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**Conference of the Parties to the  
Minamata Convention on Mercury  
Second meeting**  
Geneva, 19–23 November 2018

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

### **Introduction**

1. The second meeting of the Conference of the Parties to the Minamata Convention on Mercury was held at the Geneva International Conference Centre from 19 to 23 November 2018.

### **I. Opening of the meeting**

2. Following a musical performance, the Executive Secretary of the Minamata Convention, Rossana Silva Repetto, welcomed participants at 10.15 a.m. on Monday, 19 November.

#### **A. Opening remarks**

3. Opening remarks were delivered by the President of the Conference, Marc Chardonens (Switzerland), and by the Deputy Executive Director of the United Nations Environment Programme (UNEP), Joyce Msuya.

4. In his opening remarks, the President welcomed the participants on behalf of his Government. He said that the first meeting of the Conference of the Parties, held in Geneva from 24 to 29 September 2017, and the political guidance received had provided the momentum and energy required for the implementation of the Convention, with the aim of protecting human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds, which was the focus of the current meeting. As at 19 November, 101 parties had ratified or acceded to the Convention, with many more countries in the process of doing so. Many actions needed to be carried out to implement the Convention, including the phase-out of products containing mercury, the environmentally sound management of mercury wastes and the clean-up of contaminated sites. To achieve those aims, institutional arrangements had to be finalized, including the secretariat arrangements and the resolution of outstanding issues in relation to the financial rules, the rules of procedure and cooperation with other actors, especially the bodies 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. Regarding technical work, priorities included the establishment of waste thresholds, the development of guidance on the management of contaminated sites, and the development of elements of a framework to evaluate the effectiveness of the Convention. In conclusion, he expressed thanks to the participants for their commitment and continuous efforts to protect human health and the environment.

5. The Deputy Executive Director, in her opening remarks, expressed thanks to the Government of Switzerland for its support for the Convention and congratulated those parties that had ratified or acceded to the instrument. Reflecting on the challenges ahead, she said that mercury knew no borders and was affecting the lives of millions around the world. Many parts of the environment were contaminated, and data from the forthcoming *Global Mercury Assessment 2018* revealed that estimated anthropogenic emissions of mercury to the atmosphere in 2015 had been some 20 per cent higher than in 2010. It had also been found that, with greater economic activity, notably in Asia, mercury pollution was increasing, thereby offsetting efforts to reduce emissions in other regions, in particular North America and Europe. It was thus important to support the Convention as solidly as possible, including through universal ratification. She expressed thanks to those actors that had supported the significant work already conducted, including the Global Environment Facility (GEF) for assisting enabling activities with initial assessments and the development of national action plans for artisanal and small-scale gold mining. In the seventh replenishment of the GEF trust fund, \$206 million had been allocated to mercury-related activities. In addition, the Governing Board of the Specific International Programme to Support Capacity-Building and Technical Assistance had approved five project proposals amounting to about \$1 million. In conclusion, she said that the current meeting afforded a major opportunity to maintain the strong momentum generated thus far, and she invited strong and continuous commitment from all stakeholders to resolving the institutional and technical challenges involved in implementing the Convention so as to ensure that mercury poisoning such as had occurred in Minamata, Japan, in the 1970s would never happen again.

6. The Conference of the Parties then heard a statement by the Vice-Minister for Ecology and Environment of China, Yingmin Zhao, who said that China, as a member of the Bureau of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury, had played a constructive and leading role in making the Convention a reality. At the current meeting, the parties would lay a solid foundation for the long-term development of the Convention, which complemented the other instruments through which the international community could work together to tackle global environmental issues. China was committed to the prevention and control of pollution caused by heavy metals, including mercury, and had ratified the Convention. A national implementation coordination group had been put in place to boost implementation at the national and subnational levels, and through its national implementation plan his country would mainstream implementation into policy. China had also encouraged South-South cooperation through the China Trust Fund, which had supported the ratification of the Convention by other developing countries. Like other developing countries, China faced challenges in implementing the Convention, such as how to further control emissions and strengthen its regulatory and management capabilities, but was confident that those difficulties could be overcome.

7. Following those remarks, the President declared the meeting officially open.

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

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

9. The representative speaking on behalf of the African States highlighted points important for the successful implementation of the Convention, saying that artisanal and small-scale gold mining was of widespread concern, and that the support provided to affected countries for initial assessments and the development of national action plans for such mining had been appreciated. Further support was needed to establish effective control measures and to tackle illegal trade in mercury, including through the addition of Harmonized Commodity Description and Coding System customs codes for mercury-added products. Other matters requiring urgent attention included the continuing use of dental amalgam, the evaluation and management of contaminated sites and the open burning of waste. In conclusion, he stressed the importance of providing additional financial and technical resources to developing countries so that they could fully implement the Convention.

10. The representative speaking on behalf of the Asia-Pacific States acknowledged the participation and contribution of many experts during the intersessional period, which would enrich the current discussions. He said that the persistence of mercury in the environment and the challenges associated with the element throughout its life cycle, including long-range transport, required the collaborative efforts of all countries and other actors to realize co-benefits. The Asia-Pacific region, as a powerhouse of the global economy, had generated prosperity but also pollution, and was responsible for a large proportion of global mercury consumption and emissions. Tackling the matter required significant investment and international assistance, especially for developing countries, in keeping with articles 13 and 14 of the Convention and the principle of common but differentiated responsibilities, as enshrined in the instrument's preamble. The situation of countries varied

considerably in the region, making the implementation of the Convention both challenging and complex. Issues of particular priority included artisanal and small-scale gold mining, the ingestion of mercury through food (including fish) and waste management. He called upon parties to participate inclusively and proactively to achieve common goals.

11. The representative of the Pacific island States of Kiribati, Palau, Samoa, Tonga and Vanuatu said that, while those States aligned themselves with the statement delivered on behalf of Asia-Pacific States, particular issues of relevance to the small island developing States of the Pacific Ocean required highlighting. She welcomed the recognition in paragraph 1 of article 14 of the Convention of the special capacity-building and technical assistance needs of small island developing States and least developed countries and the inclusion of the Specific International Programme in article 13. Small island developing States could most appropriately use those resources to develop national implementation plans in line with article 20, which would lead to incremental improvements at the subregional level. The large differences between the Pacific island States and the rest of the region required separate subregional monitoring and development of baseline data for the former, especially given that most atmospheric mercury came from outside the subregion. She called upon the parties to strengthen the monitoring capabilities of subregional entities. Articles 16 and 19, on health aspects and research, development and monitoring, respectively, were particularly relevant to the needs of the subregion. It was important to continue to gather data in a coherent and coordinated manner to detect whether mercury in the environment was decreasing thanks to the effective implementation of the Convention.

12. The representative speaking on behalf of the Latin American and Caribbean States indicated the main expectations of the region for the current meeting. Most countries in the region had ratified the Convention, indicating the importance placed on achieving its global objectives. The full implementation of the Convention required the necessary financial and technical support, specifically through a robust financial mechanism that provided adequate, predictable and timely resources. The Specific International Programme should be further strengthened to assist those countries that had ratified the Convention. The region was calling for the adoption of the draft memorandum of understanding between the Conference of the Parties and the GEF Council, which would guarantee greater legal security in the relationship between those institutions, to the benefit of the parties. The region also placed value on the successful conclusion of the discussions on the secretariat, which would function best in Geneva. Other issues of importance included the identification of the best available techniques and best environmental practices for controlling and reducing releases; the further development of the draft guidelines for managing contaminated sites; the identification of Harmonized System customs codes relating to mercury-added products and mercury compounds; the environmentally sound interim storage of mercury other than waste mercury; and the determination of thresholds for mercury waste. The region also attached great importance to the health aspects of the Convention and welcomed the collaboration between the secretariat and the World Health Organization (WHO) on health-related issues, as well as with the International Labour Organization (ILO) on employment-related issues. Lastly, she highlighted the integral role of the Basel and Stockholm Convention regional centres in providing assistance and support to the countries of the region for the ratification of the Convention.

13. The representative speaking on behalf of the Eastern European States expressed gratitude for the budgetary support for the regional preparatory meeting held in October 2018, which had provided an opportunity to prepare for the current discussions and report on progress made in the ratification of the Convention. The current meeting would assist in achieving the prime objective of protecting human health and the environment from mercury, and the Eastern European States looked forward to constructive, open-minded discussion on all issues.

14. The representative speaking on behalf of the European Union and its member States said that the achievements thus far under the Convention should not encourage complacency; ambitious follow-up was required, as was close cooperation with the bodies of the Basel, Rotterdam and Stockholm conventions and the advancement of the sound management of chemicals and wastes within policy agendas. The parties had begun the normal business of the Convention, and the European Union and its member States looked forward to working together in a spirit of friendly cooperation.

15. Following the regional statements, other statements were made by representatives of individual countries and by the representative of a non-governmental organization.

16. Several representatives outlined national action being taken to support the implementation of the Convention, including policy, regulatory and programmatic measures, and expressed thanks to donors and international organizations for their support in assisting countries to implement projects

under the Convention. Such projects included setting mercury waste thresholds, preparing inventories of emissions and implementing national action plans. One representative urged technical and financial partners to continue to provide developing countries with the resources needed to fulfil their commitments under the Convention. Another called for innovative solutions, technology transfer and the development of environmentally friendly mercury-free alternatives. A third highlighted the challenges faced by developing countries in which there was artisanal and small-scale gold mining. While such activities were detrimental to human health and the environment, with particular impacts on vulnerable populations, they often provided income to poverty-stricken communities. One representative drew attention to the implementation challenges faced by conflict-affected countries.

17. One representative said that the progress made thus far in terms of the ratification of the Convention would be meaningful only if implementation were truly universal. As was alluded to in the preamble to the Convention, effective implementation required due consideration of the principle of common but differentiated responsibilities and acknowledging States' respective circumstances and capabilities. That in turn implied recognition of the rights of parties, including the right to utilize the facilities provided for under the agreement to fulfil their obligations, without being hampered by any politicization of the process. In conclusion, he said that a well-resourced and capable secretariat was vital for effective implementation, and the financial mechanism foreseen in the Convention should pay special attention to enhancing international cooperation, taking into consideration the experiences of other instruments.

18. An observer highlighted the importance of emerging chemicals management issues, the identification, evaluation and prioritization of which merited financial support and the allocation of additional resources from GEF and other financing institutions.

19. The representative of the Zero Mercury Working Group congratulated all Governments that had ratified the Convention, along with those that were completing their initial assessments. She highlighted the important role to be played by non-governmental organizations in implementation and indicated that the Working Group had organized workshops in Asia and in Africa, in collaboration with GEF and the United Nations Development Programme Small Grants Programme, to build the capacity of non-governmental organizations to support the implementation of projects, with an emphasis on mercury source and use reduction. The Working Group had also tested products for mercury content. A major question was how best to translate the objectives of the Convention into an effective operational framework resulting in substantial and measurable reductions in global mercury use, trade and emissions.

## II. Organizational matters

### A. Officers

20. At its first meeting, the Conference of the Parties had elected the following officers to serve at its first and second meetings, as well as during the intersessional period:

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

21. Mr. Kapindula had been elected to serve as Rapporteur.

22. During the intersessional period, Miguel Ángel Espinosa Luna (Mexico) replaced Mr. Juárez, who was unable to complete his assigned term. Subsequently, Arturo Gavilán García (Mexico) replaced Mr. Espinosa Luna.

## **B. Election of officers for the intersessional period and the third meeting of the Conference of the Parties**

23. Introducing the item, the President recalled that, pursuant to the rules of procedure, the Conference of the Parties would need to elect a President and nine Vice-Presidents, one of whom would act as Rapporteur, from among the representatives of the parties present at the meeting, to serve from the closure of the meeting until the closure of the third meeting, including the intersessional period.

24. The Conference of the Parties agreed to establish a group of friends of the President, facilitated by Mr. Kapindula, to discuss the rotation of the offices of President and Rapporteur and any other matters as might be determined.

25. Subsequently, the Conference of the Parties elected the following officers to the bureau for the third meeting of the Conference:

President:	David Kapindula (Zambia)
Vice-Presidents:	Alison Dickson (Canada)
	María del Mar Solano Trejos (Costa Rica)
	Karel Bláha (Czechia)
	Serge Molly Allo'o Allo'o (Gabon)
	Mariscia Charles (Guyana)
	Adel Jahankhah (Islamic Republic of Iran)
	Mohammed Khashashneh (Jordan)
	Svetlana Bolocan (Republic of Moldova)
	Nina Cromnier (Sweden)

26. It was agreed that the Rapporteur for the third meeting of the Conference of the Parties would be designated by the Bureau during the intersessional period.

27. For its subsequent meetings, the Conference of the Parties agreed that the presidency would rotate among regions in alphabetical order.

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

28. The Conference of the Parties adopted the following agenda on the basis of the provisional agenda (UNEP/MC/COP.2/1):

1. Opening of the meeting.
2. Organizational matters:
  - (a) Election of officers for the intersessional period and the third meeting of the Conference of the Parties;
  - (b) Adoption of the agenda;
  - (c) Organization of work.
3. Rules of procedure for the Conference of the Parties.
4. Report on the credentials of representatives to the second meeting of the Conference of the Parties.
5. Matters for consideration or action by the Conference of the Parties:
  - (a) Releases;
  - (b) Environmentally sound interim storage of mercury other than waste mercury;
  - (c) Mercury waste, in particular consideration of relevant thresholds;
  - (d) Guidance on the management of contaminated sites;
  - (e) Operation of the financial mechanism:
    - (i) Global Environment Facility;
    - (ii) Specific International Programme to Support Capacity-Building and Technical Assistance;

- (f) Capacity-building, technical assistance and technology transfer;
  - (g) Implementation and Compliance Committee;
  - (h) Cooperation with the World Health Organization and the International Labour Organization;
  - (i) Effectiveness evaluation;
  - (j) Financial rules;
  - (k) Secretariat;
  - (l) Emissions of mercury resulting from the open burning of waste.
6. Programme of work and budget.
  7. Venue and date of the third meeting of the Conference of the Parties.
  8. Other matters.
  9. Adoption of the report.
  10. Closure of the meeting.

#### **D. Organization of work**

29. The Conference of the Parties decided, in accordance with the proposals contained in a scenario note for the meeting prepared by the President (UNEP/MC/COP.2/2), that it would meet from 10 a.m. to 1 p.m. and from 3 to 6 p.m. each day and that small groups would be established as necessary.

#### **E. Attendance**

30. The meeting was attended by representatives of the following 95 parties: Afghanistan, Antigua and Barbuda, Argentina, Armenia, Austria, Belgium, Benin, Bolivia (Plurinational State of), Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica, Croatia, Cuba, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Eswatini, European Union, Finland, France, Gabon, Gambia, Germany, Ghana, Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Jamaica, Japan, Jordan, Kiribati, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Lichtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Namibia, Netherlands, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Samoa, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Viet Nam, Zambia.

31. In addition, the meeting was attended by representatives of the following observer States: Algeria, Australia, Azerbaijan, Bahamas, Bangladesh, Belarus, Bosnia and Herzegovina, Burundi, Cambodia, Cameroon, Chile, Colombia, Comoros, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Georgia, Guatemala, Guinea-Bissau, Haiti, Iraq, Ireland, Italy, Kenya, Liberia, Malaysia, Maldives, Morocco, Mozambique, Oman, Philippines, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Serbia, South Africa, Spain, State of Palestine, Sudan, the former Yugoslav Republic of Macedonia, Tonga, Tunisia, Turkey, Uganda, Ukraine, United Republic of Tanzania, Vanuatu, Venezuela (Bolivarian Republic of), Yemen, Zimbabwe.

32. The following United Nations entities and specialized agencies were represented as observers: Global Environment Facility, International Atomic Energy Agency, International Labour Organization, 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, secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, United Nations Development Programme, United Nations Environment Programme, United Nations Industrial Development Organization, United Nations Institute for Training and Research, United Nations University, World Bank, World Health Organization.

33. The following intergovernmental organizations were represented as observers: International Energy Agency, International Lead and Zinc Study Group, Organization for Economic Cooperation and Development, Secretariat of the Pacific Regional Environment Programme.

34. A number of governmental bodies and agencies, regional and subregional centres, non-governmental organizations, private-sector entities and academic institutions were represented as observers. The names of those organizations are included in the list of participants (UNEP/MC/COP.2/INF/21).

### **III. Rules of procedure for the Conference of the Parties**

35. Introducing the item, the representative of the secretariat recalled that by its decision MC-1/1 the Conference of the Parties had adopted the rules of procedure, with the exception of the second sentence of paragraph 1 of rule 45, which related to the option to take a decision on matters of substance by means of voting, should all efforts to reach consensus fail, and paragraph 3 of rule 45, which related to the mechanism used to decide whether a matter before the Conference of the Parties should be considered a matter of substance or a matter of procedure. At its second meeting, the Conference had before it the bracketed text of rule 45 as presented in decision MC-1/1 (UNEP/MC/COP.2/3) for reconsideration.

36. The President made a proposal regarding how to deal with the bracketed text in paragraph 3 of rule 45. A representative speaking on behalf of a group of countries voiced support for adopting the President's proposal that, if a question arose regarding whether a matter was of a procedural or a substantive nature, the President should rule on the question, and that in the case of an appeal the ruling should immediately be put to a vote, and stand unless overruled by a majority of parties present and voting.

37. One representative said that it was imperative to always work on the basis of consensus and that he was therefore unable to accept the President's proposal.

38. Another representative pointed out that the proposed provision on voting was identical to provisions that had been accepted with regard to some other multilateral environmental agreements.

39. A representative speaking on behalf of a group of countries proposed an alternative solution, which would allow the President to rule on the question and, in case of an appeal, to consider a matter as substantive unless it was determined to be procedural by a two-thirds majority of parties present and voting.

40. The representative who had stressed the importance of consensus said that he was unable to accept either the President's proposal or the alternative proposal made, as both texts pertained to voting. He added that, if it was unclear whether a matter was substantive or procedural in nature, it should be treated as substantive.

41. An observer said that decisions ought to be taken on the basis of consensus, and that it was also necessary to clarify the procedure, in paragraph 2 of rule 44, for votes cast by regional economic integration organizations.

42. The Legal Adviser to the Conference of the Parties recalled that it was stipulated in the paragraph in question that a regional economic integration organization should exercise its right to vote with a number of votes equal to the number of its member States that were parties to the Convention. He confirmed that paragraph 2 of rule 44 reproduced paragraph 2 of article 28 of the Minamata Convention. Further legal interpretation of the paragraph could be requested by a decision of the Conference, on the basis of a proposal by a party.

