The Minamata Convention was adopted on 10 October 2013 and opened for signature for one year, until 9 October 2014. During this period, 127 states and one regional economic integration organization signed the Convention, bringing to 128 the total number of its signatories. The Convention entered into force on 16 August 2017, which was, as specified in its Article 31, the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

The signature is the formal expression of intent to be bound and become a party but it does not prejudice ratification. The signature does not bear legal obligation as such; however, a State is expected to refrain from acts that would defeat the object and purpose of a treaty it has signed.

Ratification, acceptance, approval, and accession are similar means by which a State establishes its consent to be bound by a treaty, depending on domestic legal or policy requirements.

Accession has the same legal effect as ratification, acceptance or approval and was opened from the day the Convention was closed for signature – on 10 October 2014. Unlike ratification, acceptance or approval, which are preceded by signature to create binding legal obligations under international law, accession requires only one step, namely, the deposit of an instrument of accession.

The text of the Minamata Convention is available in Arabic, Chinese, English, French, Russian and Spanish.

The six language versions of the Convention text are equally authentic. Certified true copies of the Convention in all official languages can be found here.

**Background**

The Minamata Convention was adopted on 10 October 2013 and opened for signature for one year, until 9 October 2014. During this period, 127 states and one regional economic integration organization signed the Convention, bringing to 128 the total number of its signatories. The Convention entered into force on 16 August 2017, which was, as specified in its Article 31, the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

The signature is the formal expression of intent to be bound and become a party but it does not prejudice ratification. The signature does not bear legal obligation as such; however, a State is expected to refrain from acts that would defeat the object and purpose of a treaty it has signed.

**How does a country become a party to the Minamata Convention?**

In order to become a party to the Minamata Convention, a State or a regional economic integration organization must demonstrate its willingness to undertake the legal rights and obligations contained in the Convention. In other words, it must express its consent to be bound by the Convention. In practical terms, under the Minamata Convention, a State must lodge with the depositary – the Secretary-General of the United Nations – its instrument of ratification, acceptance, approval or accession.

Usually ratification, acceptance, approval or accession involves two distinct procedural acts:

- The first act relates to the constitutional (internal) laws of a State and to the procedure that must be fulfilled before the State can assume the international obligations enshrined in the Minamata Convention. While the required process is defined by laws of each State and therefore unique to that State, this often involves approval by the national parliament.

- The second act deals with the external (international) level, which is the process through which the State indicates its consent to be bound by the Convention.

The usual main steps to be undertaken for becoming a party to an international treaty, including the Minamata Convention, may be summarized as follows:

1. **Carry out a national situation analysis and collect information**: The lead ministry/authority responsible for the Convention (such as the national authority or ministry involved in negotiating or implementing the Convention) prepares an analysis of the domestic situation of becoming a party to the Convention, of the steps to be taken, including any legislative or administrative actions that will be necessary for its implementation, and collects all relevant documentation. This information would be shared with other relevant authorities (e.g., other ministries) as part of the process of carrying out
Becoming a party to the Minamata Convention on Mercury

the steps listed below. If the country has undertaken a Minamata Initial Assessment (MIA), the MIA report would contain useful information for this step of the process.

2. **Make necessary national arrangements**: The lead ministry/authority should prepare the necessary arrangements at the national level to allow for policy coordination among the different concerned bodies and stakeholders to be involved in the process as well as the necessary legislative, administrative and institutional arrangements.

3. **Contact the authority responsible for issuing the instrument of ratification (or acceptance, approval or accession) and identify the signatory of the instrument**: The lead ministry/authority should consult with the government authority responsible for drafting ratification instruments and related documents (the “ratification package”) for international agreements. This is usually a legal unit within the Ministry of Foreign Affairs. The authority responsible for preparing the ratification package would identify who, at the national level, can take a decision on or approve ratification/accession of the Convention, recognizing that this decision might involve more than one part of the national governmental structure.

The decision or approval would provide the basis for the issuance of an instrument of ratification, acceptance, approval or accession for the Convention. The instrument must be signed by the Head of State, Head of Government or Minister for Foreign Affairs. *Templates are available* at UN Office of Legal Affairs, Treaties Section.

4. **Identify and undertake the processes leading to domestic approval of the ratification (or acceptance, approval or accession)**: The office of the authority or authorities vested with the power to decide on ratification (or acceptance, approval or accession) can advise on the steps that would lead to such domestic approval.

