sources and the effectiveness of those measures. (Para. 5.)

2. Has the Party established an inventory of releases from relevant sources within 5 years of entry into force of the convention for it? (Para. 6.)

- Yes
- Relevant sources do not exist in the territory
- Have not been a Party for 5 years
- No (*please explain*)

If **yes**, when was the inventory last updated?

Please indicate where the information is available.

**Article 10: Environmentally sound interim storage of mercury, other than waste mercury**

1. Has the Party taken measures to ensure that the interim storage of non-waste mercury and mercury compounds intended for a use allowed to a Party under the Convention is undertaken in an environmentally sound manner? (Para 2)

- Yes  
 No  
 Do not know (*please explain*)

If **yes**, please indicate the measures taken to ensure that such interim storage is undertaken in an environmentally sound manner and the effectiveness of those measures.

**Article 11: Mercury wastes**

1. Have measures outlined in article 11, paragraph 3, been implemented for the Party's mercury waste? (Para. 3.)

- Yes  
 No

If **yes**, please describe the measures implemented pursuant to paragraph 3, and please also describe the effectiveness of those measures.

2. \*Are there facilities for final disposal of waste consisting of mercury or mercury compounds in the Party's territory?

- Yes  
 No  
 Do not know (*please explain*)

If **yes**, if available, how much waste consisting of mercury or mercury compounds has been subjected to final disposal under the reporting period? Please specify the method of the final disposal operation/operations.

**Article 12: Contaminated sites**

1. Has the Party endeavoured to develop strategies for identifying and assessing sites contaminated by mercury or mercury compounds in its territory? (Para. 1.)

- Yes  
 No

Please elaborate

**Article 13: Financial resources and mechanism**

1. Has the Party undertaken to provide, within its capabilities, resources in respect of those national activities that are intended to implement the Convention in accordance with its national policies, priorities, plans and programmes? (Para. 1.)

- Yes (*please specify*)  
 No (*please specify why not*)

Please provide comments, if any.

2. Supplemental: Has the Party, within its capability, contributed to the mechanism referred to in paragraph 5 of article 13? (Para. 12.)

(*Please tick one box only*)

- Yes (*please specify*)  
 No (*please specify why not*)

Please provide comments, if any.

3. Supplemental: Has the Party provided financial resources to assist developing-country parties and/or parties with economies in transition in the implementation of the Convention through other bilateral, regional and multilateral sources or channels? (Para. 3.)

*(Please tick one box only)*

- Yes *(please specify)*  
 No *(please specify why not)*

Please provide comments, if any.

**Article 14: Capacity-building, technical assistance and technology transfer**

1. Has the Party cooperated to provide capacity-building or technical assistance, pursuant to article 14, to another Party to the Convention? (Para. 1.)

- Yes *(Please specify)*  
 No *(Please specify)*

2. Supplemental: Has the Party received capacity-building or technical assistance pursuant to article 14? (Para. 1.)

- Yes *(please specify)*  
 No *(Please specify)*

Please provide comments, if any.

3. Has the Party promoted and facilitated the development, transfer and diffusion of and access to, up-to-date environmentally sound alternative technologies? (Para. 3.)

*(Please tick one box only)*

- Yes *(please specify)*  
 No *(please specify why not)*  
 Other *(please provide information)*

**Article 16: Health aspects**

1. Have measures been taken to provide information to the public on exposure to mercury in accordance with paragraph 1 of article 16?

- Yes  
 No

Supplemental: If **yes**, describe the measures that have been taken.

2. Have any other measures been taken to protect human health in accordance with article 16? (Para. 1.)

- Yes  
 No

Supplemental: If **yes**, describe the measures that have been taken.

**Article 17: Information exchange**

1. Has the Party facilitated the exchange of information referred to in article 17, paragraph 1? (Para. 1.)

- Yes  
 No

Please provide more information, if any.

**Article 18: Public information, awareness and education**

1. Have measures been taken to promote and facilitate the provision to the public of the kinds of information listed in article 18, paragraph 1? (Para. 1.)

- Yes  
 No

If **yes**, please indicate the measures that have been taken and the effectiveness of those measures?

**Article 19: Research, development and monitoring**

1. Has the Party undertaken any research, development and monitoring in accordance with paragraph 1 of article 19? (Para. 1.)

- Yes
- No

If yes, please describe these actions.

**Part C: Comments regarding possible challenges in meeting the objectives of the Convention**  
(Art. 21, para. 1)

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**Supplemental: Part D: Comments regarding the reporting format and possible improvements, if any**

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**MC-1/9: Establishment of arrangements in regard to effectiveness evaluation**

*The Conference of the Parties,*

*Recognizing* the urgent need for a framework for the effectiveness evaluation of the Minamata Convention on Mercury that includes a strategic, cost-effective approach that provides appropriate and sufficient data,

*Taking note* of the compilation of information made available through the process of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury,

*Acknowledging* the global mercury assessments requested by the Governing Council of the United Nations Environment Programme and the Minamata Convention initial assessments as important sources of information contributing to the effectiveness evaluation.

1. *Adopts* annexes I and II to the present decision;
2. *Requests* the secretariat to support the work outlined in these two annexes.

**Annex I to decision MC-1/9**

**Draft road map for establishing arrangements for providing the Conference of the Parties with comparable monitoring data, and elements of an effectiveness evaluation framework under article 22 of the Minamata Convention**

<i>Activity</i>	<i>Time frame</i>
Nominations for the ad hoc group of experts are provided to the secretariat through the bureau members of the Conference of the Parties.	1 November 2017
The ad hoc group of experts will meet face-to-face, drawing on previously submitted information collated by the secretariat, and taking into account work undertaken under other multilateral environmental agreements including the Stockholm Convention.	January/February 2018
The ad hoc group of experts prepares the draft report including the outline, plan, and elements of the effectiveness evaluation framework, and the secretariat makes the draft report available for comments.	15 May 2018

<i>Activity</i>	<i>Time frame</i>
The ad hoc group of experts revises and finalizes the report including the outline, plan, and elements of the effectiveness evaluation framework, and the secretariat forwards it to the second Conference of the Parties for consideration.	20 July 2018
The final report is considered by the Conference of the Parties at its second meeting.	November 2018 (tentative date for the second meeting of the Conference of the Parties)

## **Annex II to decision MC-1/9**

### **Draft terms of reference for an ad hoc group of experts on the arrangements for providing the Conference of the Parties with comparable monitoring data, and elements of an effectiveness evaluation framework under article 22 of the Minamata Convention**

#### **I. Mandate**

The Conference of the Parties hereby establishes an ad hoc group of experts to:

- (a) Develop monitoring arrangements, taking into account the experience of other multilateral environmental agreements, including the Stockholm Convention, for consideration by the Conference of the Parties at its second meeting, including:
  - (i) An outline of the types of data that could be comparable on a global basis, as well as their availability;
  - (ii) A draft plan that integrates comparable results for future monitoring that countries and stakeholders may choose to undertake; and as part of this work:
    - a. Review information on existing monitoring programmes, including from the information that has been reported to the secretariat by Governments and intergovernmental and non-governmental organizations, and others that are available;
    - b. Assess to what extent the information reviewed under a. meets the needs for monitoring set out in paragraph 2 of article 22) of the Convention, and on that basis outline options to enhance comparability and completeness of the information reviewed;
    - c. Take into consideration cost-effectiveness, practicality, feasibility and sustainability, global coverage, and regional capabilities in identifying opportunities for future enhancements to monitoring;
    - d. Identify available modelling capabilities to assess changes in global mercury levels within and across different media;
    - e. Identify sources of data that can be used for establishing a baseline;
    - f. Identify how monitoring activities may contribute to the development of the effectiveness evaluation framework;
- (b) Develop elements of an effectiveness evaluation framework, taking into account the experience under other multilateral environmental agreements, including the Stockholm Convention, for consideration by the Conference of the Parties at its second meeting, inter alia, by:
  - (i) Identifying the steps required to undertake an effectiveness evaluation;
  - (ii) Suggesting a process flow (schedule) for the effectiveness evaluation planning;
  - (iii) Identifying arrangements for conducting the effectiveness evaluation;
  - (iv) Drafting terms of reference for the committee developing the first effectiveness evaluation;
  - (v) Assessing potential approaches to the development of performance indicators

(c) Prepare a report on its work for submission to the Conference of the Parties for consideration at its second meeting, including recommendations on monitoring arrangements and effectiveness evaluation.

## II. Membership

The ad hoc group of experts will be composed of 25 Government-designated experts drawn from the regions as follows:

Each region should designate at least three representatives with expertise on monitoring arrangements and at least one representative with expertise on effectiveness evaluation.

African States:	5
Asia-Pacific States:	5
Central and Eastern European States:	5
Latin American and Caribbean States:	5
Western European and other States:	5

The group will invite the participation of up to 10 experts from civil society, indigenous communities, intergovernmental organizations, industry and the UNEP Global Mercury Partnership as observers. The participation of observers will be balanced among the above-mentioned groups.

The group will invite input from other Governments, intergovernmental organizations, indigenous communities, industry and civil society organizations to assist it in completing its work.

## III. Recommended qualifications

Members and observers of the ad hoc group of experts should have:

- (a) Experience relevant to the development of a monitoring scheme for the collection and analysis of mercury sampling data for the purposes of assessing trends including expertise in either modelling, biotic and aquatic sampling, atmospheric sampling and/or human exposure, and/or indigenous traditional knowledge;
- (b) Expertise relevant to developing and implementing monitoring under multilateral environmental agreements, such as the Global Monitoring Plan under the Stockholm Convention; or
- (c) Experience relevant to effectiveness evaluation.

## IV. Officers

Two co-chairs will be elected by the ad hoc group of experts to facilitate the meeting.

## V. Secretariat

The secretariat will provide administrative support to the ad hoc group of experts.

## VI. Administrative and procedural matters

The rules of procedure of the Conference of the Parties will apply, mutatis mutandis, to the ad hoc group of experts.

## VII. Meetings

The ad hoc group of experts will meet face-to-face once, and at other times will meet via teleconference or webinars prior to the second meeting of the Conference of the Parties.

## VIII. Language

English will be the working language of the ad hoc group of experts. The report of the ad hoc group of experts to the Conference of the Parties will be translated into Arabic, Chinese, French, Russian and Spanish.

## **MC-1/10: Financial rules for the Conference of the Parties to the Minamata Convention on Mercury and any of its subsidiary bodies, as well as financial provisions governing the functioning of the secretariat**

*The Conference of the Parties,*

*Recalling* paragraph 4 of article 23 of the Minamata Convention on Mercury,

*Decides* to adopt the financial rules for the Conference of the Parties and its subsidiary bodies set out in the annex to the present decision.

### **Annex to decision MC-1/10**

## **Financial rules for the Conference of the Parties to the Minamata Convention on Mercury, its subsidiary bodies and the secretariat of the Convention**

### **Scope**

#### **Rule 1**

The present rules shall govern the financial administration of the Conference of the Parties to the Minamata Convention on Mercury, its subsidiary bodies and the Convention secretariat. In respect of matters not specifically provided for by the present rules, the Financial Regulations and Rules of the United Nations shall apply.

### **Financial period**

#### **Rule 2**

The financial period shall be a calendar year. The biennial programme of work and budget of the Minamata Convention shall normally consist of two consecutive calendar years, the first of which shall be an even year.

### **Budget**

#### **Rule 3**

1. The head of the secretariat of the Minamata Convention on Mercury shall prepare budget estimates for the following biennium in United States dollars showing projected income and expenditures for each year. The budget should be presented in a programmatic format consistent with the format used by the secretariats of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants.<sup>5</sup> The head of the secretariat shall dispatch the estimates, as well as the actual income and expenditure for each year of the previous biennium and estimates of actual expenditure in the current biennium, to all parties to the Convention at least 90 days before the opening of the meeting of the Conference of the Parties at which the budget is to be adopted.
2. The Conference of the Parties shall, prior to the commencement of the financial period that the budget covers, consider the budget estimates and adopt an operational budget by consensus authorizing expenditures, other than those referred to in rule 4, paragraphs 3, 4 and 5.
3. The head of the secretariat shall provide the Conference of the Parties with cost estimates for actions that have budgetary implications that are not foreseen in the draft programme of work but are included in proposed draft decisions prior to the adoption of those decisions by the Conference of the Parties.
4. The adoption of the operational budget by the Conference of the Parties shall constitute the authority of the head of the secretariat to incur commitments and make payments for the purposes for which the appropriations were approved and up to the amounts so approved, provided always that, unless specifically authorized by the Conference of the Parties, commitments shall be covered by related received funds.
5. The head of the secretariat may make transfers within each of the main appropriation lines of the approved operational budget. The head of the secretariat may also make transfers between such

<sup>5</sup> Linked to the decision on hosting arrangements for the Secretariat.

appropriation lines up to 20 per cent of the main appropriation line from which the transfer is made unless another limit is set by the Conference of the Parties.

## Funds

### Rule 4

1. A general trust fund for the Convention shall be established by the Executive Director of the United Nations Environment Programme and managed by the head of the secretariat. The fund is to provide financial support for the work of the Convention secretariat. Contributions made pursuant to rule 5, paragraph 1 (a) and (b), shall be credited to this fund. Contributions made pursuant to rule 5, paragraph 1 (e), by the United Nations Environment Programme shall be credited to this fund. All budget expenditures that are made pursuant to rule 3, paragraph 4, shall be charged to the General Trust Fund.
2. Within the General Trust Fund there shall be maintained a working capital reserve at a level to be determined from time to time by the Conference of the Parties by consensus. The purpose of the working capital reserve shall be to ensure continuity of operations in the event of a temporary shortfall of cash. Following any drawdown of the working capital reserve, it shall be restored to its established level as soon as possible and no later than the end of the following year.
3. A special trust fund shall be established by the Executive Director of the United Nations Environment Programme and managed by the head of the secretariat. This fund shall receive contributions pursuant to rule 5, paragraph 1 (c) to (e), to support, in particular:
  - (a) The activities of the Minamata Convention secretariat in accordance with article 14;
  - (b) The participation of representatives of developing-country parties, in particular the least developed country parties and small island developing States among them, and of parties with economies in transition, in the meetings of the Conference of the Parties and its subsidiary bodies pursuant to the procedure set out in the annex to the financial rules;
  - (c) Other appropriate purposes consistent with the objectives of the Convention.
4. A specific trust fund shall be established by the Executive Director of the United Nations Environment Programme for the specific international programme to support capacity-building and technical assistance in accordance with article 13.
5. Subject to the approval of the Conference of the Parties, the Executive Director of the United Nations Environment Programme may establish other trust funds, provided that they are consistent with the objectives of the Convention.
6. In the event that the Conference of the Parties decides to terminate a trust fund established pursuant to the present rules, it shall so advise the Executive Director of the United Nations Environment Programme at least six months before the date of termination so decided. The Conference of the Parties shall decide, in consultation with the Executive Director of the United Nations Environment Programme, on the distribution of any uncommitted balances after all liquidation expenses have been met.