43. The Conference of the Parties agreed to defer consideration of the bracketed text in rule 45 to its third meeting.

44. One observer said that, in the absence of a specific decision on the matter of paragraph 3 of rule 45, it would be impossible to rule definitively on whether an issue was substantive or procedural, should uncertainty arise.

## **IV. Report on the credentials of representatives to the second meeting of the Conference of the Parties**

45. 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 at 20 November 2018, the representatives of 74 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. Five parties had not communicated any information on their representatives.

46. The Conference of the Parties took note of the report.

## **V. Matters for consideration or action by the Conference of the Parties**

### **A. Releases**

47. Introducing the item, the representative of the secretariat recalled that, at its first meeting, the Conference of the Parties had considered the development of guidance in relation to mercury releases, as required under paragraph 7 of article 9 of the Convention. By its decision MC-1/17, the Conference had encouraged parties to identify relevant point sources at the national level, as defined in paragraph 2 (b) of article 9, and to submit information thereon to the secretariat.

48. At its second meeting, the Conference of the Parties had before it a note by the secretariat on guidance in relation to mercury releases (UNEP/MC/COP.2/4/Rev.1), in which it was explained that submissions had been received from only three parties. Two of them had not identified any sources as defined in the article and one had provided a list of current national sources of mercury, all of which had reduced mercury releases significantly, to no more than 2 kg per year per factory. Given the paucity of information provided, the secretariat was proposing that the Conference defer work on the development of guidance on best available techniques and best environmental practices until after the first full reports on the implementation of the Convention, including article 9, had been received from parties at the end of 2021 pursuant to article 21.

49. The representative of Norway introduced a conference room paper containing an alternative proposal submitted by the European Union, Norway and Switzerland. She said that, as the course of action proposed by the secretariat would not provide parties with support to define relevant domestic point sources of releases, it was proposed that, as a first step in the development of guidance on the methodology for preparing inventories of releases, the secretariat develop a report on potential point source categories of releases and make a draft version available to parties by 20 April 2019 for comments ahead of its submission to the Conference of the Parties at its third meeting.

50. The representative of Argentina introduced a conference room paper, submitted by the Group of Latin American and Caribbean States, containing a proposal to establish a small working group of technical experts, which would first identify relevant point source categories and develop guidance on methodologies for the preparation of inventories and then, following the submission of a report to the Conference of the Parties at its fourth meeting, develop guidance on best available techniques and best environmental practices to control and reduce releases. It was noted that the use of standardized methodologies would allow parties to generate and submit more coherent and comparable information.

51. Two representatives expressed a desire for earlier action, while another two, one speaking on behalf of a group of countries, voiced support for the secretariat's proposal. Another representative wished to know whether there had been impediments to countries' submitting information on relevant point sources. One representative, speaking on behalf of a group of countries, called for capacity-building support for the countries in his region to enable them to generate and report empirical data.

52. Two representatives outlined steps that had been or were being taken in their countries, including with external support, to identify and control mercury releases and to prepare related reports.

53. One representative, speaking on behalf of a group of countries, and one representative of a non-governmental organization drew attention to the potential use of other sources of available information to inform decision-making. On that basis, the latter proposed that parties' submission of information to the secretariat be decoupled from the development of mercury release guidance.
54. Following its discussions, the Conference of the Parties agreed to establish a contact group on technical issues, co-chaired by Silvija Kalniņš (Latvia) and Teeraporn Wiriwutikorn (Thailand), requesting the contact group to elaborate further on the process for developing guidance on releases of mercury to land and water and to prepare a draft decision thereon.
55. Subsequently, the Conference of the Parties adopted decision MC-2/3 on releases, as submitted by the contact group on technical issues, as set out in annex I to the present report.

## **B. Environmentally sound interim storage of mercury other than waste mercury**

56. Introducing the item, the representative of the secretariat recalled that, at its first meeting, the Conference of the Parties had considered the development of guidelines in relation to the environmentally sound interim storage of mercury other than waste mercury, as required under paragraph 3 of article 10 of the Convention. In its decision MC-1/18, the Conference had requested the secretariat to revise the draft guidelines and make them available for comment, further revising them on the basis of the input received. At its second meeting, the Conference of the Parties had before it the revised draft guidelines (UNEP/MC/COP.2/5) for consideration and possible adoption.
57. The representative of Japan introduced a conference room paper, submitted jointly with the United States of America, that contained amendments to the revised draft guidelines with the aim of improving the usefulness and practicality of the guidelines.
58. While several representatives, one of them speaking on behalf of a group of countries, expressed willingness to adopt the revised draft guidelines as submitted, several others, one of them speaking on behalf of a group of countries, said that further work was needed to take account of the specific nature and circumstances of each country or region and related capacities. The representative of a non-governmental organization also proposed amendments to the guidelines, including elements relating to ensuring that interim storage facilities were managed by a competent authority and were not used for long-term storage without adaptation; addressing the storage of mercury confiscated from illegal artisanal and small-scale gold-mining sites until a court could rule on the substance's future; the assessment of interim facilities for contamination upon closure and certification of mercury-free status; and the inclusion of natural disasters in contingency planning. She also suggested that the Conference of the Parties engage in work relating to long-term storage facilities to ensure that interim facilities were not overwhelmed.
59. Several representatives, one of them speaking on behalf of group of countries, called for technical and financial support to enable countries to put the guidelines into practice, with one requesting a work programme for their implementation.
60. Following its discussions, the Conference of the Parties agreed to refer the matter to the contact group on technical issues, requesting it to finalize the draft guidelines for the interim storage of mercury other than waste mercury and prepare a related draft decision.
61. Subsequently, the Conference of the Parties adopted decision MC-2/6 on the environmentally sound interim storage of mercury other than waste mercury, as submitted by the contact group on technical issues, as set out in annex I to the present report.

## **C. Mercury waste, in particular consideration of relevant thresholds**

62. Introducing the item, the representative of the secretariat said that, at its first meeting, the Conference of the Parties had considered the issue of defining relevant thresholds for mercury waste and established an open-ended process to discuss it further. At its second meeting, the Conference had before it a report on the outcome of that process (UNEP/MC/COP.2/6) and information submitted by nominated experts that might contribute to the development of thresholds (UNEP/MC/COP.2/INF/10, annex).
63. The representative of Japan introduced a conference room paper, submitted jointly with the European Union and its member States, in which they proposed a possible approach to defining mercury wastes and to establish an expert group to discuss the issue intersessionally. He said that the proposed approach was to designate all wastes falling under categories (a) (wastes consisting of mercury or mercury compounds) and (b) (wastes containing mercury or mercury compounds) of paragraph 2 of article 11 of the Convention as mercury wastes and to apply a threshold only to wastes

falling under category (c) (wastes contaminated with mercury or mercury compounds) of paragraph 2 of article 11, which would be considered to be mercury wastes only if they exceeded that threshold. The proponents further suggested the development of a list of wastes for each category to help the parties to identify mercury wastes.

64. The representative of the European Union and its member States said that the proposed approach recognized that all wastes within categories (a) and (b), including mercury-added products that had become waste or waste containing mercury or mercury compounds from mercury waste treatment plants, could cause emissions or releases of mercury or mercury compounds that could have an adverse impact on human health or the environment and should therefore fall under the scope of the Convention. Wastes within category (c) – those contaminated by mercury or mercury compounds – were complex and diverse, meaning that a threshold was needed to define them, taking into account their content of mercury and mercury compounds. She concurred with the view expressed by some experts that a list of wastes would help the parties to implement the Convention, stressing that it could also play a role in defining thresholds for category (c) wastes, and that further guidance on the environmentally sound management of certain mercury wastes would be useful, given that their mercury content could determine how they should be managed.

65. In the ensuing discussion, representatives expressed appreciation to the secretariat, nominated experts and other stakeholders for the work carried out intersessionally. One, speaking on behalf of a group of countries, called for progress on the establishment of thresholds for waste categories (b) and (c). Stressing that thresholds for all the waste categories discussed in paragraph 2 of article 11, including mining waste, should be considered separately, she proposed that two working groups, with a fixed number of members and equal representation from the United Nations regions, be established to define thresholds during the intersessional period, stressing that different approaches should be used for different types of wastes. One group would define thresholds for categories (a) to (c) and another group would set thresholds for mining wastes. Another representative said that the most productive way forward was to entrust a single expert group with carrying out the additional work. A third expressed support for deferring consideration of thresholds for mining waste, stressing that more information thereon was needed.

66. Another representative, speaking on behalf of a group of countries, said that artisanal and small-scale gold mining, dental amalgams and mercury-added products were important sources of mercury waste in his region. He expressed support for a holistic transition towards safer methods in the artisanal and small-scale gold mining sector that would protect peoples' livelihoods, the environment and human health, for a complete phase-out of dental amalgams in the dentistry sector as the best control method to avoid mercury waste and mercury contamination, and for including new Harmonized System codes for mercury-added products. Conference room papers had been submitted by his and another group of countries on the two last-mentioned issues.

67. Two representatives suggested that thresholds were necessary only with regard to category (c) wastes, with one saying that they should be based on mercury concentrations. The other suggested that they be practical, not place an unnecessary burden on parties and take into account national waste management approaches, waste characteristics, total mercury content and leaching thresholds. A third suggested that in further work on mercury waste parties consider waste characteristics and cost-effectiveness issues, whether amendments to the annexes to the Convention would be required and the need for financial resources to ensure the environmentally sound management of mercury wastes.

68. The representatives of two non-governmental organizations said that the development of thresholds for category (c) wastes should be prioritized, with one proposing that 1 part per million be adopted as a threshold for such wastes to ensure their environmentally sound management and thereby prevent further environmental pollution and human exposure to mercury. He also cautioned against establishing such thresholds on the basis of leachable values, stressing that such approaches meant that the waste was destined to be sent to a landfill, which was not an environmentally sound practice, and urged the parties to avoid landfilling and incineration once thresholds had been established. Capacity-building, technical assistance and financial support should be provided to parties to help Governments to accurately identify substances above the thresholds through analytical methods. The other representative said that the identification of category (b) wastes would be enhanced through uniform labelling for mercury-containing products and that it was important to ensure that, once the mercury was removed from such products, non-hazardous components were recycled.

69. Following its discussions, the Conference of the Parties agreed to refer the matter to the contact group on technical issues to agree on an approach for the establishment of mercury waste thresholds and on work to be undertaken intersessionally, taking into account the conference room paper submitted by the European Union and its member States and Japan.

70. Subsequently, the Conference of the Parties adopted decision MC-2/2 on mercury waste thresholds, as submitted by the contact group on technical issues, as set out in annex I to the present report.

71. The representative of Japan announced that, given the establishment of additional groups of experts and the number of face-to-face intersessional meetings planned to further discuss significant issues, his Government would make an additional voluntary contribution of up to \$150,000 to support work under the Convention.

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

72. Introducing the item, the representative of the secretariat recalled that by its decision MC-1/20 the Conference of the Parties had requested the secretariat to prepare initial draft guidance on contaminated sites, pursuant to paragraph 3 of article 12 of the Convention, and to circulate it to nominated experts for their comments. A draft decision on the matter was contained in annex I to document UNEP/MC/COP.2/7, while the draft guidance was contained in annex II thereto.

73. In the ensuing discussion, many representatives stressed the importance of managing contaminated sites and welcomed the draft guidance, which was considered to provide a sound basis for further discussion. Several made suggestions on the direction of the proposed intersessional work to prepare a revised draft for consideration by the Conference of the Parties at its third meeting. In general terms, one representative said that the structure of the draft guidance was clear, but further work was needed to make it useful for all parties, especially those without management programmes for contaminated sites, and to include therein strategic mechanisms, including financial models. One representative, speaking on behalf of a group of countries, said that the general approach of the draft guidance should be maintained, given the asymmetries between countries with regard to the legislative and other measures available to deal with the problem of contaminated sites. Another representative said that the draft guidance was appropriately structured, addressed the key topics relating to contaminated sites and was suitably detailed for global use. Another said that there would be benefit to including more precise examples provided by countries, including information on methods used to tackle contaminated sites, while meetings on the issue would offer countries the opportunity to exchange ideas and knowledge. One representative highlighted the difficulties faced by small island developing States in managing contaminated sites, which often had a negative impact on the marine environment.

74. Specific issues requiring further consideration included the development of a preliminary national inventory of suspected or potential contaminated sites; carrying out human health and environmental risk assessments; how to manage individual contaminated sites, including the risks and benefits of remediation activities; the development of appropriate strategies and policies for identifying and assessing sites contaminated by mercury or mercury compounds; the definition of contaminated sites; and public participation and awareness-raising. One representative, speaking on behalf of a group of countries, said that particular consideration should be given to situations specific to mercury that parties might face, such as the decommissioning of chlor-alkali plants and contamination stemming from artisanal and small-scale gold mining.

75. A number of representatives, two of them speaking on behalf of groups of countries, stressed the challenges faced by developing countries in dealing with contaminated sites and the need for a cooperative international approach to the issue, supported by the allocation of sufficient resources in the form of technical assistance, technology transfer, funding and capacity-building. Challenges cited included the proper identification and characterization of such sites; accurate assessment of the risks presented; communication and engagement with the public, especially on sensitive matters such as the proximity of contaminated sites to inhabited areas; and the additional contamination that could arise in zones of conflict. One representative said that any provision of assistance should be based on technical and financial needs rather than political considerations.

76. The representative of a non-governmental organization said that the emergence of new contaminated sites, for example from artisanal and small-scale gold mining, was currently outpacing the remediation of sites, requiring a two-pronged strategy: halting the creation of new sites, specifically through a ban on exports of mercury, and accelerating the process of developing guidance for and beginning the remediation of currently contaminated sites.

77. Following its discussions, the Conference of the Parties agreed to refer the matter to the contact group on technical issues requesting it to further develop the process for finalizing the guidance on the management of contaminated sites and prepare a related draft decision.

78. Subsequently, the Conference of the Parties adopted decision MC-2/8 on guidance on the management of sites contaminated by mercury and mercury compounds, as submitted by the contact group on technical issues, as set out in annex I to the present report.

## **E. Operation of the financial mechanism**

### **1. Global Environment Facility**

79. Introducing the item, the President drew the attention of the Conference of the Parties to an update on matters relating to the GEF trust fund and a draft memorandum of understanding between the Conference of the Parties and the GEF Council (UNEP/MC/COP.2/8), and a report by the Council to the Conference on matters relating to the Convention (UNEP/MC/COP.2/INF/3). The representative of the secretariat provided additional information on the content of the documents.

80. The representative of GEF introduced the report, describing work undertaken to support the Convention from July 2017 to June 2018, the results of the negotiations for the seventh replenishment period of the GEF trust fund and a summary of GEF work on mercury in the previous period. Since the first meeting of the Conference of the Parties, GEF had approved two full-sized projects covering seven countries and seven enabling-activity projects covering 10 countries, at a value of \$8.25 million. With those projects, GEF resources in the amount of \$148.7 million had been programmed to implement the Convention during the period from July 2014 to June 2018. That included providing support for 26 countries for the implementation of activities to reduce mercury emissions and for 32 countries to develop national action plans in relation to artisanal and small-scale gold mining. A total of 85 countries had received support to conduct initial assessments. The seventh replenishment included \$599 million for the chemicals and waste focal area, of which \$206 million was indicatively allocated to mercury.

81. At the suggestion of the President, the Conference of the Parties agreed to separate the discussion of the draft memorandum of understanding, which it would take up first, from the discussion of the review of the financial mechanism, which it would take up in tandem with the discussion regarding the Specific International Programme.

82. Three representatives, two of them speaking on behalf of groups of countries, suggested adopting the memorandum of understanding. One of them emphasized the importance that an effective financial mechanism, as well as adequate financial resources, capacity-building, technical assistance and technology transfer, would have for the successful implementation of the Convention. In addition, adopting the memorandum would ensure greater legal clarity for the relationship between the Conference of the Parties and the GEF Council and thus improve the operation of the financial mechanism. Another representative welcomed the increased level of funding for mercury agreed upon as part of the seventh replenishment and the close working relationship between the secretariats of the Convention and GEF, which should continue. Her country had benefited from the assistance provided by GEF. She requested GEF to adhere strictly to the guidance provided by the Conference of the Parties and in the memorandum regarding strategies, policies, programme priorities and eligibility for financial resources.

83. The Conference of the Parties adopted the memorandum of understanding, as contained in annex II to document UNEP/MC/COP.2/8.

84. One representative objected to the adoption of the memorandum, given that, he said, the agenda item had been opened ahead of the schedule previously announced by the President. His Government believed that GEF funding for mercury-related activities had become overtly politicized and that a major donor to GEF was preventing it from supporting projects in his country for reasons unrelated to the goals, content or implementation of the Convention. He mentioned that other countries faced similar concerns and that the situation contravened the terms and spirit of paragraph 8 of article 13 of the Convention, in which it was stated that technical criteria would guide the provision of funds to assist parties to implement the Convention. His country believed that GEF had failed to meet those standards, and it objected to the adoption of a memorandum that did not contain language addressing the situation and instructing GEF to refrain from taking political matters into consideration when examining applications for funding relating to the implementation of the Convention.

