Governing Structures under the Minamata Convention on Mercury

22 August 2023

Lara Ognibene, Legal Officer
Secretariat of the Minamata Convention
Overview of the Minamata Convention

Control Measures

- **Reduce the use and presence of mercury in the economy, industry and society**
  - Art. 3.3: No new primary mines
  - Art. 3.4: Existing mines - 15 years
  - Art. 3.5 (a): Stocks
  - Art. 3.5 (b): Excess mercury from decommissioned chlor-alkali facilities
  - Art. 3.6 – 3.10: Trade of mercury
  - Art. 4: Mercury-added Products
  - Art. 5: Manufacturing Processes
  - Art. 7: ASGM
  - Art. 10: Interim Storage
  - Art. 11: Mercury wastes
  - Art. 12: Contaminated sites

- **Reduce mercury to the environment**
  - Art. 8: Emissions
  - Art. 9: Releases

Enabling / Supportive Context

- Art. 13: Financial Mechanism
- Art. 14: Capacity-building, technical assistance and technical transfer
- Art. 15: Implementation and Compliance Committee
- Art. 16: Health aspects
- Art. 17: Information Exchange
- Art. 18: Public information, awareness and education
- Art. 19: Research, development and monitoring
- Art. 20: Implementation plans
- Art. 21: Reporting
- Art. 22: Effectiveness evaluation
- Art. 23: Conference of the Parties
- Art. 24: Secretariat
- Arts. 25-35: Various procedural articles

How is the Convention structured for action + support?
Overview the Financial Mechanism (Art.13)

GEF Secretariat
Washington

SIP
Geneva, Minamata Secretariat

GEF Council
GEF Assembly

www.gef.org

SIP Governing Board

www.mercuryconvention.org/en/specific-international-programme

MOU between the COP and the GEF was adopted at COP-2 and approved by GEF Council

COP-1, in MC-1/5 set out Guidance to the GEF, see LINK

COP-1, in MC-1/6 set out hosting, guidance and operational aspects of the SIP, see LINK.

- SIP Governing Board
- Hosting by the Secretariat
- COP Guidance
- Terms of Reference
- Specific Trust Fund

Global Environment Facility (GEF)

Minamata Initial Assessments, national action plans, mercury reduction and management projects

Specific International Programme

Capacity-building and technical assistance

Implementing Minamata Convention obligations

Financial mechanism
Article 15 of the Convention establishes a mechanism, including a Committee as a subsidiary body of the COP, to promote implementation of, and review compliance with, all its provisions.

The Article embodies the intention of negotiators to establish a mechanisms to support Parties in the implementation of and compliance with the Convention paying particular attention to their respective national capabilities.

The chair of the Committee is a member ex-officio of the COP Bureau.

The Committee shall examine both individual and systemic issues of implementation and compliance and make recommendations, as appropriate, to the COP.

The Committee consists of 15 members nominated by Parties and elected by the COP.

Committee may consider issues on the basis of:
- Written submissions from any Party with respect to its own compliance;
- National reports in accordance with Article 21; and
- Requests from the Conference of the Parties.
The COP requested the group of technical experts, in its decision MC-4/5, to develop the guidance on **best available techniques and best environmental practices** with a view to adopting the guidance pursuant to paragraph 7 of article 9 of the Convention at COP-5.

The COP requested the group of technical experts, in its decision MC-4/6, to develop a report to recommend and facilitate a COP-5 decision on the **thresholds for waste** falling under subparagraph 2 (c) of article 11 (waste contaminated with mercury and mercury compounds). The group was also requested to develop a guidance document on test methods to be used for the tier-2 threshold (0.15 mg/L in leachate) for tailings from mining other than primary mercury mining.

Article 22 of the Minamata Convention on Mercury states that the COP will evaluate the **effectiveness** of the Convention, beginning no later than six years after the Convention’s entry into force and periodically thereafter at intervals to be decided by the COP. In decision MC-4/11, the COP agreed to begin the first effectiveness evaluation of the Convention and **adopted the framework** for the effectiveness evaluation. Further in the same decision, the COP **established the Open-ended Scientific Group** to provide the COP with scientific data.
Conference of the Parties (Art.23)

The COP is the governing body of the Convention, established pursuant to its Article 23.

Through the decisions taken at its meetings, the COP keeps under continuous review and evaluation the implementation of the Convention.

Since entry into force in August 2017, the COP met 4 times (once every year during the first 3 years, subsequent ordinary meetings to be held every two years).

COP1 adopted the Rules of Procedure under which it would operate. It also adopted Financial Rules for itself and any of its subsidiary bodies, as well as financial provisions governing the functioning of the secretariat of the Convention. Both the rules of procedure and the financial rules included outstanding text to be considered further by the COP.

The COP is supported in its work by a Bureau, consisting of a President and nine Vice-Presidents, one of whom acting as Rapporteur. Since COP2, Bureau members commence their term at the closure of the meeting at which they are elected until the closure of the following ordinary meeting of the COP. Each of the five UN regional groups is represented by two Bureau members, elected from among the representatives of the Parties present at the meeting.
The functions of the Secretariat shall be:

(a) To make **arrangements for meetings** of the COP and its subsidiary bodies and to provide them with services as required;
(b) To **facilitate assistance to Parties**, particularly developing country Parties and Parties with economies in transition, on request, in the implementation of this Convention;
(c) To **coordinate**, as appropriate, with the secretariats of relevant international bodies, particularly other chemicals and waste conventions;
(d) To assist Parties in the **exchange of information** related to the implementation of this Convention;
(e) To prepare and make available to the Parties **periodic reports** based on information received pursuant to Articles 15 and 21 and other available information;
(f) To enter, under the overall guidance of the COP, into such **administrative and contractual arrangements** as may be required for the effective discharge of its functions; and
(g) To perform the **other** secretariat functions specified in this Convention and such other functions as may be determined by the COP.

The secretariat functions for this Convention shall be performed by the Executive Director of the United Nations Environment Programme, unless the COP decides to entrust the secretariat functions to one or more other international organizations.
Thank you for your attention

Secretariat of the Minamata Convention on Mercury
United Nations Environment Programme
11-13, Chemin des Anémones - 1219 Châtelaine, Switzerland

WEB: www.mercuryconvention.org
MAIL: MEA-MinamataSecretariat@un.org
TWITTER: @minamataMEA
#MakeMercuryHistory