## Contributions

### Rule 5

1. The resources of the Conference of the Parties shall comprise:
  - (a) Contributions made each year by Parties on the basis of an indicative scale adopted by consensus by the Conference of the Parties and based on such a scale of assessments of the United Nations as may be adopted from time to time by the General Assembly, adjusted so as to ensure that no Party contributes less than 0.01 per cent of the total, that no one contribution exceeds 22 per cent of the total and that no contribution from a least developed country Party exceeds 0.01 per cent of the total;
  - (b) The 60 per cent of the unearmarked contributions made each year by the Government hosting the Convention secretariat;
  - (c) The remaining 40 per cent of the unearmarked contributions made each year by the Government hosting the Convention secretariat, which will be prioritized for the purposes set out in rule 4, paragraph 3 (b);
  - (d) Contributions made each year by parties in addition to those made pursuant to paragraphs (a)–(c);



- (e) Contributions from States not parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations and other sources;
  - (f) The uncommitted balance of income received from previous financial periods;
  - (g) Miscellaneous income.
2. The Conference of the Parties shall, in adopting the indicative scale of contributions referred to in rule 5, paragraph 1 (a), make adjustments to take account of contributions of parties that are not members of the United Nations, as well as those of regional economic integration organizations that are parties.
  3. In respect of contributions made pursuant to rule 5, paragraph 1 (a):
    - (a) Contributions for each calendar year are expected by 1 January of that year and should be paid promptly and in full. Parties should be notified of the amount of their contributions for a given year by 15 October of the previous year;
    - (b) Each Party shall, as far in advance as possible of the date due for the contribution, inform the head of the secretariat of the contribution it intends to make and of the projected timing of that contribution;
    - (c) If the contributions of any parties have not been received by 31 December of the relevant year, the head of the secretariat shall write to those parties to impress upon them the importance of paying their respective outstanding contributions for prior periods and shall report to the Conference of the Parties at its next meeting on the consultations with such parties;
    - (d) If the contributions of any Party have not been received after two or more years, the head of the secretariat shall jointly decide with any Party who has outstanding contributions to develop a payment schedule to permit such Party to pay all outstanding contributions within six years, depending on the financial circumstances of the Party, and to pay future contributions promptly. The head of the secretariat shall report to the Bureau and to the Conference of the Parties at their next meetings on progress under any such schedule;
    - (e) If a payment schedule is not jointly decided or respected, the Conference of the Parties will decide on appropriate measures, taking into account the specific needs and the special circumstances of [developing countries, particularly] least developed countries or small island developing States;
    - (f) Given the importance of the full and effective participation of developing country parties, in particular least developed countries and small island developing States, and parties with economies in transition, the head of the secretariat shall remind parties of the need for contributions to the Special Trust Fund at least six months prior to each ordinary meeting of the Conference of the Parties, reflecting on the financial need, and urge parties in a position to do so to ensure that any contributions are paid at least three months before the meeting.
  4. Contributions made pursuant to rule 5, paragraph 1 (d) and (e), shall be used in accordance with such terms and conditions, consistent with the objectives of the Convention and the Financial Regulations and Rules of the United Nations, as may be agreed between the head of the secretariat and the contributors.
  5. Contributions made pursuant to rule 5, paragraph 1 (a), from States and regional economic integration organizations that become parties to the Convention after the beginning of a financial period shall be made pro rata temporis for the balance of that financial period. Consequent adjustments shall be made at the end of each financial period for other parties.
  6. Notwithstanding rule 4, paragraph 3, the specific trust fund shall be open to contributions from signatories, parties and non-parties to the Convention with capacity to do so, as well as from the private sector, including industry, foundations, other non-governmental organizations and other stakeholders.
  7. All contributions shall be paid in United States dollars or the equivalent in a convertible currency. They shall be paid into a bank account to be designated by the Executive Director of the United Nations Environment Programme in consultation with the head of the secretariat. In conversion into United States dollars, the United Nations operational rate of exchange shall be used.
  8. The head of the secretariat shall acknowledge promptly the receipt of all pledges and contributions and shall inform the parties by publishing on the Convention website up-to-date information on the status of pledges and payments of contributions.

9. Contributions not immediately required shall be invested in accordance with applicable United Nations rules at the discretion of the Executive Director of the United Nations Environment Programme, in consultation with the head of the secretariat. In case both are not in agreement the Executive Director shall decide the further course of action. The resulting income shall be credited to the relevant Convention trust fund.

### **Accounts and audit**

#### **Rule 6**

1. The accounts and financial management of all funds governed by the present rules shall be subject to the internal and external audit process of the United Nations.
2. An interim statement of accounts for the financial period shall be provided to the Conference of the Parties, and a final audited statement of accounts for the full financial period shall be provided to the Conference of the Parties as soon as possible after the accounts for the financial period are closed.
3. The Conference of the Parties shall be informed of any relevant remarks in the reports of the United Nations Board of Auditors on financial statements of the United Nations Environment Programme and remarks in reports resulting from external audits.

### **Administrative support costs**

#### **Rule 7**

The Conference of the Parties shall reimburse the United Nations Environment Programme for the services provided to the Conference of the Parties, its subsidiary bodies and the Convention secretariat from the funds referred to in rule 4, paragraphs 1, 3 and 5, on such terms as may from time to time be agreed upon between the Conference of the Parties and the United Nations Environment Programme or, in the absence of such agreement, in accordance with the general policy of the United Nations.

### **Amendments**

#### **Rule 8**

Any amendment to the present rules shall be adopted by the Conference of the Parties by consensus.

### **Annex to the financial rules**

#### **Procedure for the allocation of funding from the Special Trust Fund for facilitating the participation of parties in meetings of the Conference of the Parties**

1. The procedure for facilitating the participation of eligible delegates in meetings under the Convention should aim at the full and active participation of developing country parties, in particular least developed countries and small island developing States, and parties with economies in transition in the activities of the Convention to broaden the scope of experiences and information available to Convention parties and encourage the implementation of the Convention at the local, national, regional and international levels.
2. [The procedure should give [priority][special] attention to least developed countries and small island developing States and thereafter aim at ensuring adequate representation of all eligible parties. It should continue to be guided by established United Nations practice.]
3. The secretariat should notify parties as soon as possible, and preferably six months in advance, of the dates and venues of meetings of the Conference of the Parties.
4. Following the dispatch of a notification that a meeting will take place, eligible parties should be invited to inform the secretariat, through official channels of communication, as soon as possible and no later than three months before the meeting, whether funding is requested.
5. Based on the availability of financial resources and the number of requests received, the head of the secretariat shall prepare a list of sponsored delegates. The list shall be established in accordance with paragraphs 1 and 2 above with a view to ensuring adequate geographical representation of eligible regions, [with [priority][special] attention given to least developed countries and small island developing States].

6. The secretariat should, four weeks in advance of the meeting, notify eligible countries that will not be sponsored, inviting them to seek other alternative sources of funding.
7. The head of the secretariat is invited to liaise with the Executive Director of the United Nations Environment Programme with a view to ensuring a waiver of the programme support costs on contributions to the Special Trust Fund for the participation of representatives from developing countries and countries with economies in transition, with the understanding that the additional money secured will be used to enhance the representation of eligible parties.

### **MC-1/11: Secretariat**

*The Conference of the Parties,*

*Noting* that a secretariat has been established pursuant to paragraph 1 of article 24 of the Convention,

*Recalling* that paragraph 3 of article 24 of the Convention designates the Executive Director of the United Nations Environment Programme to perform the secretariat functions for the Convention,

*Welcoming* the offer of the Government of Switzerland to host the secretariat in Geneva and an annual host country contribution of 1 million Swiss francs,

1. *Decides* that 60 per cent of the host country contribution will be allocated to the General Trust Fund and 40 per cent will be allocated to the Special Trust Fund to support developing country delegate travel;
2. *Requests* the Executive Director of the United Nations Environment Programme to perform the secretariat functions initially through a secretariat of the Minamata Convention located in Geneva;
3. *Decides* to review at its second meeting the organizational arrangements, including location and the host country contribution, in accordance with the spirit of the offer of the Government of Switzerland to host the permanent secretariat;<sup>6</sup>
4. *Requests* that, in the interim, the secretariat continue to cooperate and coordinate, as appropriate, with other relevant actors, including the secretariat of the Basel, Rotterdam and Stockholm conventions and the relevant units of the United Nations Environment Programme in order to make full use of relevant experience and expertise.

### **MC-1/12: Formats to be used in registering for an exemption from the phase-out dates listed in Annex A and Annex B and for the register of exemptions**

*The Conference of the Parties*

1. *Adopts* the formats for registering for an exemption pursuant to paragraphs 1 and 2 of article 6, as set out in the annex to the present decision;
2. *Also adopts* the formats for the register of exemptions pursuant to paragraphs 3 and 4 of article 6, as set out in the annex to the present decision;
3. *Requests* the secretariat to make available to States and regional economic integration organizations the above-mentioned formats for registering for an exemption;
4. *Instructs* the secretariat to establish the register of exemptions as per the above-mentioned formats, maintain the register and make it available to the public.

<sup>6</sup> See UNEP/MC/COP.1/INF/8.

## Annex I

### Proposed format for the registration of exemptions for the products and processes listed in Part I of Annexes A and B to the Minamata Convention

#### Annex A: Mercury-added products

##### REGISTRATION OF EXEMPTION FOR ARTICLE 4

###### PARTY:

The secretariat of the Minamata Convention is hereby notified of the registration of the following exemption pursuant to paragraph 1 of article 6 of the Convention. No exemption is required for products excluded from Annex A.

Mercury added products, as listed in part i of annex a	Indicate the category or subcategory for which the exemption is being registered, and whether it is for manufacture, import and/or export	Duration of exemption (if less than five years past the phase-out date)
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Batteries, except for button zinc silver oxide batteries with a mercury content < 2% and button zinc air batteries with a mercury content < 2%

Switches and relays, except 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

Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner

Linear fluorescent lamps (LFLs) for general lighting purposes:

- (a) Triband phosphor < 60 watts with a mercury content exceeding 5 mg per lamp;
- (b) Halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp

High pressure mercury vapour lamps (HPMV) for general lighting purposes

Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays:

- (a) Short length (≤ 500 mm) with mercury content exceeding 3.5 mg per lamp
- (b) Medium length (> 500 mm and ≤ 1,500 mm) with mercury content exceeding 5 mg per lamp
- (c) Long length (> 1,500 mm) with mercury content exceeding 13 mg per lamp

**REGISTRATION OF EXEMPTION FOR ARTICLE 4**

Cosmetics (with mercury content above 1ppm), including skin lightening soaps and creams, and not including eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available<sup>7</sup>

Pesticides, biocides and topical antiseptics

The following non-electronic measuring devices except non-electronic measuring devices installed in large-scale equipment or those used for high-precision measurement, where no suitable mercury-free alternative is available:

- (a) Barometers;
- (b) Hygrometers;
- (c) Manometers;
- (d) Thermometers;
- (e) Sphygmomanometers.

Please attach the explanatory statement on the need for an exemption, one statement per individual product category listed in part I of annex A.

As part of, or in addition to, the explanation of the need for the exemption, a registering Party may include, as appropriate, the following information:

- Any timetable or plan of action to phase out the import, export, or manufacture or to adjust manufacturing specifications to comply with the mercury concentrations for products set out in Annex A;
- Information on the level of stocks of the product available nationally.

**THIS NOTIFICATION IS SUBMITTED BY:**

Job title:

Institution/department:

Address:

Telephone:

Contact name:

Fax:

E-mail address:

Date: (dd/mm/yyyy)

**PLEASE RETURN THE COMPLETED FORM TO:**

Secretariat of the Minamata Convention on Mercury  
 United Nations Environment Programme (UNEP)  
 International Environment House  
 11-13, Chemin des Anémones, CH-1219 Châtelaine, Geneva, Switzerland

Fax: +41 22 797 3460

Email: mercury.chemicals@unep.org

<sup>7</sup> The intention is not to cover cosmetics, soaps or creams with trace contaminants of mercury.

## Annex B: Processes that use mercury

### REGISTRATION OF EXEMPTION FOR ARTICLE 5

#### PARTY:

The secretariat of the Minamata Convention is hereby notified of the registration of the following exemption pursuant to paragraph 1 of article 6 of the Convention.

<b>Manufacturing processes using mercury or mercury compounds set out in part I of Annex B</b>	<b>Indicate the category or subcategory for which the exemption is registered.</b>	<b>Duration of exemption (if less than five years past the phase-out date)</b>
Chlor-alkali production Acetaldehyde production in which mercury or mercury compounds are used as a catalyst		
Please attach an explanatory statement on the need for the exemption, one statement per process category. As part of, or in addition to, the explanation of the need for the exemption, the registering Party may include, as appropriate, the following information:		
<ul style="list-style-type: none"> <li>• Any timetable or plan of action to phase out the use of mercury in facilities; and</li> <li>• Identification of the facilities for which an exemption is being registered, including the capacity of the facilities and the expected annual use of mercury by the facilities.</li> </ul>		

#### THIS NOTIFICATION IS SUBMITTED BY:

Job title:  
Institution/department:  
Address:  
Telephone:                      Fax:                      E-mail address:  
Contact name:                      Date: (dd/mm/yyyy)

#### PLEASE RETURN THE COMPLETED FORM TO:

Secretariat of the Minamata Convention on Mercury  
United Nations Environment Programme (UNEP)  
International Environment House  
11–13, Chemin des Anémones, CH–1219 Châtelaine, Geneva,  
Switzerland  
Fax: +41 22 797 3460  
Email: mercury.chemicals@unep.org

### Proposed format for the register of exemptions from the phase-out dates listed in Part I of Annex A to the Minamata Convention on Mercury

<i>Party</i>	<i>Indicate the specific category/subcategory for which the exemption is registered and whether the exemption is for manufacture, import and/or export.</i>	<i>Explanation for the exemption As provided (this would be a hyperlink to the statement as provided by the Party)</i>	<i>Expiry date for the exemption<sup>a</sup></i>
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<sup>a</sup> Unless otherwise indicated by the Party, all exemptions expire five years after the relevant phase-out date listed in Part I of Annex A.

### Proposed format for the register of exemptions from the phase-out dates listed in Part I of Annex B to the Minamata Convention on Mercury

<i>Party</i>	<i>Specific category/subcategory for which an exemption is registered</i>	<i>Explanation for the exemption As provided (this would then be a hyperlink to the statement as provided by the Party)</i>	<i>Expiry date for the exemption<sup>a</sup></i>
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<sup>a</sup> Unless otherwise indicated by the Party, all exemptions expire five years after the relevant phase-out date listed in Part I of Annex B.

### **MC-1/13: Guidance on the preparation of national action plans for artisanal and small-scale gold mining**

*The Conference of the Parties*

1. *Agrees* to the use of the guidance on the preparation of national action plans by parties addressing the issue of artisanal and small-scale gold mining that is more than insignificant;<sup>8</sup>
2. *Welcomes* the work of the World Health Organization on guidance on the development of public health strategies for artisanal and small-scale gold mining.

### **MC-1/14: Mercury emissions related to the open burning of waste**

*The Conference of the Parties*

1. *Notes* the report on mercury emissions related to the open burning of waste;<sup>9</sup>
2. *Recognizes* that open burning may be a significant source of mercury emissions that has not been quantified;
3. *Also recognizes* that the guidance on best available techniques and best environment practices states that open burning of waste is considered bad environmental practice and should be discouraged;
4. *Invites* parties and other interested entities and organizations to submit to the secretariat information on mercury emissions from open burning of waste;
5. *Requests* the secretariat to continue to compile information on mercury emissions from the open burning of waste, particularly from developing countries and countries with economies in transition, including information from inventories and mercury initial assessments, emission factors and real measurements of emissions submitted by parties, and any relevant information developed by the conferences of the parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Stockholm Convention on Persistent Organic Pollutants, and to submit that information to the Conference of the Parties for its consideration of the need for further action at its second meeting.

### **MC-1/15: Programme of work of the secretariat and proposed budget for the biennium 2018–2019**

*The Conference of the Parties,*

*Taking note* of its decision MC-1/11 pertaining to the arrangements for the functions of the secretariat and the location of the secretariat,

## **I**

### **General Trust Fund for the Minamata Convention on Mercury**

1. *Takes note* of the programme of work for the secretariat for the biennium 2018–2019 as contained in the note by the secretariat on the programme of work of the secretariat and budget for the period 2018–2019 and the addenda thereto;<sup>10</sup>
2. *Approves* the programme budget for the Minamata Convention for the biennium 2018–2019 of 3,916,524 United States dollars for 2018 and 3,843,074 United States dollars for 2019 for the purposes set out in table 1 of the present decision;
3. *Authorizes* the Executive Secretary of the Minamata Convention to make commitments in an amount up to the approved operational budget, drawing upon available cash resources;
4. *Decides* to begin to build the working capital reserve that is to reach 15 per cent by 2021 of the annual average of a biennial operational budget, and set 7.5 per cent as the target for the biennium 2018–2019;
5. *Welcomes* the annual contribution by Switzerland, the host country of the secretariat, of 1 million Swiss francs;

<sup>8</sup> UNEP/MC/COP.1/17, annex II.