85. An observer expressed support for the position, stating that his country had encountered similar difficulties with GEF. It had made a similar proposal during the seventh session of the intergovernmental negotiating committee and had supported the proposal to amend the draft memorandum during the first meeting of the Conference. The lack of progress on what his delegation believed to be the inappropriate politicization of GEF processes had hampered his country's ratification of the Convention.
86. The President indicated that the Conference of the Parties had already adopted the memorandum and, as no party had objected at the time, the memorandum was to be considered adopted. Nevertheless, parties were at liberty to subsequently propose amendments to the adopted memorandum. The representative and the observer who had spoken voiced objection to that course of action and asked that their views be reflected in the present report.
87. Subsequently, the President made a statement to clarify that adjusting the schedule of discussions was standard practice during meetings of conferences of the parties. In addition, he had not only informed the Bureau in advance regarding the potential change but also announced the possibility during the plenary session. The discussion of the memorandum had taken some time and included a lengthy presentation by the representative of GEF. No party had objected to approving the memorandum while it was under discussion.
88. One representative reiterated his earlier objection to the adoption of the memorandum. Two other representatives and an observer expressed support for the statement made and for amending the memorandum before adopting it, underscoring their opposition to what they viewed as the increasing politicization of GEF and funding activities in other multilateral forums.
89. In response to questions from representatives and the President, the Legal Adviser to the Conference of the Parties stated that, once the President, believing that discussions had reached a conclusion, used the gavel while announcing that a decision had been adopted, the relevant decision had been adopted and the matter was closed. In addition, while the role of observers was important and valued, only parties to the Convention had legal standing to participate in the taking of decisions. Accordingly, the President need not call on an observer wishing to speak once the Conference had begun to take decisions.
90. One representative expressed disagreement with elements of the legal opinion provided, underscoring the importance of preserving adequate flexibility. Another said that the legal opinion was clear and accurate, pointing out that all parties maintained the right to introduce a revised draft decision at a subsequent meeting of the Conference of the Parties.
91. The Conference of the Parties agreed to forward the issue to the group of friends of the President established as described in paragraph 24 of the present report for further discussion.
92. Subsequently, the President reported that the group of friends of the President had been unable to reach agreement on the issue. He therefore proposed that the item be closed.
93. One representative, asking that his statement be reflected in the present report, said that the Convention defined the criteria according to which GEF must provide new, predictable, adequate and timely financial resources to the parties in support of the implementation of the Convention. In doing so, GEF was required to consider all projects on the basis of their technical merits, free from political considerations, yet one of the members of the GEF Council had effectively barred the institution from accomplishing its mission by preventing it from working with certain countries. Such an approach, he said, had contributed to environmental degradation in specific countries and regions, and all parties should reject the approach and hold that particular member accountable. He lamented the way in which the current meeting had been conducted and presided over, stressing that it had not met his expectations for a multilateral process to address mercury pollution for the benefit of the environment and human health, and that his efforts to put forward a solution to the politicization of GEF by incorporating specific text into the memorandum had come to naught. He said that he did not agree with the memorandum and that the instrument could not be signed or put into effect without a decision by the Conference of the Parties, stressing that he would continue to raise the issue of the politicization of GEF at future meetings.

## **2. Specific International Programme to Support Capacity-Building and Technical Assistance**

94. Introducing the item, the representative of the secretariat outlined the overall report on the Specific International Programme (UNEP/MC/COP.2/9) and the application guidelines for the first round of applications to the Programme (UNEP/MC/COP.2/INF/16). She noted that the report included, in its annex I, elements of decision MC-1/6, setting out the hosting arrangements, guidance

on the operations and duration of the Programme, which contained brackets that the Conference of the Parties should resolve at the current meeting.

95. Speaking also on behalf of his Co-Chair of the Governing Board of the Programme, Sam Adu-Kumi (Ghana), Reginald Hernaus (Netherlands) reported that the Board had met in March and October 2018 and approved 5 of the 19 project applications, namely projects from Argentina, Armenia, Benin, the Islamic Republic of Iran and Lesotho. He asked all applicants to convey their experience with the application process so that the Board could facilitate necessary changes for the second round of applications, which would be opened as soon as funds became available.

96. In the ensuing discussion, many representatives, three of them speaking on behalf of groups of countries, welcomed the establishment and rapid operationalisation of the Specific International Programme. Two, speaking on behalf of groups of countries, underscored the importance of the Programme in supporting capacity-building, technical assistance and other activities that assisted developing countries in implementing the Convention. They and two other representatives expressed appreciation to those countries that had provided funding and called upon others to do so if possible. One of those representatives said that some countries in her region believed that the application forms could be made more user-friendly. Another representative suggested that the Conference of the Parties should give the Programme an even stronger role in helping developing countries to implement the Convention because, in his view, GEF was not funding proposals from particular countries for political reasons.

97. Two representatives, speaking on behalf of groups of countries, said that only parties should be eligible to receive funding from the Programme. Two other representatives and the representative of a non-governmental organization said that non-parties should in fact be eligible, provided that the country had signed the Convention, especially if the provision of the funds would help it to ratify it. One representative said that parties should be given priority for funding but if additional resources were available signatories in the process of ratifying the Convention should also be eligible.

98. Three representatives, one of them speaking on behalf of a group of countries, said that the Governing Board should consist of members nominated by parties. Two of those representatives said that the Board should include appropriate regional representation. Two representatives said that it would be helpful for the Board to provide explanations to countries whose proposals had not been funded regarding the decision so that they could improve future proposals.

99. One representative, speaking on behalf of a group of countries, said that its proposal regarding the review of the financial mechanism included an invitation to the Governing Board to report on the elements identified in paragraph 11 of article 13 and the complementarity with GEF. The Conference of the Parties could undertake a simple and cost-effective review on the basis of such a report.

100. The representative of Norway announced that his Government would contribute 9 million Norwegian kroner, or more than \$1 million, to the Specific International Programme in 2019. His country was pleased to support the Programme and to have hosted the second meeting of its Governing Board, at which important milestones had been reached.

101. The representative of Switzerland announced that its contribution of 1 million Swiss francs for the Specific International Programme, which had been held in trust by UNEP at the request of Switzerland pending agreement on a satisfactory solution regarding permanent arrangements for the secretariat, would be released for use by the Programme.

102. In response to a question, Mr. Hernaus clarified that the Governing Board had not rejected any project proposals, but that the limited financial resources had meant that only some could be funded. He encouraged countries to resubmit proposals that had not been funded, pending the updated guidelines for the second round of applications.

103. On the issue of the remaining bracketed text relating to the Programme following the adoption of decision MC-1/6, the President put forward a proposal. The Conference of the Parties agreed to retain paragraph 6 and delete paragraph 6 alt of annex I to decision MC-1/6, and to retain the word "from" and delete the words "nominated by" in the terms of reference of the Specific International Programme, as set out in annex II to decision MC-1/6, as set out in annex I to document UNEP/MC/COP.2/9. The final revised text reflecting that agreement is set out in annex II to the present report.

### **3. Review of the financial mechanism**

104. Introducing the item, the President noted that the issue involved both GEF and the Specific International Programme.

105. The representative of the European Union and its member States introduced a conference room paper that included proposed terms of reference for the review of the financial mechanism. Such a decision was necessary for the Conference of the Parties to conduct the required review and the proposal was similar to decisions approved by other conferences of the parties, including that of the Stockholm Convention.

106. One representative, speaking on behalf of a group of countries, noted that it was specified in paragraph 11 of article 13 of the Convention that the review should examine the level of funding, the guidance provided by the Conference of the Parties to the entities entrusted to make the financial mechanism operational and its overall effectiveness. Thus, the review should focus solely on those elements and not reopen any other discussion relating to the mechanism.

107. Another representative welcomed the draft decision contained in the conference room paper, agreeing on the importance of developing specific terms of reference for the review but requesting additional time to consider the details and clarification regarding what the Conference of the Parties was being asked to consider.

108. At the suggestion of the President, the Conference of the Parties adopted the draft decision as contained in the conference room paper.

109. Following the adoption of the draft decision, one representative stated that she had asked to speak before the President had gavelled the decision but that she had not been given the floor; her delegation had not consented to the adoption of the draft decision. Instead, she had wished to introduce minor amendments, including adding a reference to requesting information from non-parties that had received funding from GEF. In the light of the statement made, the President proposed that interested parties consult one another; the Conference of the Parties would return to the issue.

110. A discussion ensued regarding the procedures used to adopt the decision on the review of the financial mechanism. An observer, supported by one representative, referred to what he termed a similar situation that had occurred the previous day.

111. One representative said that she disagreed that the issues were similar, reiterating that she had asked to speak before the decision had been gavelled. She recalled that, when in decision-making mode, only representatives of parties should intervene.

112. Upon the request of the President for a legal opinion, the Legal Adviser to the Conference of the Parties stated that the striking of the gavel by the President indicated that a decision had been taken.

113. The same representative raised a point of order, once more reiterating that she had asked to speak before the decision had been gavelled.

114. Subsequently, the President indicated that the text of the decision on the first review of the financial mechanism, as adopted by the Conference of the Parties, differed from the intended text submitted by the European Union. The Legal Adviser to the Conference indicated that two options were available in circumstances in which the decision adopted did not accurately reflect the intended content. For differences that were purely technical in nature, no separate decision by the Conference was needed; a revision to the document could be issued and the matter reflected in the report of the meeting, with the revised document considered to have been adopted. If the differences were more than merely technical and were more significant, however, the Conference of the Parties could, if so agreed, void the original decision and consider adopting a new decision on the basis of the corrected proposal.

115. The representative of the European Union and its member States said that the text as adopted contained substantive differences from that originally proposed, including with regard to the complementarity between the Specific International Programme and GEF, and requested that the original text, as contained in a conference room paper, be put forward for adoption by the Conference of the Parties. Several other representatives voiced support for that position. One representative said that the same procedures should be followed for the decision before the Conference and for the decision on the memorandum of understanding with the GEF Council, given the equivalence of the two situations. The Legal Adviser to the Conference of the Parties responded that in his judgement no error had been made in the adoption of the latter decision, as the memorandum had been issued before the meeting in a pre-session document (UNEP/MC/COP.2/8, annex II).

116. Following informal consultations, the President proposed that the decision on the first review of the financial mechanism be declared void. The representative who had previously demurred, supported by two others, said that he could not support the proposal unless the same treatment was accorded to the decision on the memorandum of understanding.

117. Upon the decision of the President, the Conference of the Parties voted on the proposal to void the decision on the first review of the financial mechanism. The proposal was adopted by 47 votes to 2, with 6 abstentions.

118. After the vote, two representatives stated, as points of order, that the vote had been illegal, owing to the failure to comply with the relevant rules of procedure, the failure to hear the concerns of parties before voting, the absence of any process for establishing a credentials committee to verify the credentials of those participating in the vote and the failure to reach any legal conclusions on how the votes of regional economic integration organizations should be counted.

119. In response, the Legal Adviser to the Conference of the Parties drew attention to paragraph 2 of rule 45 of the rules of procedure, in which it was stated that decisions of the Conference of the Parties on matters of procedure should be taken by a majority of the parties present and voting, applied to the current circumstance, given that taking a decision on whether to void an existing decision was a procedural matter. Regarding the regional economic integration organization, its member States had voted individually and the organization as a party had not participated. On the credentials, they had been reviewed by the Bureau, as reported by Mr. Bláha on behalf of the Bureau; in addition, it was not the practice among intergovernmental bodies of the United Nations to check the individual credentials of all those participating whenever a vote was taken. The voting procedure had thus been followed correctly, and the decision on the first review of the financial mechanism was therefore null and void.

120. Subsequently, the representative of Norway proposed, and the Conference of the Parties agreed, to include in the present report a request to the secretariat to compile the information to be provided by GEF, the Specific International Programme, parties and other relevant sources, which was identified in paragraph 11 of article 13 of the Convention as being necessary for the review of the financial mechanism of the Convention, and to present a synthesis of such information for consideration by the Conference of the Parties at its third meeting.

## **F. Capacity-building, technical assistance and technology transfer**

121. Introducing the item, the representative of the secretariat recalled that it was stated in paragraph 4 of article 14 of the Convention that the Conference of the Parties would, by its second meeting and thereafter on a regular basis, consider information on existing initiatives and progress made in relation to alternative technologies; consider the needs of parties, in particular developing-country parties, for alternative technologies; and identify challenges experienced by parties, in particular developing-country parties, in technology transfer. In response, the secretariat had sought submissions and reports from parties and other stakeholders on the above-mentioned issues. At its second meeting, the Conference of the Parties had before it a document compiling the submissions and reports received (UNEP/MC/COP.2/INF/5), from three parties and two non-governmental organizations, and a related note by the secretariat (UNEP/MC/COP.2/10).

122. The representative of Uruguay introduced a conference room paper, submitted by the Group of Latin American and Caribbean States, containing a proposal to take steps to formalize the relationship between the Basel and Stockholm Convention regional centres and the Minamata Convention, given that they played an important role in enhancing the provision of technical assistance and capacity-building and support to national efforts of developing countries and countries with economies in transition for the implementation of conventions in the chemicals and waste cluster.

123. A number of representatives expressed support for the proposal, with one also stressing the importance of cooperation with regional entities of other United Nations bodies.

124. One representative, speaking on behalf of a group of countries, pointed out that a more formalized relationship would facilitate the process of cooperation and collaboration.

125. Another representative, speaking on behalf of a group of countries, voiced support for streamlined information-gathering, mainly through reporting under article 21 of the Convention, while leaving it open for parties and other stakeholders to provide additional information if they so wished.

126. Several representatives, some of them speaking on behalf of countries and one on behalf of a non-governmental organization, stressed the importance of capacity-building, technical assistance and technology transfer, highlighting specific areas in which they needed support, such as: interim storage of waste containing mercury; sound management of waste from mercury-added products; atmospheric mercury; legal and policy issues relating to artisanal and small-scale gold mining and demonstration of the benefits of mercury-free technologies; the treatment and final disposal of mercury waste, industrial reconversions and the replacement of mercury in productive processes; monitoring of mercury emissions and releases; and alternative technologies, including alternative sources of energy. They called for support from developed countries in that regard.

127. One representative, speaking on behalf of a group of countries, requested that document UNEP/MC/COP.2/INF/5, which was available in English only, be translated into the official languages to facilitate its wider use. She also highlighted the importance of considering the matter again at the third meeting of the Conference of the Parties and not waiting until the fourth meeting.

128. The representative of a regional centre stressed the need to provide the support to the centres necessary to enable them to carry out work under the relevant conventions.

129. Following the discussion, the President requested interested parties to hold informal consultations with a view to reaching agreement on the way forward on the conference room paper submitted by the Group of Latin American and Caribbean States, containing a proposal to take steps to formalize the relationship between the Basel and Stockholm Convention regional centres and the Minamata Convention.

130. Subsequently, the Conference of the Parties adopted decision MC-2/11 on article 14: capacity-building, technical assistance and technology transfer, as submitted following informal consultations, as set out in annex I to the present report.

131. Following the adoption of the decision, one representative, speaking on behalf of a group of countries and asking that her statement be reflected in the present report, highlighted the important role that the regional centres had played, and would continue to play, in supporting countries in their efforts to ratify and implement the Convention through capacity-building, technical assistance and technology transfer projects, and activities under the framework of the Convention.

## **G. Implementation and Compliance Committee**

132. Introducing the item, the representative of the secretariat recalled that by its decision MC-1/7 the Conference of the Parties had elected the first 15 members of the Implementation and Compliance Committee, in accordance with article 15 of the Convention. The Committee had met once, in Geneva on 29 and 30 May 2018. The report of the meeting was contained in the annex to document UNEP/MC/COP.2/11; draft rules of procedure for the Committee were contained in appendix I to that annex, while a draft decision on the matter was contained in appendix II.

133. The Chair of the Committee, Mohamed Abdulai Kamara (Sierra Leone), summarized the work of the Committee at its first meeting. He said that it had given particular consideration to the development of rules of procedure, which had been submitted to the Conference of the Parties for its approval, in accordance with paragraph 5 of article 15. Initial discussions had been held on the terms of reference of the Committee, also in accordance with that paragraph. In discussing the financial implications of its work, the Committee had agreed on the need for a budget sufficient to cover the costs both of its meetings and of any specific work that it might need to undertake in order to fulfil its mandate. Any such budget should be allocated by the Conference of the Parties. The Committee planned to hold its second meeting during the second quarter of 2019.

134. In the ensuing discussion, a number of representatives, two of them speaking on behalf of groups of countries, welcomed the report and the rules of procedure, calling for their adoption. Several also stressed the importance of developing further terms of reference in a timely manner.

135. One representative, speaking on behalf of a group of countries, said that compliance with obligations under the Convention was essential for the achievement of its objectives. The Committee should act in a facilitative rather than a punitive manner, collaborating in strengthening the national capacities of those countries facing difficulties in complying with the Convention. In that regard, the Committee should in its intersessional work develop the procedures and mechanisms necessary to identify instances of non-compliance and how to deal with such cases, for consideration by the Conference of the Parties at its third or, were that not possible, at its fourth meeting.

136. One representative endorsed the comment that the Committee should be facilitative in its efforts to improve implementation and compliance. Regarding the rules of procedure, he said that they required further definition and improvement during discussions by the Conference of the Parties.

137. The Conference of the Parties agreed that interested parties would meet informally to discuss the matter further.

138. Subsequently, following informal consultations leading to the oral amendment of the rules of procedure contained in appendix I to document UNEP/MC/COP.2/11, the Conference of the Parties adopted decision MC-2/4 on rules of procedure for the Implementation and Compliance Committee of the Minamata Convention on Mercury, which was before the Conference in appendix II to document UNEP/MC/COP.2/11, as set out in annex I to the present report.

## H. Cooperation with the World Health Organization and the International Labour Organization

139. Introducing the item, the representative of the secretariat recalled that, at its first meeting, the Conference of the Parties had requested the secretariat to continue, in line with the Minamata Convention's provisions, to engage actively in cooperation and collaboration with WHO, ILO and other relevant organizations in the implementation of the Convention. At its second meeting, the Conference had before it a note by the secretariat on cooperation with WHO and ILO, which included, in its annex, information on the work of WHO relevant to the Convention (UNEP/MC/COP.2/12). In addition, it had before it a document on the work of ILO relevant to the Convention in 2017 and 2018 (UNEP/MC/COP.2/INF/20) and a guidance document by WHO for health ministries on addressing the health impacts of artisanal and small-scale gold mining in the context of developing national action plans under the Convention (UNEP/MC/COP.2/INF/17).

140. The representative of WHO described areas of cooperation and information exchange between WHO and the Convention, in accordance with their respective mandates to address the health-related aspects of exposure to mercury. Key areas for such cooperation and collaboration included mercury thermometers and sphygmomanometers in health care, antiseptics, skin-lightening products and dental amalgam; public health strategies for artisanal and small-scale gold mining; human health risk assessment for contaminated sites; "health aspects" under article 16 of the Convention; health information exchange; public information, awareness and education on human health; and health-related research, development and monitoring. WHO had completed a series of regional workshops to raise awareness and promote networking among ministries of health to support the implementation of the Convention and World Health Assembly resolution WHA67.11 on the role of WHO and ministries of public health in the implementation of the Minamata Convention. In conclusion, she said that value could be gained from setting out the shared understanding between the secretariats of WHO and the Convention regarding consultation and collaboration on health-related issues and activities, in order to facilitate work planning and resource allocation.