Provided that there is the political will to proceed, the office of such authority or authorities can indicate the necessary documentation and decision-making processes that have to be completed before the instrument can be signed and deposited with the Depositary.

In addition to obtaining necessary approvals of the authority or authorities (such as the administration of the head of State or head of Government, and the parliament or other bodies as may be relevant), such processes might include, if so required by relevant national laws and depending upon the specific circumstances of that State, passing new legislation, regulations and/or policies or revising the existing ones, a review by judicial bodies, and/or engagement of civil society.

Early consultation and cooperation among the responsible and interested entities is encouraged to enhance and facilitate the decision-making process.

5. **Determine the declarations or statements that may be necessary**: As part of the above decision-making process, the Government will need to determine the declarations and/or notifications it needs and wishes to make at the time of deposit of its instrument of ratification, acceptance, approval or accession.

Some declarations maybe included in the instrument of ratification itself (or acceptance, approval or accession), such as the declaration regarding the means of dispute settlement as per Article 25, paragraphs 2 and 3 and the declaration on the entry into force of any amendment to an annex as per Article 30, paragraph 5.

Optional and mandatory declarations impose legal obligations on the declarant and therefore 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 purpose issued by one of the above authorities.
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Under the Minamata Convention, notifications to be transmitted in writing to the Secretariat include:

- **Notifications under Article 3, paragraphs 6, 7 and 9.** The general notification of consent to import as per Article 3, paragraphs 6 and 7, may be done at any time. The time frame for notification of application of Article 3, paragraph 9 was until the end of the second meeting of the Conference of the Parties.

- **Notification regarding the implementation of different measures or strategies to address products listed in Part I of Annex A, as per Article 4, paragraph 2.** If the party wishes to notify the implementation of different measures or strategies, the declaration must be done at the time of ratification or upon entry into force of an amendment to Annex A for it.

- **Notification to register exemptions from the phase out dates in Annexes A and B as per Article 6, paragraph 1.** If an exemption is desired, such notification must be submitted on becoming a party to the Convention, 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.

- **Information on the number and types of facilities within its territory that use mercury or mercury compounds for processes listed in Annex B and the estimated annual amount of mercury or mercury compounds used in those facilities as per Article 5, paragraph 5.** Parties shall endeavour to identify these facilities and shall submit the above information to the Secretariat no later than three years after the date of entry into force of the Convention for it.

- **Notification that artisanal and small-scale gold mining and processing is more than insignificant, as per Article 7, paragraph 3.** Such notification must be done at any time the party determines such activity is more than insignificant in its territory. A model letter that could be used by the party for such a notification is available here.

- **Information on measures to implement the Convention as per Article 30, paragraph 4.** States are encouraged to transmit such information at the time of ratification (acceptance, approval or accession).

- **Each party is to designate a national focal point for the exchange of information, including with regard to the consent of importing parties under Article 3, as per Article 17, paragraph 4.** In order to make such national focal point known to other parties, the party should notify the Secretariat about the designated national focal point. If at any time the national focal point changes, the Secretariat should be notified. The form and sample letter to notify the designation of a national focal point is available here. The Secretariat posts there the contact information for national focal points.

Since a notification does not have the same legal effect as a declaration, it does not need to be signed by the Head of State, Head of Government or Minister for Foreign Affairs or by a person having full powers. It should be noted that some of the above notifications are made following a particular choice by the State while others are obligations on any party with a particular national situation (such as facilities present in the territory which use processes listed in Annex B, or parties which have artisanal and small-scale gold mining and processing that is more than insignificant). The Secretariat posts notifications here.
6. **Prepare and sign the instrument:** Following the completion of the domestic legislative procedures, where necessary for the approval of the Convention, and following the completion of the necessary national decision-making processes, the government office responsible for doing so will prepare the instrument of ratification, acceptance, approval or accession and any instruments of declaration. Model instruments of ratification, acceptance or approval in the six official UN languages are available here. In the practice of many countries, this responsibility belongs to the Ministry of Foreign Affairs. The authority entitled to do so will then sign the instrument. The instrument must be signed by the Head of State, Head of Government or Minister for Foreign Affairs.

7. **Lodge the instrument with the Depositary:** An instrument of ratification, acceptance, approval or accession to the Convention becomes effective only after it is deposited with the Secretary-General of the United Nations at UN Headquarters in New York. This is customarily done through the Permanent Mission of the relevant State to the UN in New York. Note that the instrument is not to be sent to the Minamata Convention Secretariat. The date of deposit is normally recorded as that on which the instrument is received at UN Headquarters. States are advised to deliver such instrument to the Treaty Section, Office of Legal Affairs of the UN directly to ensure that the action is promptly processed.