<sup>9</sup> UNEP/MC/COP.1/19, annex.

<sup>10</sup> UNEP/MC/COP.1/21, UNEP/MC/COP.1/21.Add.1, UNEP/MC/COP.1/21/Add.2, UNEP/MC/COP.1/21/ADD.3/Rev.1, UNEP/MC/COP.1/21/Add.4.

6. Notes that the host country contribution by Switzerland of 1 million Swiss francs will be apportioned 60 per cent to the General Trust Fund and 40 per cent to the Special Trust Fund for 2018, 2019 and thereafter;

7. *Adopts* the indicative scale of assessments for the apportionment of expenses for the biennium 2018–2019 set out in table 2 of the present decision and authorizes the Executive Secretary, consistent with the Financial Regulations and Rules of the United Nations, to adjust the scale to include all parties for which the Convention enters into force before 1 January 2018 for 2018 and before 1 January 2019 for 2019;

8. *Recalls* that contributions to the Minamata Convention General Trust Fund are due by or on 1 January of the year for which those contributions have been budgeted, and requests parties to pay their contributions promptly to enable the secretariat to commence its work immediately;

9. *Approves* the indicative staffing table for the secretariat for the biennium 2018–2019 used for costing purposes to set the overall budget, which is set out in table 3 of the present decision;

## II

### Special Trust Fund of the Minamata Convention

1. *Agrees* to the funding estimates included in table 1 of the present decision for activities under the Convention to be financed from the Special Trust Fund in the amount of 3,192,250 United States dollars for 2018 and 3,565,150 United States dollars for 2019;

2. *Requests* parties and invites non-parties to the Convention and others in a position to do so, to contribute to the Special Trust Fund so as to enable support for capacity-building and technical assistance activities of the Minamata Convention secretariat in accordance with article 14;

3. *Requests* parties and invites non-parties to the Convention and others in a position to do so, to contribute to the Special Trust Fund so as to support the participation of representatives of developing countries that are parties to the Convention in the meetings of the Conference of the Parties and its subsidiary bodies;

## III

### Specific trust fund of the Minamata Convention

1. *Recalls* the decision MC-1/6<sup>11</sup> on the specific international programme and reiterates the request to the Executive Director of the United Nations Programme to establish a trust fund for the specific international programme;

2. *Invites* parties and non-parties to the Convention and others in a position to do so, to contribute to the specific trust fund so as to enable support for capacity-building and technical assistance in accordance with article 13;

## IV

### Current biennium and preparations for the next biennium

1. *Requests* the Executive Secretary at the second meeting of the Conference of the Parties to provide an update on the programme of work and implementation and, where relevant, cost estimates for actions that have budgetary implications that were not foreseen in the first programme of work but are included in proposed draft decisions, before the adoption of those decisions by the Conference of the Parties, and therefore have budgetary implications in the current biennium;

2. *Requests* the Executive Secretary to prepare a budget for the biennium 2020–2021, for consideration by the Conference of the Parties at its third meeting, in 2019, explaining the key principles, assumptions and programmatic strategy on which the budget is based and presenting expenditures for the that biennium in a programmatic format and by budget code line;

3. *Notes* the need to facilitate priority setting for the programme of work of the secretariat by providing the parties with timely information on the financial consequences of various options and, to that end, requests the Executive Secretary to include in the proposed operational budget for the biennium 2020–2021 two alternative funding scenarios that are based on:

<sup>11</sup> UNEP/MC/COP.1/9.



(a) The Executive Secretary's assessment of the required changes in the operational budget, to finance all the proposals before the Conference of the Parties that have budgetary implications;

(b) Maintaining the operational budget at the 2018–2019 level in nominal terms;

4. *Requests* the Executive Secretary at the meetings of the Conference of the Parties to provide, where relevant, cost estimates for actions that have budgetary implications that are not foreseen in the draft programme of work but are included in proposed draft decisions before the adoption of those decisions by the Conference of the Parties.

ADVANCE

Table 1  
**List of proposed activities included in the programme of work for the period 2018–2019 of the Minamata Convention on Mercury and overview of resources required for proposed activities**

<i>Activity number</i>	<i>Headings and activity description</i>
<b>1. Conferences and meetings</b>	
1	Second meeting of the Conference of the Parties
2	Third meeting of the Conference of the Parties
3	Bureau of the Conference of the Parties
4	Implementation and compliance committee
<b>2. Capacity-building and technical assistance</b>	
5	Capacity-building and technical assistance programme of the Minamata Convention
<b>3. Scientific and technical activities</b>	
6	Scientific support to the States parties to the Minamata Convention
7	Effectiveness evaluation and the global monitoring plan
8	National reporting under the Minamata Convention
<b>4. Knowledge and information management, and outreach</b>	
9	Publications
10	Communication, outreach and public awareness
<b>5. Overall management</b>	
11	Executive direction and management
12	International cooperation and coordination
13	Financial resources and mechanism
<b>6. Legal and policy activities</b>	
14	Legal and policy activities
<b>7. Office maintenance and services</b>	
15	Office maintenance and services
16	Information technology services

**Overview of resources required for proposed activities included in the programme of work of the Minamata Convention for both the General Trust Fund and the Special Trust Fund for the biennium 2018–2019**

	2018		2019	
	General Trust Fund	Special Trust Fund	General Trust Fund	Special Trust Fund
<b>A. Conferences and meetings</b>				
<b>1. Second meeting of the Conference of the Parties</b>				
Second meeting	840 000	640 000	–	–
Regional preparatory meetings	–	535 000	–	–
Intersessional time-based expert groups mandated by the Conference of the Parties at its first and second meetings	105 000	–	105 000	–
<b>Subtotal</b>	<b>945 000</b>	<b>1 175 000</b>	<b>105 000</b>	<b>–</b>
<b>2. Third meeting of the Conference of the Parties</b>				
Third meeting	–	–	840 000	640 000
Regional preparatory meetings	–	–	–	535 000
<b>Subtotal</b>	<b>–</b>	<b>–</b>	<b>840 000</b>	<b>1 175 000</b>
<b>3. Bureau of the Conference of the Parties</b>				
Meetings of the Bureau	25 000	–	25 000	–
<b>Subtotal</b>	<b>25 000</b>	<b>–</b>	<b>25 000</b>	<b>–</b>
<b>4. Implementation and compliance committee</b>				
Meeting of the committee	30 000	–	30 000	–
<b>Subtotal</b>	<b>30 000</b>	<b>–</b>	<b>30 000</b>	<b>–</b>
<b>Total (A)</b>	<b>1 000 000</b>	<b>1 175 000</b>	<b>1 000 000</b>	<b>1 175 000</b>
<b>B. Capacity-building and technical assistance</b>				
<b>5. Capacity-building and technical assistance programme of the Minamata Convention</b>				
Cross-cutting activities	–	300 000	–	360 000
Impact assessment	–	–	–	–
Tools and methodologies	–	50 000	–	60 000
Needs assessment	–	–	–	–
Specific capacity development activities	–	500 000	–	600 000
Capacity-building activities on request	–	800 000	–	960 000
<b>Total (B)</b>	<b>–</b>	<b>1 650 000</b>	<b>–</b>	<b>1 980 000</b>
<b>C. Scientific and technical activities</b>				
<b>6. Scientific support to the States parties to the Minamata Convention</b>				
Scientific support to the States parties to the Convention	–	–	–	–
<b>Subtotal</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>
<b>7. Effectiveness evaluation and global monitoring plan</b>				
Effectiveness evaluation and global monitoring plan	–	–	–	–
<b>Subtotal</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>
<b>8. National reporting under the Minamata Convention</b>				
National reporting under the Minamata Convention	30 000	–	30 000	–
<b>Subtotal</b>	<b>30 000</b>	<b>–</b>	<b>30 000</b>	<b>–</b>
<b>Total (C)</b>	<b>30 000</b>	<b>–</b>	<b>30 000</b>	<b>–</b>
<b>D. Knowledge and information management, and outreach</b>				
<b>9. Publications</b>				
Publications	30 000	–	30 000	–
<b>Subtotal</b>	<b>30 000</b>	<b>–</b>	<b>30 000</b>	<b>–</b>

	2018		2019	
	General Trust Fund	Special Trust Fund	General Trust Fund	Special Trust Fund
<b>10. Communication, outreach and public awareness</b>				
Communication, outreach and public awareness	100 000	–	50 000	–
<b>Subtotal</b>	<b>100 000</b>	<b>–</b>	<b>50 000</b>	<b>–</b>
<b>Total (D)</b>	<b>130 000</b>	<b>–</b>	<b>80 000</b>	<b>–</b>
<b>E. Overall management</b>				
<b>11. Executive direction and management</b>				
Overall management	1 930 950	–	1 930 950	–
Staff travel	150 000	–	150 000	–
<b>Subtotal</b>	<b>2 080 950</b>	<b>–</b>	<b>2 080 950</b>	<b>–</b>
<b>12. International cooperation and coordination</b>				
Cooperation on the broader sustainable development and environment agenda	–	–	–	–
Cooperation within the chemicals and waste cluster	–	–	–	–
Other cooperation and coordination	–	–	–	–
<b>Subtotal</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>
<b>13. Financial resources and mechanism</b>				
Financial mechanism <sup>a</sup>	–	–	–	–
Financial resources	–	–	–	–
<b>Subtotal</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>
<b>Total (E)</b>	<b>2 080 950</b>	<b>–</b>	<b>2 080 950</b>	<b>–</b>
<b>F. Legal and policy activities</b>				
<b>14. Legal and policy activities</b>				
Legal and policy activities	–	–	–	–
<b>Total (F)</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>
<b>G. Office maintenance and services</b>				
<b>15. Office maintenance and services</b>				
Office maintenance and services	160 000	–	160 000	–
<b>Subtotal</b>	<b>160 000</b>	<b>–</b>	<b>160 000</b>	<b>–</b>
<b>16. Information technology services</b>				
Information technology services	65 000	–	50 000	–
<b>Subtotal</b>	<b>65 000</b>	<b>–</b>	<b>50 000</b>	<b>–</b>
<b>Total (G)</b>	<b>225 000</b>	<b>–</b>	<b>210 000</b>	<b>–</b>
<b>Resources required for all activities</b>				
<b>Total (A to G), excluding programme support costs</b>	<b>3 465 950</b>	<b>2 825 000</b>	<b>3 400 950</b>	<b>3 155 000</b>
Programme support costs	450 574	367 250	442 124	410 150
<b>Total (A to G), including programme support costs</b>	<b>3 916 524</b>	<b>3 192 250</b>	<b>3 843 074</b>	<b>3 565 150</b>
<b>Total resources required, by year</b>	<b>7 108 774</b>		<b>7 408 224</b>	

<sup>a</sup> It is envisaged that the specific international programme, which forms part of the financial mechanism of the Convention, will have its own budget and trust fund.

Table 2

**Overview of the indicative scale of assessment and annual assessed contributions for each of the proposed options for the secretariat of the Minamata Convention on Mercury**  
(in United States dollars)

<i>Numeration</i>			<i>United Nations scale (%)</i>	<i>Minamata Convention indicative scale (%)</i>	<i>2018–2019</i>
<b>Total</b>	<b>Group</b>	<b>Africa</b>			
1	1	Benin	0.003	0.010	333
2	2	Botswana	0.014	0.022	722
3	3	Burkina Faso	0.004	0.010	333
4	4	Chad	0.001	0.010	333
5	5	Djibouti	0.001	0.010	333
6	6	Gabon	0.017	0.026	876
7	7	Gambia	0.001	0.010	333
8	8	Ghana	0.016	0.025	825
9	9	Guinea	0.002	0.010	333
10	10	Lesotho	0.001	0.010	333
11	11	Madagascar	0.003	0.010	333
12	12	Mali	0.003	0.010	333
13	13	Mauritania	0.002	0.010	333
14	14	Mauritius	0.012	0.019	618
15	15	Namibia	0.010	0.015	515
16	16	Niger	0.002	0.010	333
17	17	Rwanda	0.002	0.010	333
18	18	Senegal	0.005	0.010	333
19	19	Seychelles	0.001	0.010	333
20	20	Sierra Leone	0.001	0.010	333
21	21	Swaziland	0.001	0.010	333
22	22	Togo	0.001	0.010	333
23	23	Zambia	0.007	0.010	333
<b>Total</b>	<b>Group</b>	<b>Asia-Pacific</b>			
24	1	Afghanistan	0.006	0.010	333
25	2	China	7.921	12.264	408 252
26	3	Indonesia	0.504	0.780	25 976
27	4	Iran (Islamic Republic of)	0.471	0.729	24 276
28	5	Japan	9.680	14.988	498 911
29	6	Jordan	0.020	0.031	1 031
30	7	Kiribati	0.001	0.010	333
31	8	Kuwait	0.285	0.441	14 689
32	9	Lao People's Democratic Republic	0.003	0.010	333
33	10	Mongolia	0.005	0.010	333
34	11	Palau	0.001	0.010	333
35	12	Samoa	0.001	0.010	333
36	13	Singapore	0.447	0.692	23 039
37	14	Sri Lanka	0.031	0.048	1 598
38	15	Syrian Arab Republic	0.024	0.037	1 237
39	16	Thailand	0.291	0.451	14 998
40	17	United Arab Emirates	0.604	0.935	31 130
41	18	Viet Nam	0.058	0.090	2 989
<b>Total</b>	<b>Group</b>	<b>Central and Eastern Europe</b>			
42	1	Bulgaria	0.045	0.070	2 319
43	2	Czechia	0.344	0.533	17 730
44	3	Croatia	0.099	0.153	5 103
45	4	Estonia	0.038	0.059	1 949
46	5	Hungary	0.161	0.249	8 298
47	6	Latvia	0.050	0.077	2 577
48	7	Moldova (Republic of)	0.004	0.010	333
49	8	Romania	0.184	0.285	9 483
50	9	Slovakia	0.160	0.248	8 246

<i>Numeration</i>			<i>United Nations scale (%)</i>	<i>Minamata Convention indicative scale (%)</i>	<i>2018–2019</i>
51	10	Slovenia	0.084	0.130	4 329
<b>Total</b>	<b>Group</b>	<b>Western Europe and other States</b>			
52	1	Austria	0.720	1.115	37 109
53	2	Canada	2.921	4.523	150 550
54	3	Denmark	0.584	0.904	30 100
55	4	Finland	0.456	0.706	23 502
56	5	France	4.859	7.523	250 435
57	6	European Union	2.500	2.500	83 219
58	7	Germany	6.389	9.892	329 292
59	8	Liechtenstein	0.007	0.011	361
60	9	Luxembourg	0.064	0.099	3 299
61	10	Malta	0.016	0.025	825
62	11	Monaco	0.010	0.015	515
63	12	Netherlands	1.482	2.295	76 383
64	13	Norway	0.849	1.315	43 758
65	14	Sweden	0.956	1.480	49 273
66	15	Switzerland	1.140	1.765	58 756
67	16	United States of America	22.000	22.000	732 330
<b>Total</b>	<b>Group</b>	<b>Latin America and the Caribbean</b>			
68	1	Antigua and Barbuda	0.002	0.010	333
69	2	Argentina	0.892	1.381	45 974
70	3	Bolivia (Plurinational State of)	0.012	0.019	618
71	4	Brazil	3.823	5.919	197 039
72	5	Costa Rica	0.047	0.073	2 422
73	6	Ecuador	0.067	0.104	3 453
74	7	El Salvador	0.014	0.022	722
75	8	Guyana	0.002	0.010	333
76	9	Honduras	0.008	0.010	333
77	10	Jamaica	0.009	0.010	333
78	11	Mexico	1.435	2.222	73 960
79	12	Nicaragua	0.004	0.010	333
80	13	Panama	0.034	0.053	1 753
81	14	Peru	0.136	0.211	7 009
82	15	Saint Kitts and Nevis	0.001	0.010	333
83	16	Uruguay	0.079	0.122	4 072
			<b>100.00</b>		<b>3 328 775</b>

Table 3  
**Indicative staffing requirements for the Minamata Convention secretariat in Geneva**  
 (United States dollars)

<i>Minamata Convention Secretariat -- Geneva</i>			
<b>Staff posts</b>	<b>#</b>	<b>Geneva standard post costs</b>	<b>Total</b>
D-1 Executive Secretary	1.0	290 100	290 100
P-5 Coordination and policy	1.0	257 150	257 150
P-4 Science and technology	1.0	221 150	221 150
P-4 Capacity-building and technical assistance	1.0	221 150	221 150
P-3 Communication and knowledge management	1.0	182 900	182 900
P-3 Legal Officer	1.0	182 900	182 900
GS Programme assistance	4.0	143 900	575 600
<b>Total</b>	<b>10.0</b>		<b>1 930 950</b>

*Note:* In addition to the staff indicated above, the posts of one P-3 and one GS staff member will be funded from programme support costs.