141. The representative of ILO said that, thus far, ILO and its constituents had focused their technical support in line with article 7 of and annex C to the Convention, on artisanal and small-scale gold mining. ILO activities relevant to the implementation of the Minamata Convention included the promotion of ILO international instruments towards the prevention of occupational diseases caused by mercury; projects in artisanal and small-scale gold mining and in the automobile dismantling sectors; and developing and disseminating global codes of practice, research papers and working documents, for example on decent work in global supply chains in the gold industry, and on the risks of exposure to mercury for workers in artisanal and small-scale gold mines. In conclusion, she reiterated the commitment of ILO to the implementation of the Convention and expressed hope for a regular process of technical-level discussions and planning on activities of relevance to both entities.

142. In the ensuing discussion, all the representatives who spoke, some of them on behalf of groups of countries, expressed support and appreciation for the cooperation with the two organizations, with one, speaking on behalf of a group of countries, proposing formalization of that cooperation to help to improve coordination and avoid duplication. She also suggested requesting that the secretariat prepare a proposal for an action plan to be presented and approved at each meeting of the Conference of the Parties on intersessional work carried out jointly with WHO and ILO. Another representative questioned whether such formalization was necessary.

143. One representative, speaking on behalf of a group of countries, proposed the expansion of cooperation to other organizations and entities, such as the Inter-Organization Programme for the Sound Management of Chemicals. Subsequently supported by another representative, she said that a decision on cooperation with WHO and ILO at every meeting of the Conference was unnecessary and proposed the adoption of a forward-looking decision regarding continuing cooperation with all relevant organizations.

144. She added that it was important that the Conference of the Parties actively follow and contribute to the discussions on the sound management of chemicals and waste beyond 2020 in order to consider a new enabling multilateral framework for all relevant organizations active in that field, and that mercury be adequately reflected on that future agenda.

145. Two representatives said that there was room for even greater cooperation at the national level within their countries for the provision of capacity-building and technical assistance to help them to meet their obligations under the Convention.

146. The President took note of the agreement by the Conference of the Parties that cooperation with WHO and ILO was important and should continue.

## I. Effectiveness evaluation

147. Introducing the item, the representative of the secretariat said that in its decision MC-1/9 the Conference of the Parties had adopted a road map for establishing arrangements for obtaining comparable monitoring data, and elements of an effectiveness evaluation framework under article 22 of the Convention. The road map had included a face-to-face meeting of an ad hoc group of experts to prepare a draft report, including an outline, a plan and elements of the framework. Accordingly, the group had met in Ottawa from 5 to 9 March 2018.

148. At its second meeting, the Conference of the Parties had before it a report on the outline, plan and elements of the effectiveness evaluation framework set out in a note by the secretariat on the matter (UNEP/MC/COP.2/13), which included in its annex the recommendations of the group of experts; the report of the group (UNEP/MC/COP.2/INF/8, annex); and a compilation of comments submitted on the group's draft report (UNEP/MC/COP.2/INF/15).

149. The Co-Chairs of the group of experts, Kateřina Šebková (Czechia) and Mohammed Khashashneh (Jordan), presented the group's report.

150. Expressing support for many of the proposals for an evaluation framework contained in the group's report, the representatives of the European Union and its member States and Japan jointly presented their proposal, contained in a conference room paper, to amend the mandate and membership of the group ahead of future work, along with a timetable for that work.

151. The representative of Switzerland joined in supporting the proposal.

152. In the ensuing discussion, several representatives expressed appreciation for the work undertaken by the group and said that they considered its report to be a good basis for further discussion. A number of representatives highlighted challenges to the process and areas that required additional work, such as filling data and information gaps, including through data generation, while avoiding duplication; establishing baselines; developing indicators, with one representative, speaking on behalf of a group of countries, highlighting financial assistance, technology transfer and capacity-building as elements for which effectiveness indicators should be developed; promoting data reporting, including the need to increase reporting by parties and provide them with relevant guidance and capacity-building assistance; ensuring the comparability of national data; streamlining the evaluation process and ensuring the cost-effectiveness of the data collection process; and collecting human biosamples, which would require overcoming cultural barriers thereto.

153. Other proposals included promoting improved labelling for mercury and its products and amending Harmonized System customs codes to permit the identification of mercury products; drawing on the experience of other multilateral environmental agreements; and ensuring that the evaluation process remained apolitical, including by reviewing the performance of the Convention globally rather than at the individual party level.

154. Several representatives of United Nations organizations and non-governmental organizations provided information about sources of publicly available data that could be used for monitoring, evaluation or benchmarking purposes. They included data collected and reported under the 1979 Convention on Long-range Transboundary Air Pollution and the protocols thereto, the state-of-the-science review of mercury biomarkers in human populations worldwide between 2000 and 2018 commissioned by WHO, and a November 2018 report by a non-governmental organization on biomonitoring in women and children in small island developing States in the Caribbean Sea and the Indian and Pacific oceans. It was also suggested that gathering information through non-governmental and grass-roots organizations was a cost-effective approach. In any event, it was crucial to ensure the continued participation of civil society, including indigenous communities, in the evaluation process.

155. Following its discussions, the Conference of the Parties agreed to establish a contact group on effectiveness evaluation, co-chaired by Karissa Kovner (United States) and Ms. Šebková, which would discuss and make proposals regarding the approach to be taken in establishing an effectiveness evaluation framework and the work to be undertaken intersessionally, taking into consideration the joint proposal by the European Union and its member States and Japan.

156. Subsequently, the Co-Chair reported that the group had reached consensus on a draft decision. It had also held extensive discussions on the role of the financial mechanism with regard to the effectiveness evaluation and the members of the group wished to record their desire that such discussions continue at the third meeting.

157. One representative, speaking on behalf of a group of countries, said that the discussions in the contact group had made it clear that, were the paragraph on support from GEF added to the decision, it would not provide possibilities for funding additional to those already available in relation to

monitoring for effectiveness evaluations. On that understanding, she said, her group could agree to the inclusion of the paragraph in the decision, but deeply regretted that elements relating to financing had been included in a technical decision. The situation should be treated as exceptional and in no way setting a precedent.

158. One representative highlighted the proposal in the draft decision for the preparation, by the time of the third meeting of the Conference, of a report on the data gaps that existed in relation to monitoring. She said that there had been long discussions about the need for financial support to enable data gaps to be filled at the global, regional and local levels, but agreement had yet to be reached. She stressed that, if adopted, the decision would allow the Conference of the Parties to have before it, at its third meeting, information about the current situation and enable parties to discuss how to fill the identified data gaps.

159. Subsequently, the Conference of the Parties adopted decision MC-2/10 on the effectiveness evaluation, as submitted by the contact group on technical issues, as set out in annex I to the present report.

## **J. Financial rules**

160. Introducing the item, the representative of the secretariat drew attention to the financial rules for the Conference of the Parties, its subsidiary bodies and the secretariat (UNEP/MC/COP.2/14), which the Conference of the Parties had adopted by its decision MC-1/10. She said that the rules contained three sets of brackets, in paragraph 3 (e) of rule 5 and in paragraphs 2 and 5 of the annex to the rules. The first set related to whether the Conference, when deciding on appropriate measures to be taken with regard to the non-payment of contributions by parties, should take into account the specific needs and special circumstances of all developing countries or only those of least developed countries and small island developing States. The other two sets referred to giving priority or special attention to least developed countries and small island developing States with regard to the 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.

161. The President proposed to delete the bracketed text referring to developing countries in paragraph 3 (e) of rule 5.

162. In the ensuing discussion, many representatives, including one speaking on behalf of a group of countries, expressed support for retaining the bracketed text relating to developing countries, stressing that all countries should be given equal treatment and that all developing countries might experience financial difficulties or other circumstances that would prevent them from paying their contributions on time. One of the representatives proposed adding a reference to countries with economies in transition, while an observer called for the inclusion of a reference to countries under occupation.

163. One representative, speaking on behalf of a group of countries, expressed support for retaining the reference to least developed countries and small island developing States in paragraph 3 (e) of rule 5, while another suggested that regional groups further discuss the issue.

164. Two representatives raised issues relating to difficulties in paying their contributions owing to circumstances outside their control, for example if the financial institutions used by the secretariat did not accept the payments.

165. Subsequently, noting that agreement had not been reached on setting up a contact group to discuss the matter further, the President proposed, and the Conference agreed, to defer the matter to the third meeting of the Conference of the Parties.

## **K. Secretariat**

166. Introducing the item, the representative of the secretariat recalled that in its decision MC-1/11 the Conference of the Parties had requested the Executive Director of UNEP to perform the secretariat functions for the Convention initially through a secretariat located in Geneva; had decided to review the organizational arrangements, including the location and the host country contribution, at its second meeting, in accordance with the spirit of the offer by the Government of Switzerland to host the permanent secretariat; and had requested 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 UNEP, in order to make full use of relevant experience and expertise.

167. At its second meeting, the Conference of the Parties had before it a note by the secretariat on the review of the organizational arrangements of the secretariat (UNEP/MC/COP.2/15/Rev.1); an addendum thereto setting out a draft decision proposed by the Bureau reflecting the agreement reached by the Conference at its first meeting on elements of the secretariat arrangements (UNEP/MC/COP.2/15/Add.1); a letter from the then President of Switzerland confirming the content of the offer from her Government (UNEP/MC/COP.2/INF/4, annex); a progress report on the main activities of the secretariat during the intersessional period (UNEP/MC/COP.2/17), including information on cooperation and collaboration between the secretariat of the Basel, Rotterdam and Stockholm conventions and the secretariat of the Minamata Convention; information requested by the Bureau on the services provided by the secretariat, how services could be purchased from or shared with the secretariat of the Basel, Rotterdam and Stockholm conventions and how such purchases or shared services would affect the budget of the Minamata Convention (UNEP/MC/COP.2/INF/7); and a report by the secretariat of the Basel, Rotterdam and Stockholm conventions on cooperative activities with the secretariat of the Minamata Convention in areas of mutual interest (UNEP/MC/COP.2/INF/11).

168. The President proposed to adopt the draft decision contained in document UNEP/MC/COP.2/15/Add.1, which confirmed the three elements agreed upon at the first meeting of the Conference of the Parties: a stand-alone secretariat located in Geneva with a host country contribution of 1 million Swiss francs.

169. The Conference of the Parties adopted decision MC-2/1 on the secretariat, which was before it in the annex to document UNEP/MC/COP.2/15/Add.1, as set out in annex I to the present report.

170. Upon the proposal of the President, on the basis of agreement by the Bureau, the Conference of the Parties agreed that its remaining discussions would be focused on the details of the arrangements for the secretariat, including potential cooperation with the secretariat of the Basel, Rotterdam and Stockholm conventions.

171. The representative of the European Union and its member States introduced a conference room paper containing a draft decision on the subject of sharing of services between the secretariat of the Minamata Convention and the secretariat of the Basel, Rotterdam and Stockholm conventions, which included a request to the Executive Director of UNEP and the Executive Secretary of the Minamata Convention, in consultation with the Executive Secretary of the Basel, Rotterdam and Stockholm conventions, to maximize the effective and efficient use of resources at all levels, including through the sharing of secretariat services in areas such as conference services, knowledge and information management, administrative and information technology services, technical assistance, legal advice and support with budget preparation, as appropriate; to submit joint proposals for the sharing of relevant services for consideration by the Conference of the Parties at its third meeting; and to take into consideration such proposals in the preparation of the programme of work and budget for the secretariat for the biennium 2020–2021.

172. The representative of the secretariat of the Basel, Rotterdam and Stockholm conventions informed the Conference of the Parties that, with regard to secretariat support, in February 2018 his secretariat had provided an offer of services to the Minamata Convention on a cost-recovery basis in the areas of conference services, information technology, knowledge management, public awareness and outreach, legal support and the organization of regional meetings. Pursuant to arrangements between the two secretariats, support had been provided for the current meeting in processing participant travel and assisting in registration activities, on a reimbursable basis; lending Professional staff members on a reciprocity basis; and lending computer equipment.

173. Drawing attention to document UNEP/MC/COP.2/INF/7, which provided information on services that the secretariat of the Minamata Convention could purchase from or share with the secretariat of the Basel, Rotterdam and Stockholm conventions, he said that the services offered were based on the experience of the three conventions. The costs associated therewith had been calculated on the basis of the staffing costs included in the budget adopted by the Conference of the Parties at its first meeting and, in the case of information technology, of standard United Nations costs.

174. He said that, should the Conference of the Parties so wish, the secretariat of the Basel, Rotterdam and Stockholm conventions could provide the above-mentioned services to the secretariat of the Minamata Convention within the existing organizational structure of the former. That would mean that the human resources required to provide such services would be managed within the former's management structure, with funding from the Minamata Convention budget, given that other service provision approaches, such as the joint management of a joint service unit, would require a decision by the conferences of the parties to the Basel, Rotterdam and Stockholm conventions at their

meetings in 2019. He stressed that joint services had in the past been found not to have been as efficient as expected.

175. In the ensuing discussion, many representatives, three of them speaking on behalf of groups of countries, welcomed the decision to create an independent secretariat in Geneva and the financial contribution of the Government of Switzerland. Other representatives also welcomed the establishment of it as a stand-alone secretariat.

176. Several representatives, including two speaking on behalf of a group of countries, called upon the secretariat to collaborate with the secretariat of the Basel, Rotterdam and Stockholm conventions. One said that, while cooperation was important, it need not be limited to the chemicals and waste cluster, given that the unique nature of the Convention meant that it might not be possible to find the appropriate expertise on all relevant issues. An observer said that it would be important for the secretariat also to retain certain elements of true independence. Another observer underscored that the areas and scope of secretariat collaboration should be specified by the parties.

177. Several representatives, one of them speaking on behalf of a group of countries, suggested that the number of vacant posts within the secretariat had placed it in a difficult situation. An observer underscored the importance of respecting geographical balance when filling vacancies.

178. Following its discussions, the Conference of the Parties agreed to establish a contact group on cooperation between the secretariat of the Minamata Convention and the secretariat of the Basel, Rotterdam and Stockholm conventions, co-chaired by Nina Crommier (Sweden) and Xia Yingxian (China), which would identify areas and services to be provided by the Minamata Convention secretariat that could be delivered through cooperation with the secretariat of the Basel, Rotterdam and Stockholm conventions or other entities, such as UNEP. It would also explore and clarify modalities for such cooperation and prepare a draft decision thereon, based on document UNEP/MC/COP.2/INF/7, taking into account the conference room paper submitted by the European Union and its member States and the views expressed during the discussions. The representative of the European Union and its member States emphasized that the latter's proposal for a decision on the matter had been submitted formally and should be an integral part of the mandate of the contact group.

179. Subsequently, the Conference of the Parties adopted decision MC-2/7 on cooperation between the secretariat of the Minamata Convention and the secretariat of the Basel, Rotterdam and Stockholm Conventions, as submitted by the contact group on cooperation between the secretariat of the Minamata Convention and the secretariat of the Basel, Rotterdam and Stockholm conventions, as set out in annex I to the present report.

## **L. Emissions of mercury resulting from the open burning of waste**

180. Introducing the item, the representative of the secretariat recalled that by its decision MC-1/14 the Conference of the Parties had invited parties and other interested entities and organizations to submit to the secretariat information on mercury emissions resulting from the open burning of waste and had requested the secretariat to continue to compile information on that matter, in particular from developing countries and countries with economies in transition, while also taking account of any relevant information developed by the conferences of the parties to the Basel and Stockholm conventions, and to submit that information for consideration at the current meeting. Information in relation to emissions of mercury resulting from the open burning of waste was contained in document UNEP/MC/COP.2/16, while a compilation of submissions by parties and other stakeholders was contained in document UNEP/MC/COP.2/INF/6.

181. In the ensuing discussion, there was agreement on the challenges presented by emissions of mercury resulting from the open burning of waste. Several representatives, including two speaking on behalf of groups of countries, endorsed an approach whereby the secretariat would continue to compile information thereon submitted by parties and other relevant sources and to engage with the secretariat of the Basel, Rotterdam and Stockholm conventions on the matter. One representative said that such emissions might be addressed through the implementation of some articles of the Minamata Convention and that further engagement with that secretariat was currently unnecessary.

182. Several representatives drew attention to the problems faced by developing countries and countries with economies in transition in controlling open burning, which often occurred in informal settings. The scale of the problem required further capacity-building, technical assistance, technology transfer and other support. One representative said that a contributory factor was the lack, in many countries, of an integrated solid waste management programme under which mercury-added products were separated from the waste stream before disposal. Another stressed the need to raise awareness of the toxic elements found in much domestic and, in particular, medical waste. A third highlighted the

dangers of improper incineration of medical waste, which could lead to high levels of emissions of toxic substances, including mercury. Several representatives said that the lack of information or data on emissions from open burning, and the contribution of that source to global mercury emissions, added to the difficulty of the problem.

183. On the way forward, one representative, speaking on behalf of a group of countries, proffered the example of a promising regional approach whereby ministers of the environment, at a regional meeting, had agreed to develop policies and strategies to eradicate poor management of waste, including open burning.

184. The Conference of the Parties agreed that support for developing countries on that important issue was crucial and requested the secretariat to continue to collect and make available relevant information. The Conference also requested the secretariat to continue to engage on the issue with the secretariat of the Basel, Rotterdam and Stockholm conventions and to update the Conference of the Parties at its third meeting.

## **VI. Programme of work and budget**

185. Introducing the item, the representative of the secretariat said that in its decision MC-1/15 the Conference of the Parties had agreed on a programme of work for the secretariat and budget for the biennium 2018–2019. Through its decision MC-1/11, the Conference had also requested the Executive Director of UNEP to perform the secretariat functions initially through a secretariat located in Geneva. The Conference of the Parties had also requested the Executive Secretary to provide, at its second meeting, an update on the programme of work and implementation and, where relevant, cost estimates for actions that had budgetary implications that had not been foreseen in the first programme of work but that were included in proposed draft decisions, before the adoption of those decisions, and therefore had budgetary implications for the first biennium.

186. At its second meeting, the Conference of the Parties had before it a note by the secretariat on an update on the programme of work and budget for the biennium 2018–2019 (UNEP/MC/COP.2/18), annex I to which included a draft decision on an update on the programme of work and budget for the biennium 2018–2019, budget detail sheets for each budget element of the updated programme of work for 2019 (UNEP/MC/COP.2/INF/9) and a progress report on the main activities of the secretariat in the intersessional period (UNEP/MC/COP.2/17), in addition to other related documents on activities undertaken by various entities in support of the Convention.

