

### Mercury-contaminated sites (Article 12)

UNEP(DTIE)/Hg/INC.7/20

- The treaty requires the COP to adopt guidance on managing contaminated sites. A comprehensive guidance that addresses Convention needs could facilitate ratification, MIAs, and prioritization of sites for efficient use of resources.
- INC7 delegates might consider requesting the secretariat to use the comprehensive contaminated sites guidance at the link below as the basis for preparing draft guidance on contaminated sites for consideration at the next meeting. Please see the intranet under “Other Submissions”, IPEN, *“Guidance on the identification, management and remediation of mercury contaminated sites”*
- INC7 delegates might also consider using the comprehensive contaminated sites guidance described above on an interim basis and reporting their experiences to the secretariat.

### ASGM and health (Articles 7 and 16)

UNEP(DTIE)/Hg/INC.7/17

- INC7 should provisionally adopt the ASGM NAP guidance with the additions described below and set a date for review of country experiences with the guidance.
- The ASGM NAP guidance should include formalisation of workers through a legal framework and licensing to improve miners’ health and reduce environmental damage.
- The ASGM NAP guidance should include a strong and replicable Local Action Plan component that promotes a collaborative approach among ASGM miners and associations, local authorities, and local health services with NGO support. The guidance currently relies completely on a national level approach which would be much more effective if combined with organized local actions.
- The ASGM NAP guidance should include a framework for sustainable contaminated site remediation which includes economic instruments such as cost recovery mechanisms directed at mercury suppliers. The guidance referred to above may be useful.
- The ASGM NAP guidance also should include a section on alternative sustainable livelihood opportunities for miners since many need information on other options when they become aware of ASGM health impacts.
- The ASGM NAPs should include recommendations to ban the use of mercury recovered from contaminated site remediation to prevent further use in ASGM.

### Mercury supply and trade: Forms, identifying stocks, further guidance (Article 3)

UNEP(DTIE)/Hg/INC.7/3, UNEP(DTIE)/Hg/INC.7/4, UNEP(DTIE)/Hg/INC.7/4

- Parties should make forms publicly available as part of efforts under Article 18 including the forms providing consent to import (Forms A and B), and the form providing non-party certification of the sources of mercury to be exported to a party (Form C).
- An individual stock should include the combined amount of mercury and mercury compounds under the control of an economic and/or legal entity and all of its subsidiaries and sub-contractors.
- To identify stocks, if sites have separate economic or legal identities, governments should combine these individual stocks under a “Minamata Convention” category to prevent orphan stockpiles.
- Entities that may store or use mercury should include gold processing shops and other parts of the ASGM supply chain along with facilities processing mercury-contaminated sites soil, water and other materials.
- All mercury held in military facilities should be disclosed to the relevant national Minamata Convention authority and included in publicly available inventory records.
- Limiting mercury supply and trade is key to advancing treaty goals. The Article 3 guidance should include all information parties need to make decisions on import. This should include information from the register of exemptions and any information on import consent identified in national reports.

## Mercury waste (Article 11)

UNEP (DTIE)/Hg/INC.7/19

- INC7 should adopt guidance for waste thresholds using the lowest possible level and resist the temptation to “clean up” wastes with weak standards since they will pose an ongoing threat to human health and the environment.
- To facilitate regulation and reduce analytical costs, total mercury should be measured and a total concentration standard should be used.
- Wastes with a concentration of 2 mg/kg or more mercury should be defined as mercury wastes. Note that current techniques for contaminated site remediation can reduce mercury to this level.

## BAT/BEP guidance (Articles 8 and 9)

UNEP (DTIE)/Hg/INC.7/6 Add 1, 2, 3 and 4, UNEP (DTIE)/Hg/INC.7/6 emissions

- INC7 should provisionally adopt the BAT/BEP guidance with the additions described below and set a date for review of country experience with the guidance.
- The BAT/BEP Guidance should include an overall waste management strategy that provides guidance on how to avoid creating new sources of mercury releases. This overall strategy should include some of the strategies currently mentioned only in the incineration section such as zero waste, waste minimization, medical waste management etc. This would help address issues of mercury sources from waste co-firing in cement kilns, power plants and/or metallurgical plants.
- The coal-fired power plant BAT/BEP Guidance should include a section outlining renewable energy sources such as wind, solar, wave, etc.