### **MC-1/16: Guidance in relation to mercury emissions**

*The Conference of the Parties,*

*Recognizing* the importance of the control of mercury emissions in achieving the objective of the Minamata Convention on Mercury,

*Decides* to adopt the guidance with regard to article 8, particularly with regard to paragraph 9 (a) and (b), on guidance on criteria that parties may develop pursuant to paragraph 2 (b) and on the methodology for preparing inventories of emissions, as put forward by the intergovernmental negotiating committee at its seventh session.<sup>12</sup>

### **MC-1/17: Guidance in relation to mercury releases**

*The Conference of the Parties,*

*Recognizing* the importance of the control of mercury releases in achieving the objective of the Minamata Convention on Mercury,

*Recognizing also* the requirement for the Conference of the Parties to adopt, as soon as practicable, guidance on best available techniques and best environmental practices to control releases from relevant sources, and the methodology for preparing inventories of releases from such sources,

1. *Encourages* parties to identify relevant point sources at the national level pursuant to paragraphs 2 (b) and 3 of article 9 as soon as possible, and to submit information to the secretariat on the identified relevant sources;

2. *Requests* the secretariat to compile submissions from parties and provide such information to the Conference of the Parties at its second meeting.

### **MC-1/18: Draft guidelines on the interim storage of mercury and mercury compounds referred to in paragraph 3 of article 10**

*The Conference of the Parties,*

*Recognizing* the need to assist parties in the environmentally sound storage of mercury other than waste mercury through the provision of guidelines,

1. *Requests* the secretariat to undertake further revision of the draft guidelines on the interim storage of mercury and mercury compounds referred to in paragraph 3 of article 10,<sup>13</sup> by:

(a) Seeking technical input from relevant experts, including technical experts of the Basel Convention on the Transboundary Movement of Hazardous Wastes and Their Disposal, by 31 December 2017;

<sup>12</sup> UNEP/MC/COP.1/23, annex II.

<sup>13</sup> UNEP/MC/COP.1/25, annex.

- (b) Amending the guidelines and publishing on the Minamata Convention website a revised draft version by 1 March 2018;
  - (c) Obtaining further comments from experts, parties and others, by 1 May 2018;
  - (d) Submitting the revised guidelines to the Conference of the Parties to the Minamata Convention at its second meeting for further consideration and possible adoption;
2. *Encourages* the use of the draft guidelines<sup>14</sup> in the interim and on a provisional basis, as appropriate.

### **MC-1/19: Mercury waste**

*The Conference of the Parties,*

*Welcoming with appreciation* decision BC-12/4 of the Conference of the Parties to the Basel Convention on the Transboundary Movement of Hazardous Wastes and Their Disposal, on the technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with mercury,

*Recalling* article 11 of the Minamata Convention on Mercury, which requests parties to the Minamata Convention to take into account the guidelines referred to in the preceding paragraph,

1. *Establishes* an open-ended process to initiate work on the relevant thresholds called for under article 11, with the following terms of reference:

- (a) To identify the types of waste that fall within the categories specified in paragraph 2 of article 11, and provide related information;
- (b) To prioritize the types of waste identified in paragraph 1 (a) of the present decision that are most relevant to the establishment of waste thresholds, mindful of the objective of the Convention;
- (c) To identify possible approaches to establishing any needed thresholds for the waste prioritized in paragraph 1 (b) of the present decision;

2. *Requests* the secretariat to:

- (a) Circulate an open call to all parties, non-parties and other relevant stakeholders for the nomination, by 1 November 2017, of experts to participate in the process, including a request for a brief description of their relevant expertise;
- (b) Call for submissions by the experts related to paragraph 1 (a) by 30 December 2017;
- (c) Prepare an organized compilation of the information received under paragraph 2 (b);
- (d) Circulate the compilation to experts by 15 February 2018, with a request for input by 15 April 2018, on paragraph 1 (b), including the basis for such prioritization;
- (e) Consolidate the input received from the experts in response to paragraph 2 (d) by 15 May 2018, and provide the consolidation to the experts, with a request for the submission of possible approaches consistent with paragraph 1 (c) above, by 15 July 2018;
- (f) Report to the Conference of the Parties at its second meeting on the outcomes to date of the open-ended process;

3. *Decides* to review at its second meeting the progress achieved by the open-ended process and decide on further action taking into account the most effective modalities for determining relevant threshold(s).

### **MC-1/20: Guidance on the management of contaminated sites**

*The Conference of the Parties*

*Decides* to develop draft guidance on managing contaminated sites in line with the programme of work as set out in the road map provided as annex I to the present decision, and building on the draft structure and content provided in annex II to the present decision.

<sup>14</sup> *Ibid.*



## **Annex I to decision MC-1/20**

### **Draft road map for the preparation of the guidance document on the management of contaminated sites**

<i>Activity</i>	<i>Time frame End date</i>
The Conference of the Parties at its first meeting establishes a process to prepare a guidance document on the management of contaminated sites as called for in paragraph 3 of article 12 of the Minamata Convention for consideration and adoption by the Conference of the Parties at a future meeting. The elements of this process are set out in the road map below.	September 2017
The Conference of the Parties recognizes the complexity of the management of contaminated sites, as well as the technical requirements of developing draft guidance; however, it also recognizes that relevant guidance has been prepared in a range of other forums that can be drawn on in developing draft guidance. The Conference of the Parties therefore recognizes the need for the contribution of experts in this area and calls for Governments and others to nominate interested experts to participate in the work.	September 2017
Nominations of experts are provided to the secretariat to be included in a working group of experts to collaborate electronically.	December 2017
The secretariat, drawing on previously submitted information and work undertaken in other forums, and using the outline of the structure and content of the guidance agreed by the Conference of the Parties as a basis, prepares an initial draft guidance on contaminated sites and circulates it electronically to the experts.	February 2018
The experts review the initial draft proposals and provide comments to the secretariat electronically. Teleconferences or webinars may be used to discuss the draft guidance as required.	April 2018
The secretariat prepares revised versions of the draft guidance and circulates it to the experts for consideration and further electronic discussion.	May 2018
The experts consider the revised proposal and prepare recommendations for the Conference of the Parties at its second meeting, including any recommendations for new or additional work to be undertaken.	July 2018
The secretariat makes the draft guidance and any recommendations available to the Conference of the Parties at its second meeting for its consideration and further recommendations.	November 2018

## **Annex II to decision MC-1/20**

### **Outline of the structure and content of guidance on the management of contaminated sites**

#### **Guidance on the management of contaminated sites**

##### **A. Introduction**

1. The introduction will provide general background information on the risks to both human health and the environment associated with mercury exposure. It will give information on the global use of mercury, with particular relevance to those uses that have resulted or are likely to result in contaminated sites (in particular artisanal gold mining, use in chlor-alkali production, industrial waste management, or sites that may be contaminated due to run-off from such sites). The introduction will also provide an overview of the obligations under the Minamata Convention on Mercury in relation to the management of contaminated sites, and highlight some existing relevant national policies.

## **B. Site identification and characterization**

2. The section will set out mechanisms that countries can use to identify sites contaminated by mercury or mercury compounds, as well as techniques to characterize the contamination following the identification of a suspected contaminated site. The guidance will describe the steps that may be required in developing a national list of contaminated sites. Steps may include determination of the national level of mercury or mercury compound contamination that would result in a site being described as contaminated. The term “site” may also need to be defined, taking into account that areas affected by run-off from a primary site may be more affected. The guidance would then cover the mechanism at the national level to determine potentially contaminated sites. This may include a combination of a desk exercise gathering information on current or previous industrial or mining activities in which mercury or mercury compounds have been used or released, or the location of waste dumping area, as well as information gathered through observation of sites and local reporting.

3. Potentially contaminated sites identified through this mechanism can be further characterized through an assessment protocol. The guidance would also cover what such a protocol may encompass, noting that the protocol would need to be agreed at the national level. The assessment protocol may include site inspection to further determine the characteristics of the site (including topography, the possibility of run-off or contamination of local water sources, current usage of the site and evidence of previous uses). Detailed sampling of the air, soil and water at the site would be needed to further characterize the risks, and the guidance would include information on sampling information to best characterize the site, as well as a range of analytical methodologies that could be used to determine the level of mercury or mercury compounds present. Sampling of biota, for example fish, waterfowl and local mammals in areas affected by mercury contamination can give useful information, particularly on the risks to the local environment and risk to local populations through exposures through their diet, and sampling of the local populations themselves may also be required. Description of the sampling techniques and analytical methodologies would be included in the guidance. The guidance may also include information on prioritization of activities, where an initial screening activity is used to determine the sites that are considered to be the highest risk (taking into consideration factors such as location close to population centres, possibility of contaminating ground water or river systems and the actual levels of mercury at the site).

## **C. Engaging the public**

4. The need to engage the public is recognized as essential. The guidance will include information on setting up a public consultation process, including mechanisms for collecting and distributing information, involvement of the public and stakeholders in establishing commitments and a plan in relation to the assessment process and any possible remediation process, and methods of collecting feedback to assess public engagement and levels of satisfaction. The guidance will also include information on activities to raise public awareness and build capacity, particularly in relation to any requirements in relation to reducing exposure.

## **D. Human health and environmental risk assessments**

5. The impact of the site relies on risk assessments for both human health and the environment. While the hazards of mercury are well-characterized and universal, the exposure resulting from the presence of mercury is site specific. The guidance will include some information on the hazards of mercury and mercury compounds, but will focus more on considerations of how the site characteristics may be associated with exposure for humans and the environment, and how such exposure can be assessed. It will then provide information on how to determine the risks associated with the site, including determination of where the risks are primarily to the environment, to human health or to both.

## **E. Options for managing the risks posed by contaminated sites**

6. Following assessment of a contaminated site, national decisions would need to be taken on the most appropriate means of managing the site. The guidance will provide information on a range of options for managing the risks posed by contaminated sites. It will consider the need to protect humans and the environment throughout the risk management process, and will take into account the need for any actions to be conducted in an environmentally sound manner.

## **F. Evaluation of benefits and costs**

7. It is recognized that identification, characterization, assessment and remediation of contaminated sites will incur costs; however, it is also recognized that the impact of mercury and mercury compounds on local populations and the environment also incurs costs. The guidance will

provide information on assessing the costs and benefits of activities to address contaminated sites to the extent possible, recognizing that there will be variation between countries with respect to the costs of interventions.

#### **G. Validation of outcomes**

8. There is a need to validate the outcomes of any delivered activity in relation to contaminated sites, in particular to determine the effectiveness of any interventions, as well as to consider the need for any further activities. The guidance will include information on activities needed to validate the outcomes.

#### **H. Cooperation in developing strategies and implementing activities for identifying, assessing, prioritizing, managing and, as appropriate, remediating contaminated sites**

9. The section will set out possible strategies that may be taken up by parties that wish to cooperate on activities in relation to contaminated sites. The strategies may include information-sharing activities, identification of opportunities for joint assessment of sites, coordination of communication plans in relation to sites, and other cooperative activities as considered appropriate.

### **MC-1/21: Capacity-building, technical assistance and technology transfer on the Minamata Convention on Mercury**

*The Conference of the Parties,*

*Recalling* United Nations Environment Assembly resolution 1/5 on chemicals and waste, in which the Environment Assembly invited parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Stockholm Convention on Persistent Organic Pollutants and other stakeholders, including parties to the Minamata Convention on Mercury and stakeholders of the Strategic Approach to International Chemicals Management, to consider ways of promoting an effective and efficient network of regional centres to strengthen the regional delivery of technical assistance,

*Recalling also* United Nations Environment Assembly resolution 2/7 on the sound management of chemicals and waste, in which the Environment Assembly, inter alia, highlighted the role of the regional centres of the Basel and Stockholm conventions in assisting the regions in the implementation of those conventions, and in other relevant work relating to the multilateral environmental agreements in the chemicals and waste cluster in the countries they served;

*Recalling further* paragraph 2 of article 14 of the Minamata Convention, which provides that capacity-building and technical assistance for the implementation of the Minamata Convention may be delivered through regional, subregional and national arrangements, including existing regional and subregional centres, through other multilateral and bilateral means, and through partnerships, including partnerships involving the private sector;

*Recognizing* that some of the existing regional and subregional centres are already developing projects and activities regarding mercury issues and projects to deliver capacity-building and technical assistance;

*Recognizing also* the capacity-building and technical assistance delivered through other multilateral and bilateral means, and through partnerships including partnerships involving the private sector, which is continuously contributing to various mercury-related activities;

*Requests* the Minamata Convention secretariat, subject to the availability of resources, to collect information on the work undertaken by the existing regional, subregional and national arrangements in delivering capacity-building and technical assistance to assist parties in implementing their obligations under the Minamata Convention, and report thereon to the Conference of the Parties at its second meeting.

## Annex II

### Key take-home messages

#### First meeting of the Conference of the Parties to the Minamata Convention on Mercury

##### High-level segment 28 and 29 September 2017

1. At its first meeting, the Conference of the Parties has agreed on the following very important key take-home messages:
2. Consideration of the impacts of the uses and emissions and releases of mercury must cover its entire life cycle, across all media and take into account cross-media impacts. The issue must be integrated into public health and environmental strategies at the local, national, regional and international levels, and embodied into the wider pollution control agenda.
3. We are aware that a crucial part of informing the public and authorities about the impact of mercury and of taking on the broader challenge of addressing its adverse effects is to engage and work hand-in-hand with stakeholders from every section of society. Positive implementation of the Convention can only be achieved with governance that is inclusive of all sectors and all stakeholders and that encourages interministerial and cross-sectoral cooperation.
4. We can best achieve the involvement of all stakeholders through the promotion of partnerships both with civil society and with the private sector. Civil society organizations enjoy close cooperation with local communities, which facilitates communication on how to deal with the adverse effects of mercury pollution and private enterprise often has access to innovative technologies and resources that can be drawn upon to further environmental protection. We acknowledge that partnerships are a crucial means to share the burden and to benefit from experience and expertise and must therefore be encouraged. Additionally, private enterprise must be encouraged to share in the responsibility for clean-up efforts and instituting best available techniques and best environmental practices.
5. We note that for many of the local and national activities involving mercury, there is an urgent need to enhance the visibility of and the guidance offered under the Minamata Convention and to provide information on the adverse effects of mercury as well as the benefits of adhering to the obligations under the Convention. This can only be achieved through high-level Government commitment and broad-scale education and awareness-raising programmes that target not only decision makers but also local authorities, individuals engaged in practices that use mercury and civil society.
6. At the same time, we note that the national policies, legislation and institutions that exist must be strengthened and, where they are lacking, they must be established such that the implementation of the Convention is supported with robust and long-term institutional frameworks. This includes putting in place legislation that prevents the diversion of mercury other than for allowed uses and that addresses the potential illegal traffic in mercury.
7. We know that chemicals in general, and mercury in particular, are addressed throughout many of the Sustainable Development Goals. Hence, focusing countries' efforts on integrating the sustainable development agenda into national development plans will help us to protect human health and the environment from the adverse effects of mercury.
8. As ministers and high-level representatives, we have exchanged very important information and experiences on existing practices at the national level that use mercury or from which mercury can be introduced into the environment, and we agree that to reduce or eliminate those uses we need to examine how to support communities currently engaged in such practices in moving to alternative activities. We also need to promote safe substitutes and examine the economic consequences of inaction at the local level. We are aware that artisanal and small-scale gold mining is one of the greatest concerns in terms of mercury contamination and has a strong regional and socioeconomic dimension affecting women and children and requiring cleaner technologies, alternative livelihoods, incentives for formalization of the informal sector and engagement in seeking appropriate solutions.
9. We agree that many countries lack the resources, both financial and technical, to implement their obligations under the Convention. Support to those in need is vital and must be addressed in a sustainable manner, including through capacity-building and technical assistance, to ensure the success of the Convention.