187. Representatives of the secretariat of the Basel, Rotterdam and Stockholm conventions, the United Nations Institute for Training and Research (on behalf of the Inter-Organization Programme for the Sound Management of Chemicals) and ILO made statements in which they outlined activities carried out by their organizations that pertained to mercury and supported the ratification or implementation of the Convention, drawing attention to related information documents before the Conference of the Parties (UNEP/MC/COP.2/INF/11, UNEP/MC/COP.2/INF/14 and UNEP/MC/COP.2/INF/20, respectively). The representative of the Global Mercury Partnership Advisory Group made a statement on the activities of the Partnership, also drawing attention to a relevant information document (UNEP/MC/COP.2/INF/13).

188. In the ensuing discussion, thanks were expressed for the information provided. Two representatives, each speaking on behalf of a group of countries, expressed concern regarding the preparation of some documents under the item and the late detailed information on the programme of work and budget, including comparable data fact sheets, which one said that the parties would need in order to make a decision on the budget update for 2019.

189. One of those representatives called for a clear separation between the costs covered by the general trust fund and those to be funded through the special trust fund, stressing that the general trust fund should not be used for the operation or costs of the Specific International Programme, which was to be funded only by the specific trust fund and was not part of the Convention's budget, that support for the participation of representatives of developing countries and countries with economies in transition in meetings of the Conference of the Parties and its subsidiary bodies should rely on voluntary contributions, as set out in the financial rules, and that the limited secretariat staff resources should not be used for purposes not foreseen in the Convention or agreed upon by the Conference.

190. Another representative, speaking on behalf of a group of countries, requested the secretariat to expedite the recruitment of all its staff from across the United Nations regions to ensure its efficient operation. He expressed support for carrying over the savings from 2018 to the 2019 financial year and for devoting funds saved in conference costs to support the efforts by developing countries and countries with economies in transition to ratify the Convention.

191. One representative urged all intergovernmental organizations to advertise regional workshops of relevance to the Convention in all countries and proposed as two areas of further work and study the development of comprehensive guidance on human exposure to mercury and the examination of cost-effective alternatives to mercury and mercury-added products, such as dental amalgams, for use in developing countries.

192. Following its discussions, the Conference of the Parties agreed to establish a contact group on the programme of work and budget, co-chaired by Mr. Hernaus and Mr. Adu-Kumi, to review the updates to the programme of work and budget and to prepare a draft decision thereon.

193. Subsequently, the Conference of the Parties adopted decision MC-2/12 on the update on the budget for 2019, as submitted by the contact group on the programme of work and budget, as set out in annex I to the present report.

## **VII. Venue and date of the third meeting of the Conference of the Parties**

194. The President introduced the item, noting that, pursuant to the rules of procedure, the Conference of the Parties would hold its first three ordinary meetings at yearly intervals and thereafter meet every two years. Meetings were to be held at the seat of the secretariat unless the Conference decided otherwise or other appropriate arrangements were made by the secretariat in consultation with the parties. It was therefore anticipated that the third meeting of the Conference of the Parties would be held towards the end of 2019, with a tentative reservation at the Geneva International Conference Centre having been made for November.

195. The representative of the European Union and its member States introduced a conference room paper in which it was proposed that the third meeting be held in Geneva and that parties be invited to submit offers to host future meetings, given that holding meetings around the world could increase the visibility of the Convention, and that the secretariat provide assessments of such offers for consideration by the Conference of the Parties.

196. The President proposed, and the Conference of the Parties agreed, to add discussion of the venue and date of the third meeting to the mandate of the group of friends of the President established as described in paragraph 24 of the present report.

197. Subsequently, the Conference of the Parties adopted decision MC-2/5 on the venue and date of the third meeting of the Conference, as submitted by the group of friends of the President, as set out in annex I to the present report.

## **VIII. Other matters**

### **A. Review of annexes A and B to the Convention**

198. Introducing the item, the representative of the secretariat said that it related to the process through which the Conference would review annexes A and B to the Convention, stressing that, pursuant to paragraph 8 of article 4 and paragraph 10 of article 5, respectively, the Conference of the Parties was required to review those annexes no later than five years after the treaty's entry into force. Articles 4 and 5 provided guidance on issues to be taken into account in the reviews, but the Conference might wish to clarify and elaborate on the process that it intended to follow in preparing for and undertaking the reviews, and to mandate the secretariat to take steps in that regard.

199. The representative of the European Union and its member States introduced a conference room paper containing a draft decision on the steps necessary to prepare for the reviews.

200. In the ensuing discussion, appreciation was expressed for the draft decision, but many representatives suggested that it was premature to raise the issue, given that the Convention had been in force for only two years, that considerable effort had been put into negotiating it and that many countries were engaged in efforts to implement their current obligations under, or to ratify, the instrument. They therefore proposed deferring consideration of the issue to the third meeting of the Conference of the Parties or thereafter.

201. Another representative, speaking on behalf of a group of countries, expressed support for the draft decision, stressing that it would enable countries to begin preparing for the reviews.

202. The representative of a non-governmental organization, stressing that any revisions to annexes A and B would probably not enter into force for several years, called upon the Conference of the Parties to launch in earnest the process of preparing for the reviews, which he said required foresight, planning and serious deliberation.

203. The President requested the European Union and its member States to hold further consultations on the issue and to develop a possible way forward for consideration by the Conference of the Parties.

204. Subsequently, following informal consultations with interested delegations, the representative of the European Union and its member States proposed, and the Conference of the Parties agreed, to defer consideration of the matter to its third meeting and to request the secretariat to prepare a document on the matter for consideration at that meeting.

## **B. First review of annex A to the Convention**

205. The representative of the Group of African States introduced a conference room paper containing a draft decision on a process to amend annex A to the Convention, on mercury-added products, pursuant to articles 26 and 27 of the Convention, at the third meeting of the Conference of the Parties. He said that the intention was to make further progress on phasing out mercury-added products, such as dental amalgams, given that some countries were importers of such products, that mercury-free alternatives were available and that moving towards such alternatives would help to advance the Convention's objectives of protecting human health and the environment from mercury and mercury compounds.

206. In the ensuing discussion, many representatives said that it was premature to launch a process to amend or revise annex A, stressing that many parties were striving to meet their obligations under the Convention, for which they sometimes required technical and financial assistance, and that a review was not required until 2022. One said that his country had recently adopted regulations on mercury-added products and time was needed to allow for their implementation and to gather the data necessary to determine whether amending annex A was warranted.

207. Several other representatives expressed support for the proposal, stressing that launching a process to amend annex A was important to help States to move towards ending the import of mercury-added products that presented risks to human health and the environment and affected vulnerable groups such as women and children, and suggesting that doing so would help many countries to initiate a conversation at the national level to achieve that objective.

208. The representatives of three non-governmental organizations called upon the Conference of the Parties to revise annex A and to take steps to phase out the use of dental amalgams, with one stressing that dental offices were a major source of mercury contamination in sewage sludge and that, while such contamination was grossly understudied, the few studies that existed showed that such sewage was being used as a fertilizer and thus contaminating food destined for human consumption.

209. On the way forward, two representatives, each speaking on behalf of a group of countries, proposed that further consideration of the matter be referred to the contact group on technical issues. Several other representatives disagreed, however, suggesting that further discussion be deferred to the third meeting of the Conference of the Parties.

210. Further consideration of the issue was deferred to the third meeting of the Conference of the Parties in the context of the reviews of annexes A and B.

## **C. Customs codes**

211. The representative of Argentina introduced a conference room paper, submitted by the Group of African States and the Group of Latin American and Caribbean States, containing a draft decision on customs codes for mercury-added products, by which the secretariat would be requested to develop draft customs codes for the mercury-added products covered in annex A to article 4 of the Convention, in consultation with the World Customs Organization and the Global Mercury Partnership, for possible subsequent adoption by the World Customs Organization.

212. Many representatives, three of them speaking on behalf of groups of countries, expressed support for the intent of the draft decision. Many reasons were cited, including the impact on the environment and human health of the mercury-added products covered in annex A; the importance of being able to easily identify such products and reduce their production, use and trade, as called for in the Convention, and how the lack of specific customs codes made it far more difficult to do so; how codes would ease and improve relevant reporting activities under the Convention and foster better

communication among trading partners; the broad interest in the subject; the lack of appropriate training among customs officials in many countries with regard to mercury-added products; and the importance attached to the issue by many developing countries that did not produce the products but were nevertheless affected by them through imports that were difficult to control. One of those representatives, speaking on behalf of a group of countries, underscored the group's support for the voluntary use of such codes.

213. One representative said that the secretariat should not invest its limited resources and personnel as suggested in the draft decision. Parties and others could, however, still work together to facilitate their collective efforts in that area, and the Conference of the Parties should encourage countries to participate in the efforts of the Global Mercury Partnership, specifically to reduce mercury in products. Accordingly, the Conference should defer its consideration of the issue until its third meeting.

214. One representative expressed dismay that proposals continued to be made that would postpone substantive consideration of issues of significant importance to his region. For the Convention to succeed, there needed to be greater willingness to compromise.

215. Several representatives, one of them speaking on behalf of a group of countries, suggested that discussions on the topic continue in a contact group given its importance and the fact that only one representative had expressed opposition to the draft decision.

216. Following its discussions, the Conference of the Parties agreed to refer the matter to the contact group on technical issues for further discussion. Specifically, it requested the group to consider options for helping parties control the trade in mercury-added products, taking into account the options in the conference room paper submitted by the Group of African States and the Group of Latin American and Caribbean States.

217. Subsequently, the Conference of the Parties adopted decision MC-2/9 on Harmonized System codes, as submitted by the contact group on technical issues, as set out in annex I to the present report.

## **IX. Adoption of the report**

218. The Conference of the Parties adopted the draft report on the understanding that the Rapporteur would be entrusted with its finalization in consultation with the secretariat.

## **X. Closure of the meeting**

219. Several representatives, speaking on behalf of groups of countries, and observers made closing statements. One representative, speaking on behalf of a group of countries, expressed concern about the organizational difficulties experienced during the preparations for the meeting and during the meeting itself. She recalled that the Conference of the Parties was a forum for enabling parties to agree on various matters while listening to the views of observers. She deplored the interventions by observers challenging decisions taken by parties as being outside the scope of their capacity as observers, said that such occurrences should not be repeated at future meetings, and requested that her statement be reflected in the present report.

220. Following the customary exchange of courtesies, the President declared the meeting closed at 8.10 p.m. on Friday, 23 November 2018.

## Annex I

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## **MC-2/1: Secretariat**

*The Conference of the Parties,*

*Recalling* its decision MC-1/11 on the secretariat,

*Noting* that the Executive Director of the United Nations Environment Programme is performing the secretariat functions, as requested in decision MC-1/11,

1. *Decides* to accept the offer of the Government of Switzerland to host the secretariat in Geneva, and welcomes the annual host country contribution of the Government of Switzerland of 1 million Swiss francs, apportioned as established in the financial rules for the Conference of the Parties to the Minamata Convention on Mercury, its subsidiary bodies and the secretariat of the Convention;
2. *Requests* the Executive Director of the United Nations Environment Programme to continue performing the secretariat functions for the Convention through a secretariat of the Minamata Convention located in Geneva.

## MC-2/2: Mercury waste thresholds

*The Conference of the Parties,*

*Welcoming* the report on the outcome of the open-ended process on waste thresholds called for under article 11 of the Convention (UNEP/MC/COP.2/6),

*Considering* that the establishment of mercury waste thresholds would have as its main legal consequence the exclusion from the scope of article 11 of the Convention of wastes referred to in paragraphs 2 (a), (b) and (c) of article 11 below those thresholds,

*Considering* also that the definition of mercury waste in article 11 excludes overburden, waste rock and tailings from mining, except from primary mercury mining, unless they contain mercury or mercury compounds above the thresholds to be defined by the Conference of the Parties, and considering that the establishment of these thresholds would have as a main consequence the inclusion of such wastes above these thresholds in the scope of article 11,

*Acknowledging* that it is relevant and a priority to establish threshold(s) for mercury wastes contaminated with mercury or mercury compounds, referred to in paragraph 2 (c) of article 11, and that the relevance of thresholds for the categories referred to in paragraphs 2 (a) and (b) of article 11 should be assessed,

1. *Decides* to establish a group of technical experts to proceed with the discussion on mercury waste thresholds during the intersessional period leading up to the third meeting of the Conference of the Parties, as per the provisions of paragraph 2 of article 11 of the Convention, and with the terms of reference set out in the annex to the present decision;
2. *Requests* the secretariat to call for nominations, through the Bureau representatives, for five experts from parties from each of the five United Nations by 15 January 2019, and to support the work of the group;
3. *Invites* the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal to consider reviewing, as appropriate, the technical guidelines on environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds (UNEP/CHW.12/5/Add.8/Rev.1), with additional guidance for certain mercury wastes;
4. *Invites* parties to submit the following information, taking into account relevant information contained in the technical guidelines referred to in paragraph 3 of the present decision, so that the information can be summarized by the secretariat of the Minamata Convention:
  - (a) Examples of wastes to be added to the annex to document UNEP/MC/COP.2/6, including, for wastes consisting of mercury compounds, specific names of compounds, and, for wastes containing mercury or mercury compounds (i.e., mercury-added products), the names and types of the mercury or mercury compounds, and pictures, if available;
  - (b) Current practices for managing overburden, waste rock and tailings from mining other than primary mercury mining (e.g., laws, regulations and guidelines) and various approaches to thresholds for special care/handling, if any; and
  - (c) Sampling and analysis methods that may be useful for verifying waste thresholds;
5. *Requests* the secretariat to report to the Conference of the Parties at its third meeting on the outcomes of the work of the group of technical experts;
6. *Decides* to review at its *third* meeting the progress achieved by the group of technical experts, and to decide on further action.

## **Annex to decision MC-2/2**

### **Draft terms of reference for a group of technical experts on mercury waste thresholds to be established pursuant to paragraph 2 of article 11 of the Convention**

#### **I. Mandate**

1. The Conference of the Parties to the Minamata Convention on Mercury at its second meeting, by decision MC-2/2, established a group of technical experts to proceed with the discussion on mercury waste thresholds during the intersessional period leading up to the third meeting of the Conference of the Parties, as per the provisions of paragraph 2 of article 11 of the Convention, and requested the secretariat to call for nominations of group members from parties by 15 January 2019. It also requested that the group hold its first meeting at the earliest opportunity after the second Conference of the Parties.
2. The group of experts will focus its discussions on the following matters, taking into account the previous work done by experts in the open-ended process pursuant to decision MC-1/19 and by the second meeting of the Conference of the Parties:
  - (a) Work to further clarify and refine the coverage of each of the three categories of mercury waste listed in paragraph 2 of article 11;
  - (b) The development of a comprehensive list of mercury waste falling under subparagraph 2 (a) of article 11, as well as an indicative list of mercury waste that might fall under subparagraphs 2 (b) and (c) of article 11;
  - (c) The development, as a priority, of relevant approaches and methodologies for establishing thresholds for mercury waste falling under subparagraph 2 (c) of article 11 and, if possible, the recommendation of specific thresholds for this waste; the group will also consider the relevance of thresholds for categories of waste falling under subparagraphs 2 (a) and 2 (b) of article 11;
  - (d) Work, as a separate and differentiated matter, to identify approaches for establishing thresholds for overburden, waste rock and tailings, except from primary mercury mining, during the intersessional period.

#### **II. Membership**

3. The group, which at its first meeting will elect two co-chairs, will comprise technical experts nominated by the five United Nations regions as follows: five from African States, five from Asia-Pacific States, five from Eastern European States, five from Latin American and Caribbean States and five from Western European and other States. Before the group's first meeting, it and the Convention secretariat will invite eight experts from industry and civil society to participate as observers. The group will also invite input from experts working with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Governments, intergovernmental organizations, industry and civil society organizations to assist it in its work as appropriate.

#### **III. Recommended qualifications of members and observers**

4. Members and observers of the group of technical experts should have at least one of the following:
  - (a) Significant experience in waste management and disposal issues, including management of different types of waste (industrial, domestic and hazardous waste);
  - (b) Expertise relevant to different approaches for establishing thresholds, including hazard- and risk-based approaches, as well as other possible approaches;
  - (c) Expertise in the environmental and health impacts of exposure to mercury;
  - (d) Technical expertise in, knowledge of and experience in mining, particularly with regard to the environmentally sound management of overburden, waste rock and tailings.

**IV. Officers**

5. The group of experts will elect two co-chairs to facilitate the meeting.

**V. Secretariat**

6. The secretariat of the Convention will provide administrative support to the group of experts.

**VI. Administrative and procedural matters**

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

**VII. Meetings**

8. The group of experts will work by electronic means and will meet face to face at least once during the intersessional period preceding the third meeting of the Conference of the Parties.

**VIII. Language**

9. The working language of the technical group of experts will be English.

## MC-2/3: Releases

*The Conference of the Parties,*

*Recognizing* the need for controlling and, where feasible, reducing releases of mercury and mercury compounds to land and water from relevant point sources not addressed in other provisions 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 and on the methodology for preparing inventories of releases from such sources,

*Recognizing further* that each party shall, no later than three years after the date of entry into force of the Convention for it and on a regular basis thereafter, identify the relevant point source categories,

*Recognizing* that each party shall establish, as soon as practicable and no later than five years after the date of entry into force of the Convention for it, and thereafter maintain an inventory of releases from relevant sources,

*Recognizing also* that, in order to assess the effectiveness of the Convention over time, it is important to have comparable information regarding releases,

*Recognizing further* that parties will report on their relevant sources of releases and on measures for controlling them in their reports pursuant to article 21,

*Recognizing* that, in order to compare the information on releases included in national reports, the use of standardized and known methodologies for preparing inventories is important,

1. *Decides* to establish a group of technical experts drawn from parties in the five United Nations regions, in accordance with the terms of reference set out in annex I to the present decision, to develop draft guidance on methodologies for the preparation of inventories for a list of potentially relevant point source categories;
2. *Requests* the secretariat to call for nominations of group members from parties by 15 January 2019 through the five United Nations regions and to support the work of the group;
3. *Instructs* the group, with a view to cost-effectiveness, to work primarily through electronic means, including webinars;
4. *Decides* that the Conference of the Parties will at its third meeting again consider the composition of the expert group and the need for the expert group to meet face to face;
5. *Requests* the secretariat to invite parties, signatories and other stakeholders to identify possible point source categories of releases to be included in the list referred to in paragraph 1 above;
6. *Also requests* the secretariat to compile in a report the information referred to in paragraph 5 above and to include in the report the relevant point source categories identified in, inter alia, the United Nations Environment Programme toolkit for Identification and Quantification of Mercury Releases, the Minamata initial assessments and the forthcoming *Global Mercury Assessment 2018*;
7. *Further requests* the secretariat to share the report mentioned in paragraph 6 above with the group for its consideration in accordance with the timeline set out in annex II to the present decision;
8. *Requests* the group to present the report, including a list of any significant anthropogenic point source of release categories not addressed in provisions of the Convention other than article 9, along with a suggested road map and structure for the development of draft guidance on methodologies for preparing its inventories, for possible adoption by the Conference of the Parties at its third meeting;
9. *Also requests* the group to develop draft guidance on standardized and known methodologies for preparing inventories for the sources in the list referred to in paragraph 7 above for possible adoption by the Conference of the Parties at its fourth meeting;
10. *Decides* that work to develop guidance on best available techniques and best environmental practices will be deferred until after the draft guidance on methodologies for preparing inventories is completed.