The usual steps for depositing the instrument include:

- Prepare the instrument of ratification, acceptance, approval or accession, as applicable, in the language as required by the laws and procedures of that State;
- E-mail or fax a copy to the UN Treaty Section for review (if the instrument is written in a language other than one of the six UN languages, a courtesy translation into one of the six UN languages could be included to facilitate its review);
- Deliver the original instrument by hand or mail to the Treaty Section;
- Full Powers are not required for the person delivering the instrument;
- If the instrument is e-mailed or faxed for immediate deposit, deliver the original instrument to the Treaty Section as soon as possible thereafter.

**Treaty Section**
Office of Legal Affairs (United Nations)
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United States of America
Fax: +1 212 963 3693
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Summary of the key steps of becoming a party

The UN Treaty Handbook, available in the 6 UN languages on the UN Treaty section website, contains further information on these issues, including model instruments.

Templates are available at UN Office of Legal Affairs, Treaties Section.

1. Carry out national situation analysis and collect information
2. Make necessary national arrangements
3. Contact national competent authority
4. Undertake national ratification process
5. Determine the need for declarations or statements
6. Prepare and sign the instrument
7. Lodge the instrument with the Depositary

When does the Minamata Convention enters into force for a party?

For each State or regional economic integration organization that ratifies, accepts or approves the Convention or accedes thereto after that date, the Convention will enter into force on the 90th day after the date of deposit of its instrument of ratification, acceptance, approval or accession.

The updated list of signatories and of States having deposited their instrument of ratification, acceptance, approval or accession is available here.

Are there financial obligations resulting from becoming a party to the Minamata Convention?

Parties to the Minamata Convention are obliged to adhere to its obligations, which include in Article 13 a requirement for each party to provide, within its capabilities, resources in respect of those national activities that are intended to implement the Convention, in accordance with its national policies, priorities, plans and programmes. Article 13 also defines a financial mechanism to support developing country parties and parties with economies in transition in implementing their obligations.

The parties also have financial commitments to support the operation of the Convention, its Conference of the Parties (COP), and the Secretariat through the General Trust Fund. Parties make contributions each year on the basis of an indicative scale of assessments of the United Nations, against the budget approved by the COP per biennium, and as stipulated by the Financial Rules of the Convention. The contributions are adjusted so as to ensure that no party contributes less than 0.01 per cent of the total, that no one contribution exceeds 22 per cent of the total and that no contribution from a least developed country party exceeds 0.01 per cent of the total.

In addition, parties can make voluntary contributions to two trust funds: the Special Trust Fund, to support capacity building and technical assistance activities of the Secretariat, participation of developing-country parties in meetings of the Conference of the Parties and its subsidiary bodies, as well as other appropriate purposes consistent with the objectives of the Convention; and the Specific Trust Fund to support the Specific International Programme (SIP) for direct assistance to eligible parties in support of capacity-building and technical assistance.

DISCLAIMER: The information contained in this document is presented for information purposes only and does not represent an interpretation of the text of the Minamata Convention on Mercury by UNEP or the Secretariat of the Minamata Convention. It does not substitute the original authentic texts of the Convention, as deposited with the Secretary General of the UN acting as the Depositary, available here.
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What are the benefits of becoming a party to the Minamata Convention?

Becoming a party to the Minamata Convention carries the requirement for compliance with a number of obligations, and creates certain benefits, including for eligible parties in terms of technical and financial assistance. Among the main advantages, joining the Convention allows a party to:

- Protect its own people’s health and environment from the harmful effects of mercury from anthropogenic sources.
- Benefit from global efforts to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.
- Influence the development and implementation of the Convention through participation in the decision-making process of the Conference of the Parties.
- Participate in trade regimes to manage mercury responsibly.
- Contribute to achieving its commitment to Sustainable Development Goals.
- Access capacity-building and technical assistance support for eligible parties through the Convention’s financial mechanism and through capacity building and technical assistance activities provided by the Secretariat.
- Improve information, awareness-raising and public education, especially through regular exchange of information and expertise and drawing also on the Secretariat and the UNEP Global Mercury Partnership.
- Improve research and development on mercury.
- Facilitate cooperation among parties and other stakeholders to support the implementation of Convention obligations.