10. We concur that affordable and alternative technologies, including those with co-benefits, to avoid emissions and releases, need to be put in place, and subsidies could be envisaged to encourage and assist manufacturers to make the transition to best alternative technologies and best environmental practices. In addition, strict and stringent control and monitoring programmes for emissions and releases must be developed and instituted at the national level.

11. Specific national conditions and circumstances, such as those of small island developing States, must also be addressed with applicable solutions.

ADVANCE

## Annex III

### Report of the Committee of the Whole

#### I. Introduction

1. At its 1st plenary session, on the afternoon of Sunday, 25 September 2017, the Conference of the Parties to the Minamata Convention on Mercury agreed to establish a committee of the whole to consider those issues that had not been completed during the first session of the first meeting of the Conference of the Parties under agenda items 5 and 6.
2. The Committee of the Whole was chaired by Mr. Fernando Lugris (Uruguay) with Ms. Nina Cromnier (Sweden) serving as rapporteur.

#### II. Matters for action by the Conference of the Parties at its first meeting (agenda item 5)

##### A. Matters stipulated under the Convention

##### 1. The guidance referred to in paragraphs 8 (a) and 8 (b) of article 8

3. The Chair introduced the sub-item, recalling that the Conference of the Parties had discussed the matter in plenary and had adopted the draft guidance in relation to mercury emissions, as contained in annex II to document UNEP/MC/COP.1/7, but had referred the draft decision contained in annex I to the document to the Committee for its consideration.
4. One representative proposed an amendment to the draft decision, saying that the guidance on best available techniques and best environmental practices that had been developed did not reflect the kind of coal being used in the thermal power plants in his country; it was vital that the guidance cover the kind of coal being used in each country in order to be implementable and to properly address parties' concerns regarding mercury emissions. He requested that the draft decision contained in document UNEP/MC/COP.1/7 be amended to reflect his country's concern and provided text to that effect.
5. The Committee subsequently approved a draft decision on the guidance in relation to mercury emissions, for consideration and possible adoption by the Conference of the Parties.

##### 2. The measures to give effect to the arrangements for the financial mechanism referred to in article 13

6. The representative of the secretariat introduced the sub-item, outlining the information set out in documents UNEP/MC/COP.1/8, on guidance to the Global Environment Facility (GEF), and UNEP/MC/COP.1/9 and UNEP/MC/COP.1/9/Add.1, on matters related to the specific international programme to support capacity-building and technical assistance. The guidance to GEF, she said, had been adopted on a provisional basis by the intergovernmental negotiating committee at its seventh session pending formal adoption by the Conference of the Parties. On the specific international programme, a number of issues related to the arrangements of the programme were yet to be agreed upon.
7. Following that introduction, the representative of GEF presented the report of GEF to the first meeting of the Conference of the Parties, on its work on mercury between July 2010 and June 2017, contained in document UNEP/MC/COP.1/INF/3. The report, she said, set out key institutional policy developments to operationalize the role of GEF as part of the financial mechanism of the Convention and outlined the support provided by GEF to countries in phasing out mercury.
8. In June 2013, the GEF Council had authorized funding for an early action pre-ratification programme for the Convention. The subsequent adoption of the Convention had made GEF part of the mechanism to support developing-country parties and parties with economies in transition in implementing their obligations under the Convention. In May 2014, the fifth Assembly of GEF had amended the GEF instrument to incorporate the Minamata Convention and to create a new funding window called the "chemicals and waste focal area". The Assembly had also approved the summary of negotiations on the sixth replenishment of the GEF Trust Fund, which had allocated \$141 million to the implementation of the Minamata Convention during the sixth replenishment period (GEF-6).
9. Between July 2010 and June 2017, 106 mercury-related projects and programmes had been approved with GEF financing totalling \$145 million. The enabling activities supported included

Minamata initial assessments and the development of national action plans for artisanal and small-scale gold mining. During the first three years of the GEF-6 period, 68 projects had been approved. On average, the portfolio had leveraged \$4 for every GEF dollar from co-financing. The projects were expected to remove 859 tons of mercury, which amounted to around 86 per cent of the corporate target for the GEF-6 period.

10. As at September 2017, out of the 94 countries eligible to access GEF resources according to the eligibility criteria accepted by the GEF Council in January 2015, 89 countries had received funding for enabling activities.

11. In conclusion, she said that GEF remained committed to its role as part of the financial mechanism of the Convention. The outcomes of the first meeting of the Conference of the Parties were very important in informing the future programming priorities and policy strategy of GEF, which looked forward to continuing to work with parties to make mercury history.

12. The representative of Brazil drew attention to a conference room paper submitted by the Group of Latin American and Caribbean Countries with the aim of operationalizing the specific international programme at the current meeting. He said that the two components of the financial mechanism, namely the GEF Trust Fund and the specific international programme, should be discussed together. The conference room paper, which was intended to support those discussions, contained proposed amendments to document UNEP/MC/COP.1/9, which it would be helpful to consider in detail in a contact group. He also drew attention to a related second conference room paper containing corresponding proposed changes to the financial rules contained in document UNEP/MC/COP.1/13.

13. The representative of the European Union and its member States drew attention to a conference room paper submitted by the European Union and its member States on the issue of the guidance to be provided to GEF. He said that, once the outstanding issues related to GEF guidance had been resolved, the Conference of the Parties should adopt, without delay, a brief stand-alone decision on guidance to GEF and forward it to the GEF Council as a replacement for the provisional guidance agreed upon by the intergovernmental negotiating committee at its seventh session. Regarding the specific international programme, the intergovernmental negotiating committee had prepared a draft stand-alone decision, but there were some important issues still to be resolved in that regard.

14. The representative of Argentina drew attention to a conference room paper submitted by the Group of Latin American and Caribbean Countries with the aim of institutionalizing, through the development of terms of reference, the work that had already been carried out by the Basel and Stockholm convention regional centres to build capacity and provide technical assistance related to the Minamata Convention. Another representative, speaking on behalf of the same group of countries, said that the financial mechanism and the work of the regional centres were interlinked and should be discussed together and be the subject of a single draft decision.

15. Two representatives said that their Governments were prepared to accept the removal of the square brackets in the guidance to the GEF as contained in document UNEP/MC/COP.1/8, leaving the text clean. The Committee of the Whole then approved the text of the guidance to GEF, as contained in appendix 1 to the annex of document UNEP/MC/COP.1/8 with the removal of the square brackets around paragraph 4, and decided to submit it to the Conference of the Parties for consideration and possible adoption.

16. Following its discussion, the Committee agreed to establish a contact group on the financial mechanism, co-chaired by Mr. Greg Filyk (Canada) and Ms. Gillian Guthrie (Jamaica), which would further consider the decision on the guidance to the GEF and the specific international programme, taking into account the discussions in the Committee and the related conference room papers submitted by the Group of Latin American and Caribbean Countries and the European Union and its member States, and documents UNEP/MC/COP.1/8, UNEP/MC/COP.1/9 and UNEP/MC/COP.1/9/Add.1. It was also agreed that the conference room paper submitted by the Group of Latin American and Caribbean Countries on regional centres would be discussed informally, with the representative of Argentina serving as a facilitator.

17. The co-chair of the contact group on the financial mechanism subsequently introduced a draft decision on the specific international programme and outlined its elements as well as several issues on which consensus had not yet been reached. The Chair informed the meeting that one more delegation had now joined the consensus on certain elements of the draft decision, due to the conclusion of discussions concerning the secretariat, and enquired whether the remaining brackets could be removed. One representative, speaking also on behalf of a number of non-Party countries, expressed their wish to retain their proposal that signatories to the Convention be eligible for funding from the

special international programme to support technical assistance and capacity-building activities, provided that the country was taking meaningful steps toward becoming a party as evidenced by a letter from the relevant minister to the Executive Director of the United Nations Environment Programme. This would augment efforts in those countries to understand their commitments should they become a party and would probably assist efforts within those countries to ratify the Convention.

18. Given that consensus could not be reached on the issue and on the question of whether only parties could serve on the governing board of the specific international programme, but consensus did exist on all other aspects of the draft decision, the Committee agreed to forward a draft decision on the specific international programme to the Conference of the Parties.

19. Following the discussions of the contact group, the Committee approved a draft decision on guidance to GEF for consideration and possible adoption by the Conference of the Parties.

20. Following the informal consultations on the draft decision on regional centres, the Committee approved for consideration by the Conference of the Parties a revised version of the draft decision, which was contained in the conference room paper.

**3. The membership of the Implementation and Compliance Committee as referred to in paragraph 3 of article 15**

21. The representative of the secretariat introduced the sub-item, outlining the information on the membership of the Implementation and Compliance Committee set out in document UNEP/MC/COP.1/10, including the draft decision in the annex to that document.

22. The Committee subsequently approved a draft decision, prepared by the secretariat, on the membership of the Implementation and Compliance Committee, for consideration and possible adoption by the Conference of the Parties.

**4. The timing and format of the reporting to be followed by the parties, as referred to in paragraph 3 of article 21**

23. The representative of the secretariat, introducing the sub-item, drew attention to the latest version of a draft reporting format for the Minamata Convention as reviewed by the intergovernmental negotiating committee at its seventh session and a proposed draft decision on the timing and format of reporting by the parties, as set out in document UNEP/MC/COP.1/11.

24. In the ensuing discussion, most of the representatives who took the floor, including several speaking on behalf of groups of countries, stressed that regular reporting by parties on the measures taken to implement the provisions of the Minamata Convention and on the effectiveness of such measures and possible challenges in meeting that objective was crucial to evaluating the Convention's effectiveness and to ensuring that parties received adequate assistance to overcome difficulties in fulfilling their obligations. One said that eliciting reports from non-parties as well would help to expand the coverage and better identify the difficulties; another asked for the reporting format to be made available in all the official languages of the United Nations as soon as possible; another suggested fostering close cooperation with the other chemicals and waste conventions, which, according to one representative, would also make it possible to capitalize on synergies and harmonize existing reporting tools. Some representatives said that lessons could be learned from the low reporting rates under some of those conventions.

25. Many representatives called for an emphasis on the provision of technical and financial support to assist developing countries in gathering data and completing the reporting format. Some identified small island developing States as priority recipients.

26. On the draft reporting format, several representatives stressed that it was important to avoid overburdening the reporting parties. Some representatives, including one speaking on behalf of a group of countries, said that the format needed to be simple; others expressed a preference for electronic reporting. Regarding the information elicited, one representative suggested the inclusion of data on financial resources and mechanisms; another, said that it should cover human health issues; while a third cautioned against seeking to go beyond the scope of the Convention. Some representatives, including one speaking on behalf of a group of countries, questioned the relevance of some of the areas covered. The representative speaking on behalf of a group of countries also asked for the format to provide respondents with the possibility to include comments and observations on specific questions, and another representative said that it was important to avoid duplication.

27. On the question of frequency, most of the representatives who spoke said that a four-year cycle would be suitable for general reporting. Many representatives, including one speaking on behalf of a group of countries, called for annual reporting on key issue areas, such as mercury supply, trade



and waste, which, according to one, would help to tackle the problem of dumping in countries that were net importers and users and, according to the representatives of the non-governmental organizations, would improve government responses to such challenges. Another representative, speaking on behalf of a group of countries, suggested that initial reporting should be completed before the second meeting of the Conference of the Parties, also suggesting that the frequency of reporting should be aligned with that of the meetings of the Conference of the Parties. One representative, supported by another, suggested that parties should submit their first report one year after the entry into force of the Convention, on the understanding that it would not be used to assess the parties' compliance with the Convention.

28. The representative of the European Union and its member States introduced a conference room paper presenting the rationale for a four-year cycle for general reporting plus annual reporting on key aspects, such as trade, supply sources and waste, and suggesting ways to update the reporting format and questionnaire instructions accordingly. Several representatives endorsed the paper as a basis for further discussion.

29. A representative of a non-governmental organization said that capacity-building and training were a good use of resources and urged the Conference of the Parties to support the provision of financial assistance under the specific international programme. Another stressed that annual reporting, in particular on production and waste, must be made mandatory.

30. Many representatives, including a number speaking on behalf of a group of countries, expressed a desire to further discuss and amend the proposed draft reporting format and draft decision in a contact group. Two representatives said that the group should focus solely on bracketed text. Another, however, said that the text should be considered in its entirety in order not to neglect possible interlinkages between bracketed and non-bracketed parts.

31. The Committee of the Whole agreed to establish a contact group, co-chaired by Ms. Silvija Kalnins (Latvia) and Mr. David Kapindula (Zambia), to address the outstanding issues in the reporting format and to finalize the draft decision on the timing and format of reporting by the parties for further consideration and approval by the Committee, taking into account the discussions in the Committee and the conference room paper introduced by the European Union and its member States. The group would focus primarily on the bracketed text but should keep an open mind in considering also unbracketed text in situations where it might help to resolve issues related to the bracketed text.

32. Following the discussions of the contact group, the Committee approved a draft decision on timing and format of reporting by the parties for consideration and possible adoption by the Conference of the Parties.

#### **5. The establishment of arrangements in regard to effectiveness evaluation as referred to in paragraph 2 of article 22**

33. Introducing the sub-item, the representative of the secretariat drew attention to the note by the secretariat on the establishment of arrangements in regard to effectiveness evaluation as referred to in paragraph 2 of article 22, set out in document UNEP/MC/COP.1/12. The note, prepared by the secretariat in response to a request by the intergovernmental negotiating committee, contained a draft road map with activities to be carried out in the period between the first and second meetings of the Conference of the Parties to provide comparable monitoring data for the evaluation of the Convention's effectiveness (annex I) and a report containing recommendations on the establishment of arrangements for the provision of such comparable monitoring data (annex II). The Conference of the Parties was being asked to consider the draft road map and a process to assemble the scientific, environmental, technical, financial and economic information upon which the effectiveness evaluation would be based in accordance with paragraph 3 of article 22 of the Convention.

34. The representative of Canada then introduced a conference room paper that built on the secretariat's proposed road map and included four elements, namely, work to be conducted by the ad hoc expert group suggested by the secretariat, which focused on establishing global monitoring arrangements for the effectiveness evaluation of the Convention; draft terms of reference for the ad hoc expert group; an overall approach for the evaluation of the Convention's effectiveness with indicative timelines aligned with those of the Convention; and a draft decision on effectiveness evaluation. It was to be hoped, he said, that the conference room paper, on which several representatives had made suggestions for improvement, would be used as the basis for further discussion in a contact group.

35. In the ensuing discussion, several representatives said that the evaluation of the Convention's effectiveness was of paramount importance and the Conference of the Parties must work on the

necessary arrangements at the current meeting. Many representatives also expressed support for basing further discussions on the conference room paper developed by Canada.

36. One representative, speaking on behalf of a group of countries, said that monitoring was costly and the Conference of the Parties should therefore define the minimum level of monitoring required to ensure a sufficiently robust evaluation of the Convention's effectiveness, which would rely heavily on information reported by parties under article 21. Such evaluation should take into account the laboratory capabilities of developing countries; focus on background mercury levels and on trends and the expected impacts of such trends on future mercury levels in the environment, biota and populations; and use 2013, which was the year the Convention had been adopted, as a baseline.