## **Annex I to decision MC-2/3**

### **Draft terms of reference for a group of technical experts on guidance in relation to mercury releases to be established pursuant to article 9 of the Convention**

#### **I. Mandate**

1. The Conference of the Parties to the Minamata Convention, at its second meeting, by its decision MC-2/3, established a group of technical experts to work on guidance in relation to mercury releases, in accordance with the timeline set out in annex II to the decision.
2. The group of experts will, as a first step, take into account in a report the information referred to in paragraph 5 of decision MC-2/3.
3. The group of experts will prepare a report including a list of any significant anthropogenic point source of release categories not addressed in provisions of the Convention other than article 9, along with a suggested road map and structure for the development of draft guidance on methodologies for preparing its inventories, for possible adoption by the Conference of the Parties at its third meeting.
4. As a next step, the group of experts will develop draft guidance on standardized and known methodologies for preparing inventories for the sources included in the list referred to in paragraph 1 of decision MC-2/3, for possible adoption by the Conference of the Parties at its fourth meeting.

#### **II. Membership**

5. Until the third meeting of the Conference of the Parties, the group will comprise 25 technical experts, five being nominated from each of the five United Nations regions. Before the group's first meeting, the group and the secretariat will invite experts from relevant organizations, industry and civil society to participate as observers, as appropriate.

#### **III. Recommended qualifications of members and observers**

6. Members and observers shall have at least one of the following:
  - (a) Knowledge of the mass flow/mass balance of mercury in relevant mercury source subcategories (e.g., from technical work in/with the relevant sectors);
  - (b) Expertise relevant to different approaches for monitoring, measuring and calculating emissions and releases;
  - (c) Knowledge of pollution release and transfer registers;
  - (d) Expertise concerning or experience in using the United Nations Environment Programme Toolkit for Identification and Quantification of Mercury Releases.

#### **IV. Officers**

7. The group of experts will elect two co-chairs to facilitate its meetings and other work.

#### **V. Secretariat**

8. The secretariat of the Convention will provide administrative support to the group of experts. It will compile submissions received and the outcome of consultations on the matter.

#### **VI. Administrative and procedural matters**

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

#### **VII. Meetings and working arrangements**

10. With a view to cost-effectiveness, the group will work primarily through electronic means, including webinars.

11. The Conference of the Parties will consider at its third meeting whether the group should hold a face-to-face meeting.

## VIII. Language

12. The working language of the group of experts will be English. Draft guidance submitted for consideration to the Conference of the Parties and guidance adopted by the Conference of the Parties will be translated into Arabic, Chinese, French, Russian and Spanish.

### Annex II to decision MC-2/3

#### Timeline for activities of the group of technical experts on releases until the third meeting of the Conference of the Parties

<i>Activity</i>	<i>Timing</i>
The secretariat circulates a call to parties, signatories and other stakeholders to identify possible point source categories of releases to be included in the list referred to in paragraph 1 of the decision.	December 2018
Establishment of the group of experts	January 2019
The secretariat shares the list of point source categories and results of the call with the group of experts.	March 2019
The group holds its first meeting, by electronic means, to prepare a first draft of a list of any significant anthropogenic point source of release categories not addressed in provisions of the Convention other than article 9, along with a suggested road map and structure for the development of draft guidance on methodologies for preparing its inventories.	April 2019
The secretariat invites all parties, signatories and other stakeholders to submit comments.	May 2019
The secretariat compiles and develops the draft report.	July 2019
The group revises and approves the report.	August 2019
The group's report, including a list of any significant anthropogenic point source of release categories not addressed in provisions of the Convention other than article 9, and a suggested road map and structure leading to the development of draft guidance on methodologies for preparing its inventories are submitted for consideration by the Conference of the Parties at its third meeting.	September 2019

## **MC-2/4: Rules of procedure for the Implementation and Compliance Committee of the Minamata Convention on Mercury**

*The Conference of the Parties,*

*Recalling* paragraph 5 of article 15 of the Minamata Convention on Mercury,

*Having considered* the report of the Implementation and Compliance Committee,<sup>1</sup>

*Noting with appreciation* the work undertaken by the Committee,

*Decides* to approve the rules of procedure for the Implementation and Compliance Committee as set out in the annex to the present decision.

### **Annex to decision MC-2/4**

## **Rules of procedure for the Implementation and Compliance Committee of the Minamata Convention on Mercury**

### **I. Introduction**

#### **Rule 1**

The present rules of procedure shall apply to the Implementation and Compliance Committee of the Minamata Convention on Mercury.

#### **Rule 2**

For the purposes of the present rules:

- (a) “Convention” means the Minamata Convention on Mercury, adopted at Kumamoto, Japan, on 10 October 2013;
- (b) “Party” means a party as defined in article 2 (g) of the Convention;
- (c) “Conference of the Parties” means the Conference of the Parties established by article 23 of the Convention;
- (d) “Committee” means the Implementation and Compliance Committee established pursuant to paragraph 1 of article 15 of the Convention;
- (e) “Meeting” means any meeting of the Committee convened in accordance with rules 8 and 9;
- (f) “Chair” and “Vice-Chair” mean, respectively, the Chair and Vice-Chair of the Committee elected in accordance with paragraph 1 of rule 4;
- (g) “Member” means a member of the Committee elected or a replacement nominated in accordance with rule 3;
- (h) “Secretariat” means the secretariat established by paragraph 1 of article 24 of the Convention;
- (i) “Members present and voting” means members present at the meeting in which voting takes place and casting an affirmative or negative vote. Members abstaining from voting shall be considered as not voting. For in-person meetings, “present” means physically present. For meetings through electronic means, “present” means participation through teleconference, videoconference or other electronic means as decided.

<sup>1</sup> UNEP/MC/COP.2/11, annex I.

## II. Membership

### Rule 3

1. The Committee shall consist of 15 members, nominated by parties and elected by the Conference of the Parties, with due consideration for equitable geographical representation based on the five United Nations regional groups.
2. The members of the Committee shall have competence in a field relevant to the Convention, and the membership shall reflect an appropriate balance of expertise.
3. The first members of the Committee shall serve from the end of the first ordinary meeting of the Conference of the Parties until the end of the third ordinary meeting of the Conference of the Parties. At its third ordinary meeting, the Conference of the Parties shall re-elect 10 members from among the first members of the Committee for one term, and elect 5 new members for two terms. The Conference of the Parties shall, at each ordinary meeting thereafter, elect for two terms new members to replace those members whose period of office is about to expire.
4. The term of a member shall start following the end of the ordinary meeting of the Conference of the Parties at which the member is elected and end at the end of the next ordinary meeting of the Conference of the Parties. A term is the period from the end of one ordinary meeting of the Conference of the Parties until the end of the next ordinary meeting of the Conference of the Parties.
5. A member shall not serve for more than two consecutive terms.
6. If a member of the Committee resigns or is otherwise unable to complete the assigned term of office or to perform his or her functions, the party which nominated that member shall name another person to replace the said member for the remainder of his or her term.

## III. Officers

### Rule 4

1. During each in-person meeting of the Committee, a Chair and a Vice-Chair, who shall act as Rapporteur, shall be elected from among the members present at the meeting, with due consideration to equitable geographical representation based on the five United Nations regional groups.
2. 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 meeting of the Committee.
3. The offices of the Chair and the Vice-Chair shall normally be subject to rotation among the United Nations regional groups.

### Rule 5

1. In addition to exercising the powers conferred upon the Chair elsewhere by the present rules, the Chair 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 Chair 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 Chair may propose to the Committee the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each speaker may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.
3. The Chair, in the exercise of the functions of that office, remains under the authority of the Committee.

### Rule 6

1. The Chair, if temporarily absent from a meeting or any part thereof, shall designate the Vice-Chair to act as Chair.
2. A Vice-Chair acting as Chair shall have the powers and duties of the Chair.

**Rule 7**

If the Chair or the Vice-Chair resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, the Committee shall, at its subsequent meeting, elect a new Chair or Vice-Chair from among the members of the Committee.

**IV. Meetings****Rule 8**

1. The secretariat, in consultation with the Chair, shall make appropriate arrangements for the meetings of the Committee. The Committee shall discuss the date of its subsequent meeting at the close of its meeting.

2. Meetings may take place through electronic or other means should the Committee consider that matters under discussion could be addressed in this manner.

**Rule 9**

Unless otherwise decided by the Committee, meetings of the Committee shall be held in person at least once during each intersessional period between ordinary meetings of the Conference of the Parties.

**Rule 10**

1. The secretariat shall notify all members of the dates and venue of each meeting at least 60 days before the meeting in question is due to commence.

2. The secretariat shall announce the date and venue of the next meeting of the Committee on the website of the Minamata Convention.

**V. Observers****Rule 11**

The Committee may invite observers to its meetings, or segments thereof, if the matters under its consideration are directly relevant to such observers and if at least a majority of members so decide. Invitations to observers shall be extended by the secretariat upon request and on behalf of the Committee. The participation of observers shall be at their own expense.

**Rule 12**

Such observers may comprise any party, the United Nations, its specialized agencies, the International Atomic Energy Agency, any State not party to the Convention, any entity operating the mechanism referred to in paragraph 5 of article 13 of the Convention as well as any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and has been approved to attend meetings of the Conference of the Parties, or any individual with particular expertise relevant to matters under consideration.

**Rule 13**

The secretariat shall inform the Committee of any requests to attend the meeting received from observers as defined in rule 12 and shall extend invitations to these observers in accordance with rule 11. The secretariat shall notify those entitled to be observers pursuant to rule 12, of the date and venue of the next meeting by means of an announcement on the website of the Minamata Convention.

**Rule 14**

When the Committee is considering an issue on the basis of a specific submission relating to the compliance of an individual party, that party shall be invited to participate in the consideration of the issue by the Committee. Such sessions shall not be open to observers, unless otherwise agreed by the Committee and the party concerned.

**Rule 15**

Deliberations to prepare recommendations or voting on recommendations shall be closed to all observers.

**VI. Agenda****Rule 16**

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

**Rule 17**

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

- (a) Items arising from the functions of the Committee as specified in article 15 of the Convention, including any submission from a party with respect to its own compliance that is received at least eight weeks before the first day of the meeting;
- (b) Items the inclusion of which has been decided at a previous meeting;
- (c) Items referred to in rule 21 of the present rules of procedure;
- (d) The work programme of the Committee, as well as an item regarding the venue, date and duration of its next meeting;
- (e) Any item proposed by a member and received by the secretariat before the provisional agenda is circulated.

**Rule 18**

For each meeting, the provisional agenda, together with supporting documents, shall be issued in English and distributed by the secretariat to the members at least four weeks before the opening of the meeting.

**Rule 19**

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

**Rule 20**

When adopting the agenda for a meeting, the Committee may decide to add, delete, defer or amend items. Only items that are considered by the Committee to be urgent and important may be added to the agenda.

**Rule 21**

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

**VII. Secretariat****Rule 22**

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 Committee.
2. The head of the secretariat shall arrange for the provision of staff and services required by the Committee, within available resources. The head of the secretariat shall manage and direct such staff and services and provide appropriate support and advice to the Chair and the Vice-Chair of the Committee.

**Rule 23**

In addition to the functions specified elsewhere in the present rules, the secretariat shall, in accordance with the present rules:

- (a) Arrange for interpretation at the meeting, as may be required under rule 39;
- (b) Collect, translate as may be required under rule 40, reproduce and distribute the documents of the meeting;
- (c) Distribute the official documents of the meeting;
- (d) Arrange for the custody and preservation of the documents of the meeting.

**VIII. Conduct of business****Rule 24**

The Chair shall not declare a session of the meeting of the Committee open or permit the debate to proceed unless at least one third of the members are present. The presence of two thirds of the members shall be required for any decision to be taken.

**Rule 25**

1. No one may address a meeting without having previously obtained the permission of the Chair. Subject to rules 26 and 27, the Chair shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall maintain a list of speakers. The Chair may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.

2. The Committee may, on a proposal from the Chair or from any member, limit the time allowed to each speaker and the number of times each speaker may speak on a question. Before a decision is taken, two members 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 Chair shall call the speaker to order without delay.

**Rule 26**

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

**Rule 27**

1. Subject to rule 26, 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 under paragraphs 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 the motion shall immediately be put to the vote.

**IX. Voting****Rule 28**

Each member shall have one vote.

**Rule 29**

1. The Committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted and no consensus is reached, such recommendations shall as a last resort be adopted by a three-fourths majority vote of the members present and voting, based on a quorum of two-thirds of the members.

2. The Committee shall make every effort to reach consensus on matters relating to the conduct of its business. If no consensus is reached, such matters shall as a last resort be decided by a majority vote of the members present and voting, based on a quorum of two-thirds of the members.

**Rule 30**

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

**Rule 31**

1. Any member may request that any part of a proposal or of an amendment to a proposal be voted on separately. The Chair shall allow the request unless a member objects. If an objection is made to the request for division, the Chair shall permit two members to speak, one in favour of and the other against the request, after which the motion shall immediately be put to the vote. The Chair may limit the time allowed to each speaker.

2. If the request referred to in paragraph 1 of the present rule 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 32**

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 33**

If two or more amendments to a proposal are proposed, the Committee 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 Chair shall determine the order of voting on the amendments under the present rule.

**Rule 34**

Voting, except for elections, shall normally be by show of hands. If at any time, however, a member requests a secret ballot, that shall be the method of voting on the issue in question.

**Rule 35**

After the Chair has announced the beginning of voting, no member shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The Chair may permit the members to explain their votes, either before or after the voting. The Chair may limit the time to be allowed for such explanations. The Chair 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.

**X. Elections****Rule 36**

All elections shall be held by secret ballot.

**Rule 37**

1. If, when one person is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the members 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 Chair 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.

**XI. Languages****Rule 38**

The working language of the Committee shall be English.

**Rule 39**

1. Sessions of the meetings of the Committee at which the implementation and/or compliance of a particular party is being considered shall be interpreted from an official language of the United Nations other than English into English if so requested by that party.

2. A representative of a party may speak in a language other than English if the party provides for interpretation into English.

**Rule 40**

1. Official documents of the meetings shall be drawn up in English.

2. Submissions from parties as per paragraph 4 (a) of article 15 of the Convention shall be made in one of the six official languages of the United Nations. When submitted in one of the official languages of the United Nations other than English, the secretariat shall make arrangements for their translation into English before their distribution.

3. The secretariat shall also make arrangements for the translation into English of national reports, or sections thereof, submitted in one of the United Nations official languages other than English, prior to their distribution, when issues are to be considered by the Committee on the basis of national reports, in accordance with paragraph 4 (b) of article 15 of the Convention, or when such national reports or sections thereof are required for the consideration of an issue on the basis of requests from the Conference of the Parties, in accordance with paragraph 4 (c) of article 15 of the Convention.

**XII. Amendments to the rules of procedure****Rule 41**

The present rules of procedure may be amended with the approval of the Conference of the Parties. The Committee may submit to the Conference of the Parties for consideration and approval recommendations to amend the present rules of procedure.

**XIII. Overriding authority of the Convention****Rule 42**

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

## **MC-2/5: Venue and date of the third and subsequent meetings of the Conference of the Parties**

### *The Conference of the Parties*

1. *Decides* that, in the absence of another offer, the third ordinary meeting of the Conference of the Parties will be held in Geneva from 25 to 29 November 2019;
2. *Invites* parties to submit offers to host the fourth ordinary meeting of the Conference of the Parties in time for the third ordinary meeting, and to proceed in a similar manner for subsequent ordinary meetings;
3. *Requests* the Executive Secretary to submit, in advance of each ordinary meeting, an assessment of the offers received pursuant to paragraph 2 of the present decision, for consideration by the Conference of the Parties.

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## **MC-2/6: Environmentally sound interim storage of mercury other than waste mercury**

*The Conference of the Parties,*

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

1. *Adopts* the guidelines on the environmentally sound interim storage of mercury other than waste mercury<sup>2</sup> and calls upon parties to take them into account in complying with their obligation to take measures to ensure that the interim storage of such mercury and mercury compounds intended for a use allowed to a party under the Convention is undertaken in an environmentally sound manner;
2. *Notes* that the guidelines may need to be revised in the future to ensure that they continue to reflect best practice.

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<sup>2</sup> The guidelines adopted by the Conference of the Parties at its second meeting were developed on the basis of the revised draft guidelines contained in document UNEP/MC/COP.2/5 and are set out in document UNEP/MC/COP.2/5/Rev.1, which is available on the website of the Minamata Convention on Mercury.

