



MINAMATA
CONVENTION
ON MERCURY



***Practical steps of the ratification,
acceptance, approval or accession
processes and notifications under the
Minamata Convention***



MINAMATA CONVENTION ON MERCURY



- This presentation is provided for information purposes and shall not be reproduced. It does not represent an interpretation of the Minamata Convention by UNEP or the Interim Secretariat and does not substitute the original authentic texts of the Convention as deposited with the Secretary General of the UN acting as the Depositary

Signature of the Convention (article 29)

- The Minamata Convention was open for signature for one year: from 10 October 2013 (its date of adoption) **until 9 October 2014**. 127 States and the European Union signed during this period.
- **Signature – formal expression of intent to be bound, but no legal obligation yet** - however, a signatory is obliged to refrain from acts which would defeat the object and purpose of the Convention, even before entry into force
- Signature is **subject to ratification** (or approval, or acceptance), but does not prejudice it.



Becoming a Party (article 30)

- Requires **deposit of an instrument of ratification, acceptance, approval or accession with the Depositary, the UN Secretary General**
- **Ratification, acceptance, approval, accession - similar means** by which a State establishes its consent to be bound by a treaty, depending on domestic legal or policy requirements
- **Entry into force for a country:** upon entry into force of the Convention (if ratification prior to the 50th instrument deposited) or 90 days after deposit date of its instrument



UNEP

MINAMATA
CONVENTION
ON MERCURY

Ratification process

Two distinct procedural acts usually involved:

1.Internal (national) level: procedure to be fulfilled before the state can assume the international obligations of the Convention. Often this involves approval by the national parliament.

2.External (international) level: process through which the State indicates its consent to be bound (by the deposit of its instrument of ratification -*acceptance, approval or accession* - with the Depositary)



MINAMATA
CONVENTION
ON MERCURY

Usual key steps of becoming a party

1. Carry out **national situation analysis** and collection of information, such as any legislative or administrative actions necessary for implementation
2. Make national **arrangements for policy coordination**, legislation, institutional arrangements etc.
3. **Contact authority responsible for issuing the instrument** and identify its signatory (Head of State or Government or Minister of Foreign Affairs)



UNEP

MINAMATA
CONVENTION
ON MERCURY

Usual key steps of becoming a party

4. Identify and undertake the **processes leading to endorsement** of the ratification, acceptance, approval or accession
5. Determine the **declarations and notifications** needed and desired at the time of deposit of its instrument
- 6. Prepare and sign the instrument of ratification (or...) and any instrument of declaration**, in the language as required by the national and procedures
- 7. Deposit instrument** with the Depositary



UNEP

MINAMATA
CONVENTION
ON MERCURY

Declarations submitted to the Depositary

- Declaration regarding the means of dispute settlement (art 25.2 & 3) - when ratifying, accepting, approving or acceding or at any time thereafter (optional)
- Declaration on the entry into force of any amendment to an annex (art. 30.5) – in its instrument of ratification, acceptance, approval or accession (optional)
- Optional and mandatory declarations impose legal obligations, so they must be signed by the Head of State, Head of Government or Minister for Foreign Affairs or by a person having full powers for that.



UNEP

MINAMATA
CONVENTION
ON MERCURY

Notifications to be transmitted in writing to the Secretariat

- General notification of consent to import mercury (art. 3.6 and 3.7) – at any time
- Application of the procedure in art 3.9 -- until the end of COP2
- Implementation of different measures or strategies to address products in Annex A Part I (art. 4.2) -- at the time of ratification or upon entry into force of an amendment to Annex A for the Party
- Registration of exemptions (art. 6.1) -- on becoming a Party or for products or processes that are added by an amendment to Annexes A or B, no later than the date upon which the applicable amendment enters into force for the Party



UNEP

MINAMATA
CONVENTION
ON MERCURY

Notifications to be transmitted in writing to the Secretariat

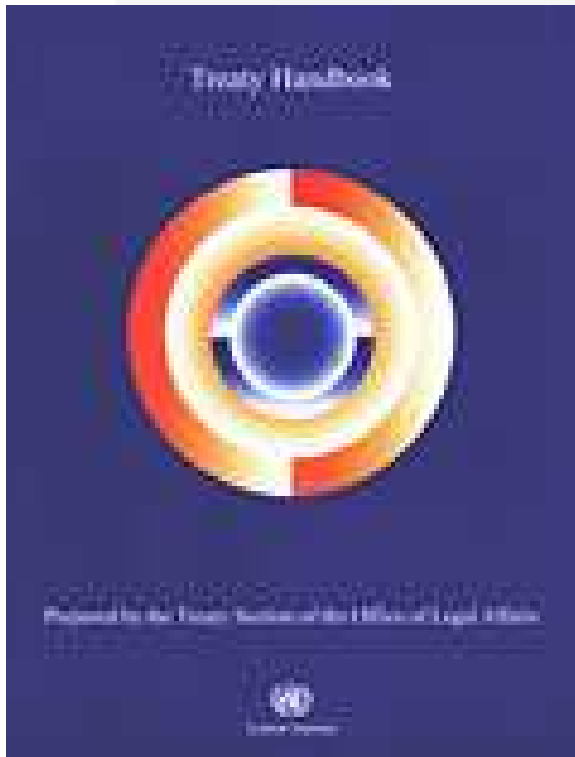
- Information on number and types of facilities using mercury or mercury compounds for processes in Annex B and amount of mercury (art 5.5) – no later than 3 years after becoming a Party
- Notification that artisanal and small-scale gold mining and processing is more than insignificant (art 7.3) -- at any time the Party makes this determination
- Information on measures to implement the Convention (art 30.4) – Parties encouraged to transmit it at the time of ratification (or acceptance, approval or accession).
- Designation of national focal point for information exchange (art 17.4)



UNEP

MINAMATA
CONVENTION
ON MERCURY

UN Treaty Section Handbook



- Available in the 6 UN languages on the UN Treaty section website
https://treaties.un.org/pages/Publications.aspx?pathpub=Publication/TH/Page1_en.xml
- Sets out general steps for expressing the consent to be bound
- Provides model instruments of Full Powers, ratification, acceptance, approval, accession and declaration

Key steps for instrument deposit

- 1. Prepare instrument** of ratification, acceptance, approval or accession as applicable
- 2. E-mail or fax copy** to the UN Treaty Section (New York) for review, preferably including a translation into English or French, where appropriate.
- 3. Deliver the original** instrument by hand or mail to the Treaty Section - Full Powers are not required for the person delivering the instrument
4. If the instrument is e-mailed or faxed for immediate deposit, deliver the original instrument to the Treaty Section as soon as possible thereafter.



UNEP

MINAMATA
CONVENTION
ON MERCURY