37. One representative said there was a need to take into account the limited ability of parties to compare levels and movements of mercury in environmental media, biota and vulnerable populations prior to and after the implementation of the Convention. Another said that article 22 referred to the evaluation of the Convention as a whole and the arrangements for financial assistance, technology transfer and capacity-building were policy issues that formed part of the evaluation.

38. Several representatives expressed support for the establishment of the ad hoc group of experts proposed in the secretariat's road map. A number made suggestions regarding the composition of, and the kinds of expertise needed within, the group. One representative said that the group should have expertise on artisanal small-scale mining, mercury waste, contaminated sites, trade, mercury-added products and interim storage. Another said it should include representatives of academia and civil society. A third suggested that two expert groups should be established, one with expertise in measurements and modelling, which should develop a global mercury monitoring strategy, and another with expertise in evaluation matters, which should develop parameters and performance indicators to undertake the wide-ranging evaluation under article 22. Another representative suggested that the proposed expert group should focus on identifying available and comparable data before undertaking the other tasks suggested in the draft road map prepared by the secretariat.

39. Two representatives said that the Minamata Convention could benefit greatly from the lessons learned under the Stockholm Convention related to global monitoring and effectiveness evaluation.

40. Representatives of intergovernmental organizations then made statements. The representative of the World Health Organization (WHO) said that her organization had extensive expertise in mercury biomonitoring and was ready to offer such expertise to the proposed ad hoc expert group, should the group be created, and drew attention to the global database of chemical contaminants in food managed by WHO, which contained mercury data related to food intended for human consumption. The representative of the United Nations Environment Programme (UNEP) drew attention to a global review of mercury monitoring networks and a compilation of laboratory capacities across regions to identify and quantify mercury in biotic and abiotic samples, set out in document UNEP/MC/COP.1/INF/15.

41. Representatives of non-governmental organizations then made statements. Two representatives said the proposed ad hoc group of experts should include representatives of Governments, academia and civil society, and have expertise in monitoring and the range of environmental, technical, financial and economic issues that would need to be examined to evaluate the Convention's effectiveness. They further suggested that the group develop a method to collect, integrate and use non-monitoring data before the second meeting of the Conference of the Parties.

42. One representative drew attention to four scientific papers developed for policymakers by a group of scientists, which were available at the current meeting and would be made available on the Minamata Convention website. Another representative said that health-related indicators on exposure, monitoring and action should be developed and that it was crucial that the capacities of laboratories be strengthened to enable biomonitoring, including of humans.

43. Following the discussion, the Committee agreed to refer the sub-item to the contact group dealing with reporting, as described in paragraph 28 of the present report, for further discussion, and to ask the group to agree on an approach on the establishment of arrangements for the provision of comparable monitoring data; agree on work to be undertaken during the period between the first and second meetings of the Conference of the Parties; consider further work needed related to effectiveness evaluation; and prepare a draft decision on effectiveness evaluation for consideration by the Committee using the conference room paper prepared by Canada as a basis for the discussion.

44. Subsequently, the co-chair of the contact group reported that the group had prepared a draft decision on effectiveness evaluation containing two annexes, the first of which set out the secretariat's draft road map with activities to be carried out in the period between the first and second meetings of

the Conference of the Parties, and the second of which included the terms of reference for the ad hoc expert group mentioned in that road map.

45. Following the discussions of the contact group, the Committee approved a draft decision on the establishment of arrangements in regard to effectiveness evaluation for consideration and possible adoption by the Conference of the Parties.

**6. Financial rules for the Conference of the Parties and any of its subsidiary bodies, as well as financial provisions governing the functioning of the secretariat, as referred to in paragraph 4 of article 23**

46. The representative of the secretariat introduced the sub-item, outlining the information on draft financial rules for the Conference of the Parties and any of its subsidiary bodies, as well as financial provisions governing the functioning of the secretariat of the Convention, set out in document UNEP/MC/COP.1/13, and on the relationship between UNEP and the multilateral environmental agreements for which it provided the secretariat, set out in document UNEP/MC/COP.1/INF/9.

47. One representative, speaking on behalf of a group of countries, said that while the financial rules had been largely agreed at sessions of the intergovernmental negotiating committee, it was still necessary to ensure that they adequately reflected the policy decisions that were going to be taken with regard to the secretariat, particularly on the host country contribution, and that they did not leave room for interpretation. The financial rules would also have to reflect the policy decisions taken with regard to the specific international programme and the provision of resources to support technical assistance and capacity-building in accordance with article 13 of the Convention.

48. One representative, referring to two conference room papers submitted by the Group of Latin American and Caribbean Countries - the first on the specific international programme, and the second on the financial rules - highlighted the linkage between the specific international programme and the formulation of the financial rules.

49. Following its discussion, the Committee agreed to refer consideration of the issue to the contact group on programme of work, financial rules and budget, to be co-chaired by Mr. Reginald Hernaus (Netherlands) and Mr. Sam Adu-Kumi (Ghana).

50. Subsequently, the Committee considered and approved a draft decision on the draft financial rules prepared by the contact group on programme of work, financial rules and budget for consideration by the Conference of the Parties, noting that the financial rules contained text in brackets relating to the differential treatment of developing countries, least developed countries and small island developing States that the contact group had been unable to agree upon.

**B. Matters stipulated by the Conference of Plenipotentiaries**

**1. Provisions for the functions of the permanent secretariat of the Minamata Convention**

51. The Deputy Executive Director introduced the revised report on proposals on how the Executive Director of UNEP would perform the functions of the permanent secretariat for the Convention, set out in document UNEP/MC/COP.1/14, providing an overview of the three options presented in the revised report. Option 1 (a) would merge the secretariat functions of the Minamata Convention into the secretariat of the Basel, Rotterdam and Stockholm conventions, utilizing its current structure in Geneva; option 1 (b) would merge the secretariat of the Minamata Convention into the secretariat of the Basel, Rotterdam and Stockholm conventions by creating, in the interim, a Minamata Convention branch, also in Geneva; while option 2 would establish a standalone secretariat of the Minamata Convention, with the location to be determined on the basis of an analysis of the following UNEP duty stations: Bangkok; Geneva; Nairobi; Osaka, Japan; Vienna; Washington, D.C.

52. The representative of Switzerland made a presentation on his Government's offer to host the permanent secretariat in Geneva (UNEP/MC/COP.1/INF/7) and clarification provided by the Government of Switzerland following consideration of the offer by the intergovernmental negotiating committee at its seventh session (UNEP/MC/COP.1/INF/8).

53. During the ensuing discussion, many representatives, including two speaking on behalf of groups of countries, offered their views on whether the secretariat of the Minamata Convention should be fully integrated, as in option 1 (a) or partially integrated, as in option 1 (b), with the secretariat of the Basel, Rotterdam and Stockholm conventions or be an entirely separate entity, as in option 2. Many of them, including one speaking on behalf of a group of countries, supported complete integration with the secretariat of the Basel, Rotterdam and Stockholm conventions to take full advantage of synergies arising from working in close collaboration with the other conventions in the chemicals and waste cluster, and to enable the nascent convention to benefit from the experience of

the well-established secretariat. A representative speaking on behalf of a group of countries specified, however, that his support of full integration of the secretariats did not imply support for merging the meetings of the Conference of the Parties with those of the conferences of the parties of the other conventions, which, he said, was a separate issue and should not be confused with a decision on the structure and location of the secretariat. He also suggested that the Conference of the Parties should consider how to enhance cooperation and coordination within the chemicals and waste cluster and provide the Executive Director of UNEP with clear policy direction on the matter.

54. A number of representatives took the opposite view, however, contending that integration could reduce the secretariat's profile and the attention the Convention would receive, and limit the secretariat's effectiveness in supporting the Conference of the Parties and achieving the objectives of the Convention. As a new treaty, they said, the Minamata Convention needed the undivided attention of a single secretariat, as in option 2, at least in its early years, in order to achieve greater political visibility and make its mark.

55. Many of those who spoke, including one speaking on behalf of a group of countries, supported partial integration, namely option 1 (b), as a middle ground that would provide the Convention with the benefits of synergies and experience while preserving a certain degree of autonomy. Two representatives indicated their preference to discuss the matter further before taking a stance, with one stressing the need to consider jointly other important aspects such as the financial mechanism. A third representative sought clarification on whether Switzerland's offer of funding in relation to a stand-alone secretariat included the host Government's assessed contribution, and what the difference would be in parties' assessed contributions for the three options presented.

56. At the suggestion of the Chair, the Committee agreed to establish a Friends of the Chair group to discuss the matters of the provisions for the functions of the permanent secretariat of the Minamata Convention and the physical location of the permanent secretariat further. Subsequently, the Chair asked Mr. Yingxian Xia (China) and Mr. Sverre Thomas Jahre (Norway) to facilitate further informal consultations on the issue.

57. Subsequently, the Chair informed the Committee that the Friends of the Chair group had been unable to reach agreement on the sub-item. Expressing appreciation to the group's co-facilitators, he said that a group of countries had prepared a proposal on a possible way forward and invited the proponents to introduce it.

58. The representative of Costa Rica [f] introduced a draft decision on the secretariat submitted by Costa Rica, Ecuador, Ghana, Japan, Jordan, Mexico, Panama, Peru and Zambia, as well two non-parties, Chile and Colombia, which was contained in a conference room paper. She said that the draft decision had been prepared as a transitional solution with regard to the location of and arrangements for the secretariat. In the draft decision, the Conference of the Parties requested the Executive Director of the United Nations Environment Programme to continue to provide the services of the secretariat in Geneva; welcomed Switzerland's offer to host the secretariat in Geneva and its annual host country contribution of 1 million Swiss francs; agreed to review the organizational arrangements of the secretariat at the second meeting of the Conference of the Parties; and asked the secretariat to cooperate and collaborate with the secretariat of the Basel, Rotterdam and Stockholm conventions and with relevant UNEP units in the period between the first and second meetings of the Conference of the Parties.

59. In the ensuing discussion, many representatives expressed support for the draft decision and the way forward proposed therein, stressing their regret that agreement had not been reached on final arrangements for the secretariat at the current meeting and expressing the hope that agreement would be reached at the second meeting of the Conference of the Parties.

60. Clarification was sought from the proponents as to whether the proposed decision deferred the final decision on the secretariat location to the second meeting of the Conference of the Parties, or whether Geneva was being selected as the location of the permanent secretariat at the current meeting and only the specific arrangements for the secretariat's structure and functioning would be reviewed at the second meeting.

61. Three of the proponents said that Geneva should be selected as the permanent secretariat's location and only the arrangements for the secretariat should be decided at the second meeting. Another proponent suggested subsequently that Geneva would be the interim location of the secretariat and the Conference of the Parties would make a final decision on the location of and arrangements for the secretariat at its second meeting.

62. One representative [f] said that the Conference of the Parties had not agreed on the location of the permanent secretariat at the present meeting and that the draft decision should clearly provide that

the issue of location, along with the other secretariat arrangements, would need to be reviewed and decided upon by the Conference of the Parties at its second meeting.

63. At the request of the Chair, the representative of the United States [f] subsequently presented a conference room paper that introduced a number of changes to the draft decision and clarified that the location of and arrangements for the permanent secretariat would be decided upon by the Conference of the Parties at its second meeting.

64. Most of the representatives who spoke, including one speaking on behalf of a group of countries, said that Geneva represented the ideal location for the secretariat - facilitating coordination between the secretariat and member States through their permanent missions in Geneva and between the secretariat of the Minamata Convention and that of the Basel, Rotterdam and Stockholm conventions and other Geneva-based institutions dealing with chemicals and waste - and should be selected as such.

65. One representative [f] said that defining the location of and arrangements for the permanent secretariat was key to enabling the secretariat to support parties and non-parties in the implementation of the multiple technical decisions that would be adopted at the current meeting and that not defining such issues would weaken the ability of countries to implement those decisions and deter non-parties from accelerating their ratification of the Convention. Another representative said that due consideration should be given to selecting Geneva as the location of the permanent secretariat, particularly given that Switzerland had offered a generous contribution to host the secretariat.

66. One representative asked whether the host country contribution of 1 million Swiss francs welcomed in the draft decision would be Switzerland's host country contribution irrespective of what was decided at the second meeting of the Conference of the Parties. In that regard, he said that it was important to determine how the host country contribution would be divided between the Special Trust Fund and the General Trust Fund. Another representative, speaking on behalf of a group of countries, asked whether Switzerland would consider providing an additional 500,000 Swiss francs to the core budget as part of its host country contribution.

67. One of the proponents of the draft decision said that the amount of the host country contribution would be revised by the Conference of the Parties at its second meeting.

68. The representative of Switzerland clarified that Switzerland's offer to provide 1 million Swiss francs to the specific international programme depended on whether a "good solution" on the secretariat was adopted at the current meeting. The decision to host the secretariat in Geneva for one year, he said, did not constitute a "good solution" given that it would leave the secretariat with considerable uncertainty and make it difficult for the secretariat to attract qualified staff.

69. Following informal consultations between interested parties, the Committee approved a decision on the secretariat in which the Conference of the Parties decided, among other things, to request the Executive Director of the United Nations Environment Programme to perform the functions of the secretariat "initially through" a secretariat located in Geneva and to review the organizational arrangements for the secretariat, including its location and the host country contribution, at its second meeting.

70. Following the approval of the decision, the representative of Switzerland expressed appreciation to those who had developed the compromise text and said that Switzerland accepted the draft decision but would have preferred a final decision on the secretariat in order to set the Convention on a more solid foundation and facilitate the conduct of the important work that lay ahead.

## **2. Draft memorandum of understanding between the Conference of the Parties to the Minamata Convention and the Council of the Global Environment Facility**

71. Introducing the sub-item, the representative of the secretariat outlined the information set out in document UNEP/MC/COP.1/15, which contained, in its annex I, a draft decision for consideration by the Conference of the Parties, and, in annex II, the updated text of the draft memorandum of understanding between the Conference of the Parties to the Minamata Convention and the Council of the Global Environment Facility. The memorandum had been considered by the intergovernmental negotiating committee, noting its non-legally binding nature at its seventh session and revisions had been made subsequently following comments by one member of the GEF Council and a review of these comments by the legal office of UNEP and the GEF secretariat. The revisions that had been made were highlighted on the cover page of the document.

72. In the ensuing discussion, one representative, supported by another, said that, regrettably, the decision-making process regarding access to international financial resources and technology transfer continued to be politicized. One representative said that the text of the memorandum of understanding

should contain a provision on avoiding such politicization, while another noted that it was important for countries to receive guidance on how to fill out forms requesting financial support for projects.

73. Following its discussion, the Committee agreed that the contact group on the financial mechanism would further consider the draft memorandum of understanding, as well as the related draft decision contained in document UNEP/MC/COP.1/15.

74. Subsequently, the co-chair of the contact group on the financial mechanism reported that additional text had been proposed for the draft memorandum of understanding with the Global Environment Facility (GEF) and the related draft decision but that the group had been unable to reach agreement on the proposals.

75. In the ensuing discussion, one representative, supported by another, took the floor to express concern that some countries had seen their project proposals rejected or not considered by the GEF Council on what appeared to be political grounds, unrelated to the goal of meeting the objectives of the concerned multilateral environmental agreements. It was crucial, they said, for that concern to be reflected and addressed in the draft memorandum of understanding so as to ensure that no such politicization of decision-making and funding allocations take place under the Minamata Convention.

76. The Chair assured the parties that their concerns would be put to the President of the Conference of the Parties, the Chief Executive Officer of GEF, the Executive Director of the United Nations Environment Programme and the relevant ministers present at the current meeting.

77. Subsequently, the Chair informed the Committee that agreement had not been reached in the informal consultations on the suggested additional paragraphs that remained in brackets. The Committee agreed to forward to the Conference of the Parties for its consideration the draft memorandum of understanding, including the bracketed text.