## **MC-2/7: Cooperation between the secretariat of the Minamata Convention and the secretariat of the Basel, Rotterdam and Stockholm conventions**

*The Conference of the Parties,*

*Recalling* paragraph 3 of article 24 of the Convention, which provides that the secretariat functions for the Convention shall be performed by the Executive Director of the United Nations Environment Programme, and recalling also that the Executive Director also performs secretariat functions for the Basel, Rotterdam and Stockholm conventions,

*Emphasizing* that paragraph 4 of article 24 of the Convention provides that the Conference of the Parties, in consultation with appropriate international bodies, may provide for enhanced cooperation and coordination between the secretariat and the secretariats of other chemicals and waste conventions, as well as further guidance on this matter,

*Recalling* decision MC-1/11, in which the Conference of the Parties decided to review at its second meeting the organizational arrangements for the secretariat, and the request to the secretariat to continue to cooperate and coordinate as appropriate with the secretariat of the Basel, Rotterdam and Stockholm conventions and relevant units of the United Nations Environment Programme in order to make full use of relevant experience and expertise,

*Noting* the successive decisions of the conferences of the parties to the Basel, Rotterdam and Stockholm conventions to enhance cooperation and coordination with the secretariat of the Minamata Convention, maximizing the effective and efficient use of resources at all levels, including the provision of any secretariat support that may be requested and is fully funded by the Conference of the Parties to the Minamata Convention,

*Noting also* decision MC-2/1, by which the Executive Director was requested to continue performing the secretariat functions for the Convention through a secretariat of the Minamata Convention located in Geneva,

1. *Requests* the Executive Director of the United Nations Environment Programme, in the capacity of performing secretariat services to the Minamata Convention, to:

(a) Mindful of the legal autonomy of the respective secretariats, maximize the effective and efficient use of resources of the Minamata Convention, including through the sharing of relevant secretariat services with the Basel, Rotterdam and Stockholm conventions which are performed by the Executive Director, as appropriate, and to implement relevant arrangements as soon as feasible;

(b) Submit an operative proposal, prepared together with the Executive Secretary of the Minamata Convention and with the support of the Executive Secretary of the Basel and Stockholm conventions and the United Nations Environment Programme part of the Rotterdam Convention, on a stable framework for sharing of relevant services in areas such as conference services, knowledge and information management, administrative and information technology services, technical assistance, legal advice and budget preparation, including possible options, for consideration by the Conference of the Parties at its third meeting;

2. *Requests* the Executive Secretary of the Minamata Convention to take into consideration paragraph 1 of the present decision in the preparation of the programme of work and budget for the biennium 2020–2021, including relevant options for consideration by the Conference of the Parties;

3. *Requests* the Executive Director to inform the secretariat of the Basel, Rotterdam and Stockholm conventions and the conferences of the parties of the conventions, at their next meeting, of the present decision, and of any relevant secretariat arrangements already established or being developed or considered pursuant to the paragraphs above;

4. *Invites* the conferences of the parties to the Basel, Rotterdam and Stockholm conventions to consider adopting, at their next meeting, corresponding decisions on this matter.

## MC-2/8: Guidance on the management of sites contaminated by mercury and mercury compounds

*The Conference of the Parties,*

*Recognizing* the need to assist parties in the environmentally sound management of sites contaminated by mercury and mercury compounds through the provision of guidance,

Taking note of the draft guidance prepared by the secretariat in consultation with nominated experts,<sup>3</sup>

*Encouraging* all parties that have experience and in particular those facing challenges in addressing sites contaminated by mercury and mercury compounds to contribute to the development of guidance,

*Encouraging* parties to cooperate in developing strategies and implementing activities for identifying, assessing, prioritizing, managing and, as appropriate, remediating contaminated sites,

1. Requests the secretariat:

(a) To call for parties and stakeholders to submit, by 15 February 2019, additional comments and information to complement and further improve the draft guidance,<sup>4</sup> calling in particular for information and comments, including case studies, on:

- (i) Situations that are site-specific to mercury that parties may face, such as the decommissioning of chlor-alkali plants and addressing contamination due to artisanal and small-scale gold-mining activities, etc.;
- (ii) The role played by inventories of contaminated sites in strategies and policies relating to contaminated sites;
- (iii) Prioritization for further action on contaminated sites based on risk assessment;
- (iv) The interface between contaminated site policies and land-use planning policies;
- (v) Existing procedures for the characterization of contaminated sites, including approaches and techniques for sampling and analysis;
- (vi) The existing range of proven and emerging remediation techniques, including situations in which certain techniques may or may not be appropriate, environmental advantages and drawbacks and costs;
- (vii) Socioeconomic and cultural considerations during the remediation of contaminated sites;
- (viii) Information on approaches to financing work on and building capacity for the identification, assessment, remediation and risk management of contaminated sites, including frameworks for domestic financing;

(b) To compile the information submitted by parties and stakeholders in accordance with paragraph 1 (a) above and make it available on the website of the Convention;

(c) To prepare, by 31 March 2019, with the support of an external expert, subject to the availability of resources and taking into account the information received in accordance with paragraph 1 (a) above:

- (i) Revised draft guidance on the management of contaminated sites, drafted in non-prescriptive language, providing general advice to parties taking into consideration the variety of national circumstances of parties, that distinguishes between contaminated sites and mining sites that are being managed in an environmentally sound manner;
- (ii) A draft framework and decision tree for the management of contaminated sites;

and to submit them to the group of experts nominated in accordance with decision MC-1/20, parties and stakeholders for their comments;

<sup>3</sup> UNEP/MC/COP.2/7, annex II.

<sup>4</sup> UNEP/MC/COP.2/7, annex II.

(d) To further revise the draft guidance, by 31 May 2019, taking into account the comments submitted in accordance with paragraph 2 below, for consideration by the Conference at its third meeting;

2. *Requests* the group of experts nominated in accordance with decision MC-1/20, and invites parties and stakeholders, to review and submit comments, by 30 April 2019, on the revised draft guidance and the draft framework and decision tree for the management of contaminated sites prepared by the secretariat in accordance with paragraph 1 (c) above.

## MC-2/9: Harmonized System codes

*The Conference of the Parties,*

*Acknowledging* that improving the data generated by the Harmonized Commodity Description and Coding System may be a way to facilitate the implementation of article 4 of the Convention, improve national reporting under article 21 and foster better communication among trading partners,

*Taking into consideration* the survey on the Harmonized System initiative developed by the United Nations Environment Programme Global Mercury Partnership – Mercury in Products partnership area,

*Requests* the secretariat, in collaboration with the Products Partnership and in consultation with relevant organizations:

- (a) To suggest, taking into account the results of the survey on the Harmonized System Initiative developed by the UNEP Global Mercury Partnership – Products Partnership, approaches for customs codes to identify and distinguish non-mercury-added and mercury-added products listed in annex A to the Convention, including approaches for their possible harmonization;
- (b) To circulate to parties and other stakeholders a draft report for comments by May 2019;
- (c) To receive comments from parties and other stakeholders on the draft report until 1 August 2019;
- (d) To revise the draft report, taking into account the comments received in accordance with subparagraph (c) above;
- (e) To present the report to the Conference of the Parties at its third meeting for its consideration.

## MC-2/10: Effectiveness evaluation

*The Conference of the Parties,*

*Reaffirming* that the effectiveness evaluation is to assess the overall effectiveness of the Convention at the global level based on the objective of the Minamata Convention on Mercury (article 1),

*Acknowledging with appreciation* the report prepared by the ad hoc technical expert group on effectiveness evaluation,<sup>5</sup>

*Noting* that the draft report of the ad hoc technical expert group indicates that there are existing monitoring programmes that could contribute to the effectiveness evaluation, and that such monitoring programmes can be further strengthened in the spirit of article 19 of the Convention, which encourages parties to cooperate to develop and improve modelling and geographically representative monitoring,

*Noting also* that the draft report also indicates that there are significant data gaps in various regions of the world, and that filling them through existing or new monitoring programmes would contribute to the effectiveness evaluation;

1. *Extends* the terms of reference of the ad hoc technical expert group provided in decision MC-1/9 to address the issues outlined in annex I to the present decision;
2. *Adopts* the draft road map outlined in annex II to the present decision;
3. *Requests* the ad hoc technical expert group to develop terms of reference for global monitoring arrangements;
4. *Requests* parties, other Governments and relevant organizations to continue to provide information on their monitoring programmes to the secretariat by the third meeting of the Conference of the Parties;
5. *Requests* the secretariat to support the work outlined in annexes I and II to the present decision;
6. *Requests* the ad hoc technical expert group to report to the Conference of the Parties at its third meeting on the progress made in refining the evaluation framework for the Convention, including the monitoring arrangements;
7. *Invites* the Global Environment Facility, within its mandate, to consider, within the guidance given by the Conference of the Parties, supporting eligible parties in the collection of essential data and facilitating the sustainable input of monitoring information at the local, subregional, regional and global levels to contribute towards the effectiveness evaluation, in alignment with the Facility's guidance.

### Annex I to decision MC-2/10

#### Amended terms of reference of the ad hoc technical expert group on effectiveness evaluation<sup>6</sup>

##### I. Amended mandate

1. The ad hoc technical expert group shall further develop document UNEP/MC/COP.2/INF/8 in accordance with the following outline:
  - (a) Executive summary
  - (b) Introduction
  - (c) Description of the effectiveness evaluation framework
  - (d) Proposed methodology and schedule for the evaluation
  - (e) Issues for further considerations, if any
  - (f) Annex I: Technical information on monitoring, if any

<sup>5</sup> UNEP/MC/COP.2/INF/8.

<sup>6</sup> Unless stated otherwise, the terms of reference of decision MC-1/9 apply.

- (g) Annex II: Draft terms of reference of the effectiveness evaluation committee
- (h) Annex III: Draft terms of reference of the global monitoring arrangements.
2. With regard to the effectiveness evaluation framework, the ad hoc technical expert group will:
- (a) Using the objective of the Minamata Convention, review and assess the detailed article-by-article process and outcome indicators in table 4 of document UNEP/MC/COP.2/INF/8; elaborate on the sources of information and baselines for those indicators, considering cost-effectiveness, practicality, feasibility and sustainability; and, on that basis, provide detailed rationales for the recommended indicators;
- (b) Identify which recommended indicators require monitoring data, in particular in relation to the control measures and objectives set out in the articles of the Convention;
- (c) Develop a methodology for integrating the recommended indicators with a view to providing an integrated picture of the general effectiveness of the Convention, (e.g., by use of aggregated or cross-cutting indicators);
- (d) Amend the recommended draft terms of reference of the effectiveness evaluation committee and the schedule for the first effectiveness evaluation, if needed, on the basis of the outcome of the process outlined in the present paragraph.
3. With regard to monitoring, the ad hoc technical expert group will:
- (a) Identify:
- (i) Which categories of the available<sup>7</sup> comparable<sup>8</sup> monitoring data would be most effective in providing information on global trends (distinguishing these data from data that may be useful for informing local, national and/or regional policies);
- (ii) What monitoring data in air, water, biota, and humans could be used to assess the impact on levels and trends of mercury;
- (iii) The potential and limitations of the data identified, taking into account the impacts other than anthropogenic emissions and releases on these spatial and temporal trends;
- (b) Assess the extent to which the information reviewed meets the needs for monitoring as set out in paragraph 2 of article 22 of the Convention, and identify major gaps that could affect the usability of available data, as well as outlining options or recommendations to enhance the comparability and completeness of the information;
- (c) With the aim of filling gaps in globally relevant monitoring data, for the options and recommendations mentioned in the preceding subparagraph, compare their cost-effectiveness, practicality, feasibility and sustainability, global coverage, and regional capabilities, to identify opportunities for future enhancements to monitoring;
- (d) Identify available modelling capabilities to assess changes in global mercury levels within and across different media;
- (e) Examine options and, on the basis of those options, identify sources of data that can be used for establishing a baseline for monitoring data;
- (f) Provide other technical inputs and necessary information to address any additional monitoring questions that may be identified in the course of elaborating the evaluation framework;
- (g) Draft terms of reference for global monitoring arrangements, including developing monitoring guidance.

## II. Amended membership

4. Taking into account the desire of the Conference of the Parties to augment the capabilities of the ad hoc technical expert group in the area of effectiveness evaluation, members of the group may continue to serve unless the nominating regions decide otherwise.

<sup>7</sup> Available data include both currently available data and data collected in the future.

<sup>8</sup> Data are comparable when collected using identical methodologies. Data may also be made comparable by using standardized and known scientific methodologies.

5. The group will invite the participation of up to 10 experts from civil society, indigenous organizations, intergovernmental organizations, industry and the United Nations Environment Programme Global Mercury Partnership as observers. The participation of observers will be balanced among the above-mentioned groups, with a preference for relevant expertise in the field of effectiveness evaluation.

### III. Amended qualifications

6. The following qualifications are added to:

(a) Annex II of decision MC-1/9, section III (c): expertise in evaluation frameworks as specified by the United Nations Evaluation Group, or in project management monitoring and evaluation as specified by the Development Assistance Committee of the Organization for Economic Cooperation and Development;

(b) Annex II of decision MC-1/9, section III (a): experience relevant to ecosystem processes or expertise in scenario-based long-term forecasting of the status of the environment and in multi-disciplinary impact assessment.

#### Annex II to decision MC-2/10

#### **Draft road map for the preparation of the report by the ad hoc technical expert group for effectiveness evaluation to the third meeting of the Conference of the Parties**

<i>Activity</i>	<i>Time frame</i>
Constitute the ad hoc technical expert group based on the amended membership and qualifications as set out in annex I to decision MC-2/10	December 2018
Request the secretariat, in cooperation with the co-chairs of the ad hoc technical expert group, to prepare the meeting agenda and background documents and conduct preparatory discussions	January 2019
Request the ad hoc technical expert group and observers to provide information and comments in line with the revised mandate for compilation by the secretariat	by March 2019
Hold face-to-face meeting of the ad hoc technical expert group	April 2019
Develop the revised draft report	May–July 2019
Revised draft report open for comments from parties	August–mid-September 2019
Further revise the report	September 2019
Final report available for consideration by the Conference of the Parties at its third meeting	October 2019

## MC-2/11: Article 14: Capacity-building, technical assistance and technology transfer

*The Conference of the Parties,*

*Recalling* decision MC-1/21 on capacity-building, technical assistance and technology transfer for the Minamata Convention on Mercury, where it is recognized that some of the existing regional and subregional centres are already developing projects and activities regarding mercury issues,

*Stressing* the importance of the centres as one of the main instruments for enhancing the provision of technical assistance and capacity-building as well as supporting national efforts of developing countries and countries with economies in transition for the implementation of the chemicals and waste cluster conventions,

*Highlighting* the significant role of the activities that some of the regional and coordinating 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 are developing regarding mercury issues, projects and activities on capacity-building, technology transfer and dissemination of information, as evident from the information collected by the secretariat under decision MC-1/21,

*Taking into account* the formal arrangements between the regional and subregional centres and the secretariat of the Basel, Rotterdam and Stockholm conventions,

1. *Requests* the secretariat of the Minamata Convention to collect the information received from the existing regional, subregional and national arrangements on their capacity-building and technical assistance to support parties in implementing their obligations under the Minamata Convention, and also requests the secretariat to report thereon to the Conference of the Parties at its third meeting;

2. *Emphasizes* the relevance of using, as appropriate, regional, subregional and national arrangements, including existing regional and subregional centres, in the delivery of capacity-building and technical assistance consistent with article 14 of the Convention.

## MC-2/12: Update on the budget for 2019

*The Conference of the Parties,*

*Recalling* its decision MC-1/15 on the programme of work of the secretariat and proposed budget for the biennium 2018–2019,

*Welcoming* the annual contribution by Switzerland, the host country of the secretariat, of 1 million Swiss francs apportioned 60 per cent to the general trust fund, and 40 per cent to the special trust fund to be prioritized for the purpose of supporting the participation of representatives of developing countries in the meetings of the Conference of the Parties,

*Taking note* of the contributions paid by the parties to the general trust fund,

*Noting* that the Convention's full working capital reserve in the general trust fund has been established in 2018,

*Recognizing with appreciation* the contributions and pledges made by Austria, the European Union, Finland, France, Japan, Norway, the Philippines, Sweden and Switzerland to the special trust fund,

*Recognizing also with appreciation* the contributions and pledges made by Austria, Denmark, Germany, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the specific trust fund,

*Recalling* its request, extended to the Executive Secretary in decision MC-1/15, that a budget be prepared for the biennium 2020–2021 for consideration by the Conference of the Parties at its third meeting, in 2019,

### I

#### General trust fund for the Minamata Convention on Mercury

1. *Takes note* of the update provided by the Executive Secretary on the activities in 2018 and the projected expenditures for 2018 through the general trust fund, as contained in the note by the secretariat on the programme of work and budget for the biennium 2018–2019,<sup>9</sup> as well as the report on the activities of the secretariat in 2018,<sup>10</sup> and also takes note of the updated cost estimates suggested for the approved budget for 2019 and the additional information provided in the programme of work and budget activity fact sheets;<sup>11</sup>

2. *Encourages* the Executive Secretary, if needed, to draw upon the available general trust fund cash balance in 2019, at an amount no larger than the available budgetary resources for staff costs, provided that the cash balance is not reduced below the working capital reserve, to enhance the early and effective implementation of the Convention including through the sharing of relevant secretariat services with the Basel, Rotterdam and Stockholm conventions, which are performed by the Executive Director of the United Nations Environment Programme as appropriate and in line with decision MC-2/7;

3. *Approves* the updated budget for the general trust fund for 2019 of 4,080,374 United States dollars;

4. *Authorizes* the Executive Secretary to draw down from the available surplus of the general trust fund the amount of 237,300 United States dollars in 2019;

5. *Adopts* the indicative scale of assessment for the apportionment of expenses for 2019 as 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 is in force by 1 January 2019;

6. *Recalls* that contributions to the general trust fund are expected by 1 January of the year for which those contributions have been budgeted, and requests parties to pay their contributions promptly and in full to enable the secretariat to carry out its work;

<sup>9</sup> UNEP/MC/COP.2/18.

<sup>10</sup> UNEP/MC/COP.2/17, annex.

<sup>11</sup> UNEP/MC/COP.2/INF/9.