## Finance (Article 13)

UNEP(DTIE)/Hg/INC.7/7, UNEP(DTIE)/Hg/INC.7/8, UNEP(DTIE)/Hg/INC.7/9,  
UNEP(DTIE)/Hg/INC.7/14

- The chemicals agenda is underfunded. In GEF6, chemicals and wastes represent 12.5% of the portfolio.<sup>1</sup> Funding for mercury in GEF6 is \$141 million USD.<sup>2</sup> The increase in funding over GEF5 is primarily earmarked for mercury.
- The GEF Guidance should include funding for Article 22 (effectiveness evaluation).
- The GEF Guidance should retain, “Activities to implement provisions of the Convention that allow for reduction in Hg emissions and releases and address the health and enviro impacts of Hg.” Relevant activities for funding under this element should include Article 16 (health), Article 18 (public information), and Article 20 (NIPs).
- In Rule 7 of the Financial Rules, 9% would be an appropriate reimbursement amount for UNEP’s administrative support costs to maximize funds addressing mercury pollution.
- In the Annex to the financial rules paragraph 7, waiving the 13% programme support costs would be appropriate to enhance representation of eligible parties.
- The GEF guidance and the specific international programme should provide privileged access to Least Developed Countries (LDCs) and Small Island Developing States (SIDs). This might include, among others: assistance in developing funding proposals, reduction of co-finance requirements, and broader latitude in project eligibility.
- The specific international programme should undergo regular review to ensure it is meeting its objectives. The duration of the programme could be addressed in one of these regular reviews.
- The financial mechanism should include a needs assessment to ensure it is meeting Party needs.

## Reporting (Article 21)

UNEP(DTIE)/Hg/INC.7/10

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<sup>1</sup> \$4.43 billion USD for the GEF-6 period of which \$554 million USD is programmed under the chemicals and waste focal area (12.5%); \$1.26 billion USD for climate (28%) and \$1.3 billion for biodiversity (29%).

<sup>2</sup> Breakdown is as follows: POPs \$375 million USD; Mercury \$141 million USD; SAICM \$13 million USD; and ODS \$25 million USD; GEF6 Programming Directions; [https://www.thegef.org/gef/replenishment\\_docs/1043/40](https://www.thegef.org/gef/replenishment_docs/1043/40)

- In general, removal of brackets in the draft reporting format would be consistent with providing information outlined in the Convention.
- Aligning reporting with the three-year cycle applicable to ASGM could reduce multiple delivery dates and increase the rate of reporting.
- Once the Convention comes into legal force, eligible Parties should be able to receive financial assistance to prepare national reports. Montreal Protocol, CBD, and UNFCCC provide financial assistance with reporting and this is strongly associated with higher reporting rates.

### **Effectiveness evaluation (Article 22)**

UNEP (DTIE)/Hg/INC.7/12

- INC7 should request the secretariat to prepare a report on options for arrangements to provide monitoring data on mercury and mercury compounds in the environment, biotic media such as fish, and vulnerable populations.
- Elements of the monitoring component of effectiveness evaluation should include:
  - Robust data from developing and transition countries, noting existing data is primarily from developed countries and the northern hemisphere.
  - A subset of hotspot sites since these contribute to wider contamination by long-range transport consistent with mercury as a global pollutant.
  - Public release of results at the national level to raise awareness of mercury. This also should include informing biomonitoring participants of the pooled sample results upon request and providing information about the significance of the results.
  - Submission of information from relevant stakeholders in the information collection and compilation phase.
  - Compilation and reporting of data limitations and information gaps in the information analysis phase
- The effectiveness evaluation framework should include brief narrative information from countries that summarizes priority actions and constraints encountered.
- Meetings and the working groups of an effectiveness evaluation committee should include the participation of observers.

### **Rules of procedure (Article 23)**

UNEP(DTIE)/Hg/INC.7/13

- INC7 should support effective operation of the Convention by removing the brackets in Rule 45.1 to permit voting when all efforts at consensus have been exhausted.