## **C. Matters recommended by the intergovernmental negotiating committee**

### **1. Guidance document on the preparation of national action plans for artisanal and small-scale gold mining**

78. The representative of the secretariat drew attention to the draft guidance document on the preparation of national action plans for artisanal and small-scale gold mining set out in annex II to document UNEP/MC/COP.1/17 and information on draft guidance developed by WHO on addressing health aspects in the context of developing national action plans for artisanal and small-scale gold mining contained in document UNEP/MC/COP.1/INF.12.

79. Noting that paragraph 3 (a) of article 7 of the Minamata Convention required that each party with more than insignificant artisanal and small-scale gold mining and processing in its territory develop and implement a national action plan in accordance with Annex C to the Convention, she recalled that at its seventh session, the international negotiating committee had agreed to the provisional use of the guidance in its then-current form to assist countries in the preparation of national action plans in the period between that session and the first meeting of the Conference of the Parties. The Committee had also requested the secretariat to seek further comments from Governments and others to improve the guidance with a view to presenting a revised version for consideration and possible adoption by the Conference of the Parties. The interim secretariat had invited Governments and others to provide such information and also consulted with regions and subregions on the content of the guidance as part of workshops addressing, among others, issues relating to artisanal and small-scale gold mining. The revised guidance document on the preparation of national action plans was set out in annex II to document UNEP/MC/COP.1/17.

80. The Committee approved a draft decision on a guidance document on the preparation of national action plans for artisanal and small-scale gold mining, and the accompanying guidance document, as contained in document UNEP/MC/COP.1/17, for consideration and possible adoption by the Conference of the Parties.

### **2. Physical location of the permanent secretariat**

81. The Deputy Executive Director introduced the issue as set out in chapter I, section B, part 1, on provisions for the functions of the permanent secretariat of the Minamata Convention, above.

82. The representative of Switzerland made a presentation on the offer to host the permanent secretariat in Geneva as set out in chapter I, section B, part 1, above.

83. Many representatives, including two speaking on behalf of groups of countries, took the floor to give their views on where the permanent secretariat of the Convention should be located. Most were supportive and appreciative of Switzerland's offer to host the secretariat in Geneva, in many cases

because they also supported some level of integration with the secretariat of the Basel, Rotterdam and Stockholm conventions. Other reasons cited were the physical proximity of many United Nations entities, international agencies, countries' diplomatic representations, Switzerland's strong history as a host country, and the fact that Switzerland was the only country that had offered to host the secretariat.

84. A number of representatives expressed reservations regarding the location of the secretariat in Geneva while indicating their willingness to discuss the matter. Three representatives noted the relative costs of the different UNEP duty stations, with one suggesting Nairobi as a suitable alternative and another seeking clarification on the differences between Geneva and the other duty stations. One representative stressed the need to take other important aspects, such as the financial mechanism, into consideration when deciding where to locate the secretariat.

85. As mentioned in paragraph 57 of the present report, at the suggestion of the Chair, the Committee agreed to establish a Friends of the Chair group to discuss the matters of the provisions for the functions of the permanent secretariat of the Minamata Convention and the physical location of the permanent secretariat further. Subsequently, the Chair asked Mr. Yingxian Xia (China) and Mr. Sverre Thomas Jahre (Norway) to facilitate further informal consultations on the issue.

86. Discussions on the physical location of the secretariat were closely linked to those regarding the provisions for the functions of the permanent secretariat of the Minamata Convention as set out in section B (1) of chapter V, above.

The Committee approved a decision on the secretariat, in which the Conference of the Parties decided, among other things, to request the Executive Director of the United Nations Environment Programme to perform the functions of the secretariat initially through a secretariat located in Geneva and to review the organizational arrangements for the secretariat, including its location and the host country contribution, at its second meeting.

### **3. Consideration of the report on open burning**

87. The representative of the secretariat introduced the sub-item, outlining the information set out in document UNEP/MC/COP.1/19, including the report on mercury emissions related to the open burning of waste set out in the annex thereto.

88. There was consensus among the representatives who spoke that the matter of open burning of waste was of great importance, with mercury being only one of a range of pollutants emitted by the activity. A number of representatives highlighted that the issue was of particular concern in developing countries, where open burning of waste was often unregulated and uncontrolled; that it was very difficult to assess the scale and nature of the problem and that waste was generally not separated. In that regard, there was a clear need for further accurate information, and a number of countries had started to prepare inventories of mercury emissions and releases in order to more clearly define the challenge being faced. One representative, speaking on behalf of a group of countries, supported the suggestion that the secretariat continue to compile information on emissions from open burning as part of its overall consideration of the inventories submitted by countries, while proposing that that information be gathered from other sources as well.

89. Several representatives noted that during the conduct of their Minamata initial assessments, they had realized that open burning was an important source of mercury releases in their countries. One representative said that the Minamata initial assessments could be an important component of waste management systems in general. The representative of the United Nations Institute for Training and Research (UNITAR) said that while data were still not adequate to make a detailed assessment of mercury emissions from open burning, he encouraged early action to combat the problem.

90. Regarding the timeline for further consideration of the information gathered by the secretariat, one representative suggested a longer period to allow time for sufficient information to be compiled, with submission to the fifth meeting of the Conference of the Parties, while a number of representatives said that the urgency of the matter required a shorter timeline, with reporting as early as the second meeting. One representative called for early dissemination of the information gathered to all parties to inform national action. One representative, speaking on behalf of a non-governmental organization, stated that the fact that full information was not available should not be taken as a reason to defer consideration of the matter.

91. Several representatives said that developing countries were severely hampered by the lack of availability of techniques for the collection of accurate data, and called on developed country partners and donors for assistance with technology transfer and capacity-building. One representative of a non-governmental organization highlighted the matter of medical waste, which was a complex area

requiring technological solutions. Another representative said that campaigns were needed at the national level to raise awareness of the dangers posed by open burning.

92. Some representatives noted the opportunity for synergies with the Stockholm Convention, given that the text of that Convention included reference to open burning as a source of persistent organic pollutants, and the guidelines on best available techniques and best environmental practices contained guidance on the open burning of waste. One representative proposed the formulation of a toolkit on mercury emissions similar to the Stockholm Convention Toolkit for Identification and Quantification of Releases of Dioxins, Furans and Other Unintentional POPs.

93. The Committee of the Whole agreed to request the secretariat to develop, in consultation with interested delegations, a draft decision reflecting the debate on mercury emissions related to the open burning of waste, which would be submitted to the Committee for its consideration.

94. The Committee approved a draft decision on mercury emissions related to the open burning of waste for consideration and possible adoption by the Conference of the Parties.

#### **D. Programme of work of the secretariat and budget for the period 2018–2019**

95. Introducing the sub-item, the representative of the secretariat drew attention to notes by the secretariat on a progress report on the work of the interim secretariat in the period since the seventh session of the intergovernmental negotiating committee (UNEP/MC/COP.1/20); the programme of work of the secretariat and budget for the period 2018–2019 (UNEP/MC/COP.1/21), which she said was based on best estimates with regard to the priorities of the programme of work and budget for 2018–2019 that took into account the text of the Convention and information gathered by the interim secretariat since 2010; and four addendums to document UNEP/MC/COP.1/21 which provided, respectively, details on the proposed budget (UNEP/MC/COP.1/Add.1), an overview of the resources required for staffing (UNEP/MC/COP.1/Add.2), an overview on the indicative scale of assessments (UNEP/MC/COP.1/Add.3), and an overview of the resources required for each of the proposed options for the secretariat (UNEP/MC/COP.1/Add.4). Document UNEP/MC/COP.1/21 further incorporated a draft decision on the programme of work and budget for consideration by the Conference of the Parties.

96. She also drew attention to notes by partner organizations on their activities related to the Minamata Convention.

97. In the ensuing discussion, several representatives, including two speaking on behalf of groups of countries noted that it would be important to approve a programme of work and budget that allowed a permanent secretariat to conduct its work effectively. It was acknowledged that the budget would necessarily reflect decisions on other issues, including, inter alia, the location of the secretariat, level of host-country support, arrangements for the specific international programme, and the programme of work, including mandates for intersessional work. One representative suggested that it would be useful for participants in the budget discussion to separate issues that depended on the location of the secretariat from issues that were not.

98. One representative called for a realistic budget while another, speaking on behalf of a group of countries, underscored that the budget needed to be affordable and supported by the timely contributions by all parties. While expressing appreciation for the work of the interim secretariat, some representatives, including one speaking on behalf of a group of countries, said that further discussions required additional information, including, inter alia, detailed activity sheets; more details regarding the programme of work; and explanations for the relatively high projected costs of meetings and staff and the inconsistencies among the different budget documents, including the use of different methodologies to calculate staff costs. One of these representatives introduced a conference room paper outlining some of these concerns.

99. One representative, speaking on behalf of a group of countries, expressed support for a programme of work and budget that would enable the realization of the Convention's objectives and provide the secretariat with sufficient resources to allow for it to be efficient and effective in fulfilling its mandate and to adequately address the interests of countries in his region. As many activities were to be undertaken for the first time, given the recent entry into force of the Convention, aspects of the design and implementation of applicable activities within the programme of work should rely on the experience and success of the secretariat of the Basel, Rotterdam and Stockholm conventions. The budget discussion should include consideration of the division of the contributions of the host country between the general and voluntary special trust funds, contributions to special funds to address specific technical and implementation issues, and sufficient support for the specific international programme. Adequate support for technical assistance and capacity-building should be included within the budget and programme of work, including the work mandated by the outcome of the



discussions on technical issues. Another representative, said that it would be understandable if certain elements of the budget exceeded the norms in other conventions given that work under the Minamata Convention was just beginning. Such costs should, however, decline as its operations matured.

100. The representative of the secretariat said that, in response to the concerns expressed by some parties that more information was needed on the proposed programme of work and budget and in order to facilitate the contact group discussions on those issues, the secretariat had provided two reference documents to the Conference of the Parties at its first meeting. The first provided additional details on the programme of work and activities being proposed and on their related budget, while the second document provided further details on the calculation of the secretariat costs, including staff costs for its location in Geneva, and information on the potential impact of the host country's contribution on the Convention's core budget and the assessed contributions towards the General Trust Fund.

101. Representatives of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC), the secretariat of the Aarhus Convention and its Protocol on Pollutant Release and Transfer Registers, the United Nations Industrial Development Organization (UNIDO), the United Nations Development Programme (UNDP), the United Nations Institute for Training and Research (UNITAR) and the Permanent Secretariat of the Amazon Cooperation Treaty then made statements, outlining activities carried out by their organizations which related to mercury and which supported, or could support, the ratification and implementation of the Minamata Convention. A representative of the Global Mercury Partnership Advisory Group also made a statement on the activities of the Partnership.

102. Following the discussion, the Conference agreed to defer consideration of the programme of work and budget and the related draft decision to a contact group on programme of work, financial rules and budget to be co-chaired by Mr. Reginald Hernaus (Netherlands) and Mr. Sam Adu-Kumi (Ghana).

103. Subsequently, the Chair drew attention to a conference room paper submitted by the group of Latin American and Caribbean States on regional and subregional centres for capacity-building, technical assistance and technology transfer relevant to the Minamata Convention on Mercury. One representative said that time constraints had not permitted comments her delegation had transmitted to its proposers to be addressed and thus her delegation could not yet support the draft decision. At the suggestion of the Chair, the Committee agreed that interested representatives would engage in informal consultations and report back to the Committee.

104. Subsequently, the Committee approved a draft decision on a draft budget and programme of work prepared by the contact group on programme of work, financial rules and budget. for consideration and possible adoption by the Conference of the Parties.

### **III. Matters stipulated by the Convention for action by the Conference of the Parties (agenda item 6)**

105. The representative of the secretariat introduced document UNEP/MC/COP.1/22, a compilation document that briefly presented the areas of the Convention text where the Conference of the Parties was required to take action at some point. The document covered matters relating to article 3 on mercury supply sources and trade (agenda item 6 (a)), article 4 on mercury-added products (agenda items 6 (b) and 6 (c)), article 5 on manufacturing processes in which mercury or mercury compounds were used (agenda item 6 (d)), article 14 on capacity-building, technical assistance and technology transfer (agenda item 6 (j)) and article 16 on health issues (agenda item 6 (k)).

#### **A. Consideration of whether trade in specific mercury compounds compromises the objective of the Convention and whether specific mercury compounds should, by their listing in an additional annex adopted in accordance with article 27, be made subject to paragraphs 6 and 8 of article 3**

106. Introducing the sub-item, the representative of the secretariat explained that in relation to article 3, the Convention text required that the Conference of the Parties evaluate whether trade in specific mercury compounds compromised the objective of the Convention, and whether specific mercury compounds should, by their listing in an additional annex to the Convention, be made subject to paragraphs 6 and 8 of article 3. She also noted that UNEP had produced in 2006 a report on the trade in mercury entitled *Summary of Supply, Trade and Demand Information on Mercury*, which had since been updated. Subsequently, responding to a concern raised by a representative, she specified that the trade provisions under article 3 related only to elemental mercury, and that trade in mercury-added products fell under article 4.

107. One representative said that for the sake of effective international action on mercury, mercury compounds should be included in the trade restrictions stated in paragraphs 6 and 8 of article 3, and described actions taken by his Government to impose tight trade restrictions on mercury compounds.

108. Another representative suggested that mercury compounds be included in the reviews of annexes A and B, under articles 4 and 5, which would make for a more efficient and cost-effective process.

109. A third representative, speaking on behalf of a group of countries, proposed initiating work on the evaluation referred to in paragraph 13 of article 3, on the basis that recent work, the report of which he offered to share, on the trade in mercury compounds, conducted for the purposes of preparing mercury import and export legislation, had confirmed that such compounds could be traded with the aim of recovering mercury and circumventing controls applying to mercury trade.

110. One representative, recalling that paragraph 13 of article 3 called for the Conference of the Parties to evaluate whether the trade in specific mercury compounds compromised the objective of the Convention, questioned whether such a discussion was appropriate given the small number of parties at this early stage in the life of the Convention. Furthermore, the Conference of the Parties was required to “consider whether specific mercury compounds should, by their listing in an additional annex adopted in accordance with article 27, be made subject to paragraphs 6 and 8”, which would entail an amendment to the Convention. Given the amount of work already on the table for the current meeting and the number of issues already to be considered at the second meeting of the Conference of the Parties, it might be unwise, she suggested, to start any additional work prior to a trade evaluation.

111. A representative of a non-governmental organization suggested that the issue of the trade in mercury compounds be considered in the same time frame as the annex A and B revisions, and that the evaluation process be initiated at the third meeting of the Conference of the Parties. He pointed out that the updated UNEP trade report documented a large volume of trade in mercury compounds, yet no timetable had been provided for the evaluation in the document.

112. The Committee agreed to fully reflect the discussion in the report of its proceedings, and to recommend to the Conference of the Parties that it continue to work on the issue at its future meetings.

**B. Reports submitted by parties implementing paragraph 2 of article 4 and review of the effectiveness of the measures**

**C. The review of Annex A referred to in paragraph 8 of article 4**

113. The Committee considered sub-items 6 (b) and 6 (c) jointly.

114. In her introduction, the representative of the secretariat indicated that sub-item 6 (b) referred to reports from parties implementing paragraph 2 of article 4 in relation to mercury-added products, while sub-item (c) related to the future review of annex A, to be undertaken within five years of the entry into force of the Convention, and possible inclusion of new products within the annex. She noted that given the date of entry into force of the Convention, the fourth meeting of the Conference of the Parties would fall within the five-year time limit and could therefore be considered for the review.

115. One representative, speaking on behalf of a group of countries, supported holding the review at the fourth meeting of the Conference of the Parties, and suggested that the secretariat be mandated to begin the necessary work immediately. Another representative struck a note of caution regarding the amount of work already planned and the need to avoid starting additional work unnecessarily early.

116. The Committee agreed to recommend to the Conference of the Parties that it review annex A at its fourth meeting, in 2021, and that it request the secretariat to take the necessary steps to prepare for such a review.