## II

### Special trust fund for the Minamata Convention on Mercury

7. *Takes note* of the update provided by the Executive Secretary on the activities in 2018 and the projected expenditures for 2018 through the special trust fund as contained in the note by the secretariat on the programme of work and budget for the biennium 2018–2019, as well as the report on the activities of the secretariat in 2018, and also takes note of the updated cost estimates suggested for the budget for 2019 and the additional information provided in the programme of work and budget detail sheet;

8. *Also takes note* of the updated budget estimates for the special trust fund for 2019 of 4,014,890 United States dollars;

9. *Requests* parties and invites non-parties to the Convention and others in a position to do so to contribute to the special trust fund to support the capacity-building and technical assistance activities of the secretariat of the Convention in accordance with article 14 of the Convention;

10. *Invites* parties and non-parties to the Convention and others in a position to do so to provide earmarked contributions to the special trust fund to support the participation of representatives of developing countries and countries with economies in transition in the meetings of the Conference of the Parties and its subsidiary bodies;

## III

### Specific trust fund for the Minamata Convention on Mercury

11. *Takes note* of the overall report on the Specific International Programme to Support Capacity-Building and Technical Assistance and the specific trust fund for those activities;<sup>12</sup>

12. *Invites* parties and non-parties to the Convention and others in a position to do so to contribute to the specific trust fund to support capacity-building and technical assistance activities in accordance with article 13 of the Convention;

## IV

### Preparations for the biennium 2020–2021

13. *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 that biennium in a programmatic format and broken down by budget activities, with each activity to be supported by a budget activity fact sheet;

14. *Also requests* the Executive Secretary, in preparing the budgets and programme of work for the biennium 2020–2021, to present two scenarios:

(a) One maintaining the operational budget at the 2019 level in nominal terms;

(b) One reflecting required changes to the above-mentioned scenario to meet the projected needs and costs or savings related thereto;

15. *Further requests* the Executive Secretary to take into account, in the preparation of the programme of work and budget for 2020–2021, relevant service-sharing arrangements and operative proposals made by the Executive Director of the United Nations Environment Programme in the capacity of performing secretariat services for the Minamata Convention, prepared together with the Executive Secretary of the Minamata Convention and with the support of the Executive Secretary of the Basel and Stockholm conventions and the United Nations Environment Programme part of the Rotterdam Convention, on a stable framework for sharing of relevant services pursuant to paragraph 2 of decision MC-2/7;

16. *Recalls* paragraph 7 of rule 5 of the Financial Rules, requests the Executive Secretary to acknowledge promptly the receipt of all pledges and contributions and inform the parties thereof by publishing on the Convention website up-to-date information on the status of pledges and payments of contributions, and also requests the Executive Secretary to provide detailed, up-to-date information on actual income and expenses of the three trust funds;

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<sup>12</sup> UNEP/MC/COP.2/9.

17. *Stresses* the need to ensure that the budget proposals are realistic and represent the agreed priorities of all parties to help ensure a sustainable and stable fund and cash balance, including contributions.

Table 1

**2019 budget for the general trust fund and the special trust fund updated by the Conference of the Parties at its second meeting**

(United States dollars)

	<i>Budget approved for 2019 by the Conference of the Parties at its first meeting</i>		<i>Updated budget approved for 2019 by the Conference of the Parties at its second meeting</i>	
	<i>General trust fund</i>	<i>Special trust fund</i>	<i>General trust fund</i>	<i>Special trust fund</i>
<b>A. Conferences and meetings</b>				
<b>1. Second meeting of the Conference of the Parties</b>				
1.1. Second meeting	—	—	—	—
1.2. Regional preparatory meetings	—	—	—	—
1.3. Intersessional time-based expert groups mandated by the Conference of the Parties at its first and second meetings	105 000	—	—	—
Expert group on effectiveness evaluation	—	—	85 000	—
Expert group on mercury waste	—	—	85 000	—
<b>Subtotal</b>	<b>105 000</b>	<b>—</b>	<b>170 000</b>	<b>—</b>
<b>2. Third meeting of the Conference of the Parties</b>				
2.1. Third meeting	840 000	640 000	840 000	640 000
2.1. Regional preparatory meetings	—	535 000	—	535 000
<b>Subtotal</b>	<b>840 000</b>	<b>1 175 000</b>	<b>840 000</b>	<b>1 175 000</b>
<b>3. Bureau of the Conference of the Parties</b>				
3.1. Meetings of the Bureau	25 000	—	50 000	—
<b>Subtotal</b>	<b>25 000</b>	<b>—</b>	<b>50 000</b>	<b>—</b>
<b>4. Implementation and Compliance Committee</b>				
4.1. Meeting of the Committee	30 000	—	30 000	—
Costs associated with specific work identified by the Committee, such as translation of submissions, interpretation at the meeting, if so required	—	—	20 000	—
<b>Subtotal</b>	<b>30 000</b>	<b>—</b>	<b>50 000</b>	<b>—</b>
<b>Total (A)</b>	<b>1 000 000</b>	<b>1 175 000</b>	<b>1 110 000</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>				
5.1. Cross-cutting activities	—	360 000	—	360 000
5.2. Impact assessment	—	—	—	—
5.3. Tools and methodologies	—	60 000	—	60 000
5.4. Needs assessment	—	—	—	—
5.5. Specific capacity development activities	—	600 000	—	600 000
5.6. Capacity-building activities on request	—	960 000	—	960 000
<b>Total (B)</b>	<b>—</b>	<b>1 980 000</b>	<b>—</b>	<b>1 980 000</b>

	<i>Budget approved for 2019 by the Conference of the Parties at its first meeting</i>		<i>Updated budget approved for 2019 by the Conference of the Parties at its second meeting</i>	
	<i>General trust fund</i>	<i>Special trust fund</i>	<i>General trust fund</i>	<i>Special trust fund</i>
<b>C. Scientific and technical activities</b>				
<b>6. Scientific support to the States parties to the Minamata Convention</b>				
6.1. Scientific support to the States parties to the Convention	—	—	—	238 000
Consultancy to support work on contaminated sites	—	—	—	10 000
<b>Subtotal</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>248 000</b>
<b>7. Effectiveness evaluation and global monitoring plan</b>				
7.1. 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>				
8.1. 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>248 000</b>
<b>D. Knowledge and information management, and outreach</b>				
<b>9. Publications</b>				
9.1. Publications	30 000	—	30 000	—
<b>Subtotal</b>	<b>30 000</b>	<b>—</b>	<b>30 000</b>	<b>—</b>
<b>10. Communication, outreach and public awareness</b>				
10.1. Communication, outreach and public awareness	50 000	—	150 000	—
<b>Subtotal</b>	<b>50 000</b>	<b>—</b>	<b>150 000</b>	<b>—</b>
<b>Total (D)</b>	<b>80 000</b>	<b>—</b>	<b>180 000</b>	<b>—</b>
<b>E. Overall management</b>				
<b>11. Executive direction and management</b>				
11.1. Overall management	1 930 950	—	1 930 950	—
11.2. 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>				
12.1. Cooperation on the broader sustainable development and environment agenda	—	—	—	—
12.2. Cooperation within the chemicals and waste cluster	—	—	—	—
12.3. Other cooperation and coordination	—	—	—	—
<b>Subtotal</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>13. Financial resources and mechanism</b>				
13.1. Financial mechanism	—	—	—	—
13.2. 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>				
14.1. Legal and policy activities	—	—	—	150 000

	<i>Budget approved for 2019 by the Conference of the Parties at its first meeting</i>		<i>Updated budget approved for 2019 by the Conference of the Parties at its second meeting</i>	
	<i>General trust fund</i>	<i>Special trust fund</i>	<i>General trust fund</i>	<i>Special trust fund</i>
<b>Total (F)</b>	—	—	—	<b>150 000</b>
<b>G. Office maintenance and services</b>				
<b>15. Office maintenance and services</b>				
15.1. Office maintenance and services	160 000	—	160 000	—
<b>Subtotal</b>	<b>160 000</b>	—	<b>160 000</b>	—
<b>16. Information technology services</b>				
16.1. Information technology services	50 000	—	50 000	—
<b>Subtotal</b>	<b>50 000</b>	—	<b>50 000</b>	—
<b>Total (G)</b>	<b>210 000</b>	—	<b>210 000</b>	—
<b>Resources required for all activities</b>				
<b>Total (A to G), excluding programme support costs</b>	<b>3 400 950</b>	<b>3 155 000</b>	<b>3 610 950</b>	<b>3 553 000</b>
Programme support costs	442 124	410 150	469 424	461 890
<b>Total (A to G), including programme support costs</b>	<b>3 843 074</b>	<b>3 565 150</b>	<b>4 080 374</b>	<b>4 014 890</b>
<b>2018 savings applied</b>	—	—	<b>237 300</b>	—
<b>Total, 2019</b>	<b>3 843 074</b>	<b>3 565 150</b>	<b>3 843 074</b>	<b>4 014 890</b>
<b>Total resources for 2019</b>		<b>7 408 224</b>		<b>7 857 964</b>

Table 2  
Scale of assessments for the general trust fund for contributions for 2019<sup>a</sup>  
(United States dollars)

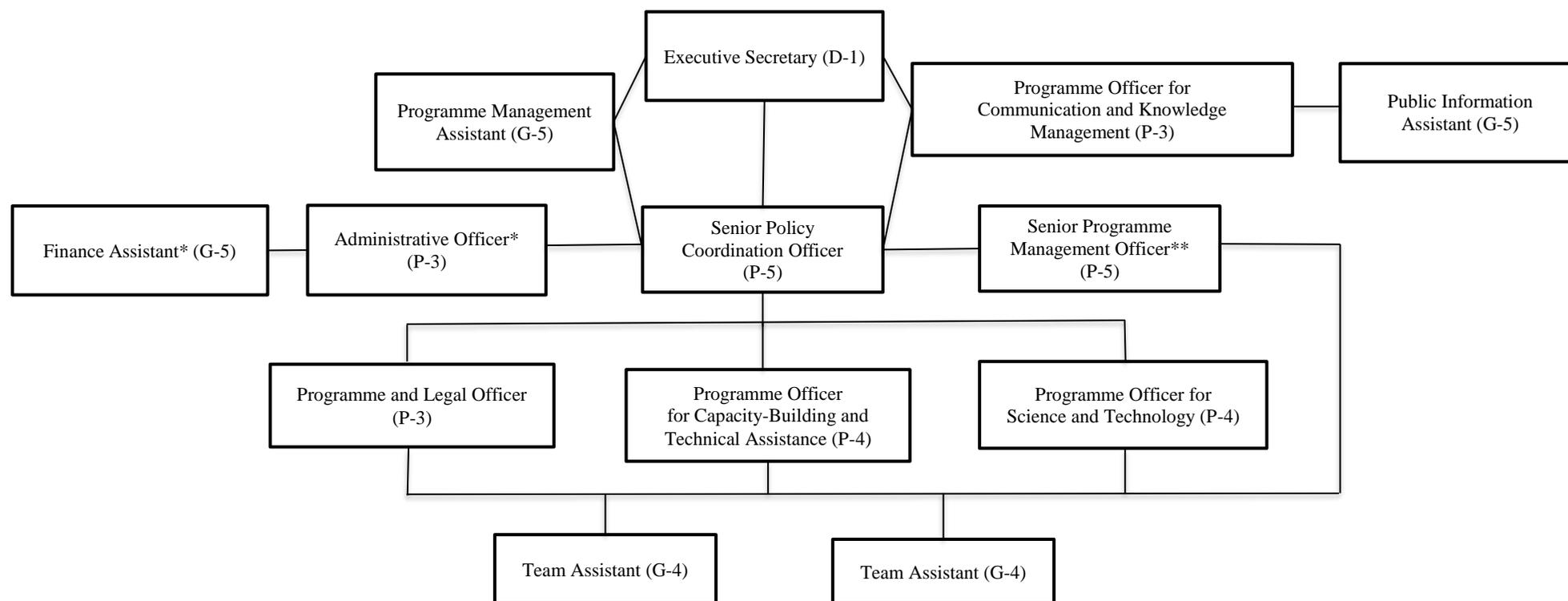
<i>Party</i>			<i>United Nations scale of assessments (percentage)</i>	<i>Minamata scale with 22 per cent ceiling and 0.010 per cent base (percentage)</i>	<i>Contribution to be covered by parties for 2019</i>
<i>Total</i>	<i>Group</i>	<i>Africa</i>			
1	1	Benin	0.003	0.010	329
2	2	Botswana	0.014	0.019	619
3	3	Burkina Faso	0.004	0.010	329
4	4	Chad	0.005	0.010	329
5	5	Djibouti	0.001	0.010	329
6	6	Eswatini	0.002	0.010	329
7	7	Gabon	0.017	0.023	752
8	8	Gambia	0.001	0.010	329
9	9	Ghana	0.016	0.022	707
10	10	Guinea	0.002	0.010	329
11	11	Lesotho	0.001	0.010	329
12	12	Madagascar	0.003	0.010	329
13	13	Mali	0.003	0.010	329
14	14	Mauritania	0.002	0.010	329
15	15	Mauritius	0.012	0.016	530
16	16	Namibia	0.010	0.013	442
17	17	Niger	0.002	0.010	329
18	18	Nigeria	0.209	0.281	9 239
19	19	Rwanda	0.002	0.010	329
20	20	Sao Tome and Principe	0.001	0.010	329

<i>Party</i>			<i>United Nations scale of assessments (percentage)</i>	<i>Minamata scale with 22 per cent ceiling and 0.010 per cent base (percentage)</i>	<i>Contribution to be covered by parties for 2019</i>
21	21	Senegal	0.005	0.010	329
22	22	Seychelles	0.001	0.010	329
23	23	Sierra Leone	0.001	0.010	329
24	24	Togo	0.001	0.010	329
25	25	Zambia	0.007	0.010	329
<i>Total</i>	<i>Group</i>	<i>Asia-Pacific</i>			
26	1	Afghanistan	0.006	0.010	329
27	2	China	7.921	10.648	350 159
28	3	India	0.737	0.991	32 580
29	4	Indonesia	0.504	0.677	22 280
30	5	Iran (Islamic Republic of)	0.471	0.633	20 821
31	6	Japan	9.680	13.012	427 918
32	7	Jordan	0.020	0.027	884
33	8	Kiribati	0.001	0.010	329
34	9	Kuwait	0.285	0.383	12 599
35	10	Lao People's Democratic Republic	0.003	0.010	329
36	11	Lebanon	0.046	0.062	2 033
37	12	Mongolia	0.005	0.010	329
38	13	Palau	0.001	0.010	329
39	14	Samoa	0.001	0.010	329
40	15	Singapore	0.447	0.601	19 760
41	16	Sri Lanka	0.031	0.042	1 370
42	17	Syrian Arab Republic	0.024	0.032	1 061
43	18	Thailand	0.291	0.391	12 864
44	19	United Arab Emirates	0.604	0.812	26 701
45	20	Viet Nam	0.058	0.078	2 564
<i>Total</i>	<i>Group</i>	<i>Eastern Europe</i>			
46	1	Armenia	0.006	0.010	329
47	2	Bulgaria	0.045	0.060	1 989
48	3	Croatia	0.099	0.133	4 376
49	4	Czechia	0.344	0.462	15 207
50	5	Estonia	0.038	0.051	1 680
51	6	Hungary	0.161	0.216	7 117
52	7	Latvia	0.050	0.067	2 210
53	8	Lithuania	0.072	0.097	3 183
54	9	Republic of Moldova	0.004	0.010	329
55	10	Romania	0.184	0.247	8 134
56	11	Slovakia	0.160	0.215	7 073
57	12	Slovenia	0.084	0.113	3 713
<i>Total</i>	<i>Group</i>	<i>Latin America and the Caribbean</i>			
58	1	Antigua and Barbuda	0.002	0.010	329
59	2	Argentina	0.892	1.199	39 432
60	3	Bolivia (Plurinational State of)	0.012	0.016	530
61	4	Brazil	3.823	5.139	169 001
62	5	Chile	0.399	0.536	17 638
63	6	Costa Rica	0.047	0.063	2 078

<i>Party</i>			<i>United Nations scale of assessments (percentage)</i>	<i>Minamata scale with 22 per cent ceiling and 0.010 per cent base (percentage)</i>	<i>Contribution to be covered by parties for 2019</i>
64	7	Cuba	0.065	0.087	2 873
65	8	Dominican Republic	0.046	0.062	2 033
66	9	Ecuador	0.067	0.090	2 962
67	10	El Salvador	0.014	0.019	619
68	11	Guyana	0.002	0.010	329
69	12	Honduras	0.008	0.010	329
70	13	Jamaica	0.009	0.010	329
71	14	Mexico	1.435	1.929	63 436
72	15	Nicaragua	0.004	0.010	329
73	16	Panama	0.034	0.046	1 503
74	17	Paraguay	0.014	0.019	619
75	18	Peru	0.136	0.183	6 012
76	19	Saint Kitts and Nevis	0.001	0.010	329
77	20	Suriname	0.006	0.010	329
78	21	Uruguay	0.079	0.106	3 492
<i>Total</i>	<i>Group</i>	<i>Western European and other States</i>			
79	1	Austria	0.720	0.968	31 829
80	2	Belgium	0.885	1.190	39 123
81	3	Canada	2.921	3.926	129 127
82	4	Denmark	0.584	0.758	25 817
83	5	European Union	2.500	2.500	82 215
84	6	Finland	0.456	0.613	20 158
85	7	France	4.859	6.532	214 799
86	8	Germany	6.389	8.588	282 435
87	9	Iceland	0.023	0.031	1 017
88	10	Liechtenstein	0.007	0.010	329
89	11	Luxembourg	0.064	0.086	2 829
90	12	Malta	0.016	0.022	707
91	13	Monaco	0.010	0.013	442
92	14	Netherlands	1.482	1.992	65 514
93	15	Norway	0.849	1.141	37 531
94	16	Portugal	0.392	0.527	17 329
95	17	Sweden	0.956	1.285	42 261
96	18	Switzerland <sup>b</sup>	1.140	1.532	50 395
97	19	United Kingdom of Great Britain and Northern Ireland	4.463	5.999	197 293
98	20	United States of America	22	22.000	723 492
<b>Total</b>				<b>100.00</b>	<b>3 288 599</b>

Annex to decision MC-2/12

Organizational chart of the secretariat of the Minamata Convention on Mercury



\* Posts supported by programme support resources.

\*\* Post supported by voluntary contributions.

## Annex II

### **MC-1/6 on the Specific International Programme to Support Capacity-Building and Technical Assistance, as finalized by the Conference of the Parties at its second meeting (November 2018)\***

*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 to Support Capacity-Building and Technical Assistance**

##### **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>1</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.

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\* This annex has not been formally edited.

<sup>1</sup> Without prejudging the decision on the hosting of the Minamata Convention secretariat.

4. Technical assistance and capacity-building activities under the 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.

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.<sup>2</sup>

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.

<sup>2</sup> As finalized at the second meeting of the Conference of the Parties.

## 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 parties. Each of the five United Nations regions shall nominate two members through their respective Bureau representatives.<sup>3</sup>
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.

<sup>3</sup> As finalized at the second meeting of the Conference of the Parties.

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**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.

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