**D. The review of Annex B referred to in paragraph 10 of article 5**

117. Introducing the sub-item, the representative of the secretariat explained that it concerned the review of annex B of the Convention relating to manufacturing processes in which mercury or mercury compounds were used, which was very similar to the review of annex A.

118. The Committee agreed to recommend to the Conference of the Parties that it review annex B at its fourth meeting, in 2021, and that it request the secretariat to take the necessary steps to prepare for such a review.

### **E. The guidance referred to in paragraphs 7 (a) and 7 (b) of article 9**

119. The representative of the secretariat introduced a note by the secretariat containing information on guidance to be prepared by the Conference of the Parties on the methodology for preparing inventories of releases from relevant sources, and on best available techniques and best environmental practices for the control of releases from such sources (UNEP/MC/COP.1/24). She recalled that under article 9 of the Convention, on releases, the Conference of the Parties was required to adopt such guidance as soon as practicable. She also noted that the guidance on the methodology for preparing inventories of emissions from the identified sources under article 8, which had already been adopted by the Conference of the Parties, bore some relevance to the work on releases, particularly as one of the tools that could be used considered not only emission but also releases to land, air and water. She further noted that article 9 of the Convention did not include any list of sources of releases, but rather required parties to identify those sources they consider relevant.

120. A number of representatives said that they were in favour of encouraging parties and countries to identify relevant point sources and to submit the information on the identified sources and the annual quantity of releases from such sources to the secretariat as soon as possible, in order to enable the secretariat to compile and analyse the data and provide the appropriate information to the Conference of the Parties at its second meeting. One representative, supported by another speaking on behalf of a group of countries, suggested that once the secretariat had finished compiling the information on relevant point sources, an expert group should be established to assess the information and come up with the best available techniques and best environmental practices for releases from relevant sources, as had previously been done for emissions. He further proposed that the expert group be established at the second meeting of the Conference of the Parties. Another representative also suggested that the secretariat could develop guidance to help parties and countries identify relevant point sources.

121. Three representatives spoke about their experiences to date in identifying point sources of release with the help of the toolkit developed by the secretariat, including one who indicated potential for overestimation of mercury releases from the default release factors in the toolkit, and the need for more detailed quantification of mercury releases using a more precise toolkit.

122. One representative reiterated his country's concerns in connection with the guidance under article 8, particularly regarding the need to ensure that best available techniques and best environmental practices were relevant to the local conditions; those concerns, he said, also applied to the guidance provided for in article 9.

123. The Committee requested the secretariat to prepare a draft decision for its consideration, taking into account the discussion.

124. The Committee subsequently approved a draft decision, prepared by the secretariat, on guidance in relation to mercury releases for consideration and possible adoption by the Conference of the Parties.

### **F. The guidelines on the interim storage of mercury and mercury compounds referred to in paragraph 3 of article 10**

125. Introducing the sub-item, the representative of the secretariat drew attention to draft guidelines on the interim storage of mercury and mercury compounds, set out in document UNEP/MC/COP.1/25. She recalled the mandate for, and the process that had led to, the elaboration of the draft guidelines on the environmentally sound interim storage of mercury other than mercury waste in their current form, as set out in annex II to document UNEP/MC/COP.1/25.

126. In the ensuing discussion, all the representatives who spoke underscored the importance of the issue and the contribution that appropriate guidelines could make to the effective implementation of the Convention. Expressing support for the work carried out by the secretariat, many representatives, including one speaking on behalf of a group of countries, also offered suggestions for improving the draft guidelines, including, *inter alia*, augmenting particular technical details; incorporating additional information gathered from parties and relevant experts; including consideration of the varying capacity of parties to implement the guidelines; delineating the importance of risk evaluation with regard to interim storage; addressing the storage of products containing mercury that were awaiting reuse or treatment as waste; examining the relationship between interim storage and production and consumption quantities; clarifying the applicability of different guidelines to mercury and mercury compounds; addressing storage related security issues relevant to the illegal use of mercury in mining activities; addressing introducing time limits on interim storage; addressing issues relevant to storing small quantities of mercury; clarifying key terms, including what constituted a reasonable quantity;

addressing additional issues relating to transport; and ensuring that interim storage facilities were decommissioned in an environmentally sound manner.

127. Two representatives emphasized that some parties would require assistance to implement the guidelines effectively, with one encouraging developed country parties to take the lead in implementing the guidelines and providing such assistance in accordance with the principle of common but differentiated responsibilities.

128. Following a proposal by the Chair, the Committee of the Whole agreed to establish a contact group, co-chaired by Ms. Karissa Kovner (United States of America) and Ms. Teeraporn Wiriwutikorn (Thailand) to consider a number of technical issues. The group would, among other things, discuss the draft guidelines in more detail and report back to the Committee.

129. Following the discussions of the contact group, the Committee approved a draft decision on draft guidelines on the interim storage of mercury and mercury compounds referred to in paragraph 3 of article 10 for consideration and possible adoption by the Conference of the Parties.

## **G. The definition of mercury waste thresholds referred to in paragraph 2 of article 11**

130. The representative of the secretariat, introducing the sub-item, drew attention to the relevant documents containing a compilation of the additional information on the use of mercury waste thresholds requested by the intergovernmental negotiating committee (UNEP/MC/COP.1/26); the outcomes of the informal intersessional discussions to propose appropriate thresholds, led by Japan, with a proposed draft decision on intersessional arrangements for the period leading up to the second meeting of the Conference of the Parties (UNEP/MC/COP.1/INF/10); and the options for a draft decision on mercury wastes prepared by the intergovernmental negotiating committee at its seventh session (UNEP/MC/COP.1/26/Add.1).

131. The representative of Japan reported briefly on the informal intersessional discussions that had culminated in the recommendations and draft decision on the arrangements for intersessional work on mercury waste thresholds, in particular the establishment of an ad hoc intersessional group of technical experts. He then introduced a conference room paper containing a draft decision on mercury wastes in which the options prepared by the intergovernmental negotiating committee had been incorporated into the draft decision on intersessional arrangements, and in which much of the text remained in square brackets.

132. In the ensuing discussion, general appreciation was expressed to the Government of Japan for organizing the informal discussions to propose mercury waste thresholds, in keeping with article 11 of the Minamata Convention, and for the information contained in the documents before the Committee, including the conference room paper, which, according to one representative, gave parties a clear understanding of the underlying problems. Several representatives said that the paper in particular provided a good basis for further discussion.

133. It was generally agreed that defining mercury waste thresholds was important work, with several representatives stressing that the establishment of sound thresholds was crucial to ensuring the effectiveness of the Convention in protecting human health and the environment against mercury exposure.

134. Many representatives, including one speaking on behalf of a group of countries, said that the information provided in the documents would be useful for defining the thresholds. Several, however, said that further clarification and more in-depth work were needed on the questions of, inter alia, whether all three categories of mercury wastes set out in article 11 of the Convention were necessary and conducive to achieving the objectives of the Convention; the types of thresholds, content or leachate; the legal consequences of exceeding or falling short of thresholds; and the importance of ensuring that they were simple and accessible to all parties. Several representatives said that it was important to take into account the individual circumstances and needs of countries, with one adding that some would need help to align their existing mercury waste management standards and guidelines with the Convention.

135. On the proposed intersessional arrangements to continue the work of defining the thresholds, many representatives expressed support for the establishment of an ad hoc intersessional group of technical experts. Many stressed that it was important to ensure the geographic balance of the group; several called for the broad participation of all relevant organizations, civil society and the private sector; some said that non-parties should be included; and one called for small island developing States to be represented. A number of representatives expressed a desire to participate actively in the proposed intersessional working group, which should, according to one representative speaking on

behalf of a group of countries, work by electronic means. Some representatives, including one speaking on behalf of a group of countries, suggested that the terms of reference of the group and the type of work to be undertaken should be further discussed in a contact group.

136. One representative, speaking on behalf of a group of countries, observed that experience in the complex work of defining mercury waste thresholds was limited among the parties and signatories to the Minamata Convention and another offered to provide substantial technical support, drawing on his country's practical and longstanding experience in the management of mercury wastes throughout the supply chain.

137. Meanwhile, support was also expressed for the proposal to apply the Basel Convention technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury under the Minamata Convention. One representative, speaking on behalf of a group of countries, said that it was important to finalize and adopt a draft decision on the matter, based on the options presented in document UNEP/MC/COP.1/26/Add.1. Another representative said that he looked forward to working with the Basel Convention experts.

138. Representatives of non-governmental organizations also made statements. One said that the adoption of weak thresholds risked leaving vast amounts of contaminated wastes, soils and sediments outside of environmentally sound management frameworks. A number suggested technical considerations, such as the purity percentage and concentration rate to distinguish between "mercury waste" and "waste contaminated with mercury".

139. The Committee agreed to mandate the contact group on technical issues, established as set out in paragraph 131 of the present report, to further discuss the sub-item, based on the documents before the Committee, including the conference room paper submitted by Japan, and taking into account the discussions in the Committee, with a view to resolving the outstanding issues in the documents.

140. Subsequently, the co-chair of the contact group reported that the group had reached agreement on the draft decision on the arrangements for intersessional work on mercury waste thresholds and on the timeline for that work.

141. The Committee approved a draft decision on mercury waste for consideration and possible adoption by the Conference of the Parties.

## **H. The guidance on the management of contaminated sites referred to in paragraph 3 of article 12**

142. The representative of the secretariat drew attention to the guidance on the management of contaminated sites referred to in paragraph 3 of article 12, which was set out in document UNEP/MC/COP.1/27.

143. In the ensuing discussion, many representatives said that it was important to carry out further work on the draft guidance, with several noting that the harmful impact of contaminated sites in their countries underscored the need for urgent action.

144. There was general agreement that a working group of experts should be established to contribute to the development of the draft guidance during the intersessional period, with several representatives, including two speaking on behalf of groups of countries, expressing their willingness to nominate experts for that purpose. One representative said that the group should include experts from both the environment and health sectors, and from developed and developing countries, while two others called for a regionally balanced composition.

145. Several representatives voiced their support for the secretariat's proposal that the draft guidance should be developed in line with the road map included in document UNEP/MC/COP.1/27, and building on the draft structure and content outlined in that document. One representative, however, expressed concern that the road map was overly ambitious, and suggested, along with two other representatives, that more in-depth talks should be held on the matter in the context of a contact group.

146. Two representatives noted that it would be helpful to develop preventive guidance, while another emphasized that the guidance should be practical. Human health and environmental risk assessments, orientation for the selection of appropriate technologies in developing countries, possible methods for managing contaminated soils, advice on management for countries with limited resources and the threshold concentration or trigger level for further or formal investigation of a site were all cited by individual representatives, including one speaking on behalf of a group of countries, as issues that warranted attention or further consideration in the draft guidance. One representative said that

special circumstances, such as war, should be taken into account, while another called for an exploration of financing options for remediation projects. One representative stressed that there was a need to develop guidelines for the management of mercury generated by contaminated soil management activities.

147. Two representatives noted that developing countries, in particular, required technical and financial assistance, and several others highlighted the value of capacity-building and the sharing of best practices and experiences in managing contaminated sites. One representative said that a problem faced by many developing countries was a lack of public awareness of the location of contaminated sites, more often than not because no register of sites had been compiled. Another representative, stressing that registers were vital, said that mechanisms and strategies should be put in place for evaluating and prioritizing contaminated sites.

148. One representative said that, in document UNEP/MC/COP.1/27, the meaning of the phrase “determination of the national level of mercury or mercury compound contamination” should be clarified, as should the stage at which public engagement should be sought in the risk assessment and site management process. Regarding risk assessment, it was appropriate for the guidance to focus on human health and the environment, but there was a need to define the mechanisms for gauging exposure to contamination. The validation of outcomes mentioned in annex III to the document should cover action and follow-up plans, among other things.

149. Several representatives described the efforts made in their countries to manage contaminated sites. In that connection, one representative requested guidance from the secretariat on whether, when the trigger level for further or formal investigation of a site had been reached, that site necessarily had to be closed down and isolated, or whether, if it was an operating mine, for example, it could be granted special dispensation to remain open.

150. Representatives of non-governmental organizations also made statements. One called for it to be acknowledged in the document that dental schools, offices and hospital clinics were sources of contamination. Another, noting that mercury-contaminated sites represented a major source of air, soil and water pollution, said that guidance was urgently required on the management of such sites. Steps should be taken to ensure that guidance was adopted at the second meeting of the Conference of the Parties. Those steps should include the establishment of an expert working group, whose meetings should be face-to-face and open to civil society organizations. Lastly, it was important for countries to develop appropriate measures, including sustainable remediation plans, to protect communities affected by contamination from new primary mercury mining and cinnabar processing plants.

151. Subsequently, the Committee agreed to refer the matter to the contact group on technical issues, established as set out in paragraph 131 of the present report. The contact group was to consider the structure of the guidance on the management of contaminated sites, finalize the road map for the preparation of the guidance document on the management of contaminated sites and prepare a draft decision for the consideration of the Committee of the Whole, based on the information contained in document UNEP/MC/COP.1/27 and the discussions in the Committee.

152. The co-chair of the contact group subsequently reported that the group had finalized a draft decision for consideration by the Committee of the Whole. That decision called for the development of draft guidance on managing contaminated sites. The group had agreed to a schedule of work to be provided as annex I to the decision, and provided the secretariat with general comments on the existing content and structure of the guidance contained in annex II to the decision. Those general comments would be taken into account during the drafting of the guidance document.

153. The Committee approved a draft decision on guidance on the management of contaminated sites, as orally amended, for consideration and possible adoption by the Conference of the Parties. The Committee agreed that the annexes prepared for the present meeting would remain attached to the draft decision and that the secretariat would be entrusted with updating the annexes in accordance with the agreements made at the present meeting.

## **I. The consideration of capacity-building, technical assistance and technology transfer as referred to in paragraph 4 and paragraph 5 of article 14, including any recommendations on how such activities could be further enhanced under article 14**

154. In her introduction to the sub-item, the representative of the secretariat explained that article 14 provided for the Conference of the Parties, by its second meeting and thereafter on a regular basis, to consider information on existing initiatives and progress made in relation to alternative technologies and the needs of parties, particularly developing-country parties, for alternative technologies, and to

identify challenges experienced by parties, particularly developing-country parties, in technology transfer.

155. The Committee agreed to recommend to the Conference of the Parties that it request the secretariat to seek submissions and reports from parties and other stakeholders on issues relating to existing initiatives and progress made in relation to alternative technologies, on the needs of parties, particularly developing-country parties, for alternative technologies and on challenges experienced by parties, particularly developing-country parties, in technology transfer, and to present the information received to the Conference of the Parties at its second meeting for consideration.

156. Subsequently, a representative of a non-governmental organization pointed out that more would be required than a simple compilation of information by the secretariat in order to set the stage for such an assessment.

**J. Consultation and collaboration with the World Health Organization, the International Labour Organization and other relevant intergovernmental organizations, and promotion of cooperation and exchange of information, as appropriate, in relation to health-related issues or activities, as referred to in paragraph 2 of article 16**

157. Introducing the sub-item, the representative of the secretariat indicated that article 16 required the Conference of the Parties, in considering health-related issues or activities, to consult and collaborate with WHO, the International Labour Organization (ILO) and other relevant intergovernmental organizations, and to promote cooperation and information exchange with such organizations, as appropriate.

158. A representative of WHO made a statement expressing appreciation to the Minamata interim secretariat for its collaboration on a number of fronts, and indicating that WHO would be pleased to collaborate in the preparation of a joint work plan once the permanent secretariat had been established.

159. One representative, speaking on behalf of a group of countries, thanked WHO for cooperating and working with the secretariat and asked that the two entities continue their collaboration. Another representative expressed concern at a perceived absence of ILO at the global level, and asked that the secretariat encourage the involvement of that organization in implementing the Convention at the global, regional, subregional and national levels.

160. The Committee agreed to recommend to the Conference of the Parties that it request the secretariat to continue to actively engage in cooperation and collaboration with WHO, ILO and other relevant organizations in the implementation of the Minamata Convention.