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拟定一项具有法律约束力的全球性汞问题文书  
政府间谈判委员会  
第六届会议  
2014年11月3-7日，曼谷  
临时议程\*项目3(b)

为筹备《关于汞的水俣公约》开始生效和  
缔约方大会第一次会议而开展的工作：  
按照《公约》的规定应当由缔约  
方大会第一次会议予以决定  
的事项

**为关于获得和使用财政资源的总体战略、政策、方案优先重点  
和资格以及有待全球环境基金信托基金资助的各类活动的指示  
清单的初步指导草案提供投入**

#### 秘书处的说明

1. 《关于汞的水俣公约》在第十三条第五款中界定了一个提供充足的、可预测的和及时的财政资源的机制。该机制旨在支持发展中国家缔约方和经济转型缔约方履行其依照《公约》承担的各项义务。《公约》在同一条第六款中规定，这一机制应当包括全球环境基金（全环基金）信托基金以及一项旨在支持能力建设和技术援助的专门国际方案。这一财务机制的运作，尤其是涉及即将纳入该机制的专门国际方案的运作，在秘书处关于财务机制的初步审议的说明（UNEP(DTIE)/Hg/INC.6/20）中得到了讨论。
2. 《水俣公约》在第十三条第七款中规定，全环基金信托基金应当提供新的、可预测的、充足的和及时的财政资源，用于支付为执行缔约方大会所商定的、旨在支持本公约的执行工作而涉及的费用。它还规定，为了本公约之目的，全环基金信托基金应当在缔约方大会的指导下运作并对缔约方大会负责，该信托基金应当提供资源，用于支付所商定的全球环境惠益所涉及的增量成本，以及所商定的某些基础活动的全部费用，以及缔约方大会应当对此种财政资源的获得和使用所涉及的总体战略、政策、方案优先重点和资格和能够从全

\* UNEP(DTIE)/Hg/INC.6/1。

环基金信托基金获得资助的活动类别的指示清单提供指导。关于汞的水俣公约全权代表大会在其关于财政安排的决议的第 3 段中决定，政府间谈判委员会应当在暂行基础上制定并通过这样一项指导，以待缔约方大会在第一次会议上予以正式通过。

3. 全环基金大会考虑支持《水俣公约》，并在 2014 年 5 月于墨西哥坎昆举行的第五次会议上同意将其总额 1.41 亿美元的第六次充资分配用于根据《公约》开展的工作，具体如下：

(a) 开发和示范新工具和经济方法，从而以一种无害的方式管理有害化学品和废物：1 000 万美元；

(b) 支持各类扶持性活动并促使它们纳入国家预算和规划进程、国家和部门政策和行动以及全球监测：3 000 万美元；

(c) 减少或消除汞在环境中的人为排放和释放：7 800 万美元；

(d) 支持采用区域方法消除和减少最不发达国家和小岛屿发展中国家的有害化学品和废物：2 300 万美元。

4. 全环基金秘书处已经就资助扶持性活动、尤其是《水俣公约》的初步评估活动和制定关于手工和小规模采金业的国家行动计划提供了初步的准则。这项资助只有签署国能够获得。该准则已在针对第五次充资提交资助申请时得到采用。关于得到全环基金支持的各项活动的一份报告载于文件 UNEP(DTIE)/Hg/INC.6/INF/6。

5. 委员会在审议向全环基金提供的关于有待资助的各类活动的指示清单时，不妨考虑下列问题。首先，委员会不妨着眼于《公约》各缔约方有义务开展的活动。第二，委员会不妨就非强制性的、但能促进尽早执行《公约》或直接减少汞排放或释放的活动获得资助的条件问题提供指导。第三，委员会不妨针对扶持性活动提供额外的指导，以补充全环基金秘书处提供的指导。全环基金关于扶持性活动的指导载于本说明的一份附件中。

6. 在审议由各缔约方承担的《公约》义务所产生的活动类别时，应当注意，各缔约方根据下列条款有义务采取某些行动：第三条（汞的供应来源和贸易）；第四条（添汞产品）；第五条（使用汞或汞化合物的生产工艺）；第七条（手工和小规模采金业）；第八条（排放）；第九条（释放）；第十条（汞废物以外的汞环境无害化临时储存）；第十一条（汞废物）；第十二条（污染场地）；第十四条（能力建设、技术援助和技术转让）；第十七条（信息交流）；第十八条（公共信息、认识和教育）；第十九条（研究、开发和监测）；以及第二十一条（报告）。

7. 一些义务仅在某些情况下适用于缔约方，例如确定在本国领土内采用汞齐法从矿石中提取黄金的手工和小规模采金与加工已经超过了微不足道程度的缔约方，或者仅适用于存在相关排放源的缔约方。而其他义务则适用于《公约》的全体缔约国。

8. 在为全环基金制定指导时，可以视情况考虑优先安排《公约》规定的义务，尤其是铭记第十三条第八款，其中规定全环基金信托基金应当考虑到一项拟议活动在减少汞方面所具有的潜力及其所涉及的费用。

9. 在审议非《公约》下强制性的、但可以促进尽早执行或直接减少汞排放或释放的活动类别时，可以考虑的一项重要活动是制定实施计划。第二十条确定

了每一缔约方在进行初步评估后，均可制定并执行一项实施计划。实施计划在诸如《关于持久性有机污染物的斯德哥尔摩公约》等其他法律文件中是必需的，可以针对为圆满执行《公约》所需要开展的活动提供方向。

10. 全环基金秘书处提供的初步准则涵盖了扶持性活动，包括《水俣公约》的初步评估活动和制定关于手工和小规模采金业的国家行动计划。这些准则将持续有效直到政府间谈判委员会和缔约方大会根据全权代表大会通过的决议对它们进行了修订为止。

11. 初步准则的第一部分涉及初步评估活动，这部分指出，将为各国提供资金用以开展旨在确定本国的汞问题挑战以及各自现有法律法规框架在多大程度上足以使其能够履行《水俣公约》规定的未来义务。这些准则列举了受《水俣公约》管制的一些类别，以及可以作为初步评估的组成部分加以处理的内容。对初步评估活动的资助将限于 20 万美元，除非国家能够提出理由证明国内情况复杂因而需要获得更高级别的资助。

12. 初步准则的第二部分涉及编制关于手工和小规模采金业的国家行动计划，这部分要求国家将其境内的手工和小规模采金与加工已经超过微不足道程度的情况以书面形式通知秘书处。所涵盖的与制定国家行动计划有关的各项行动反映了《公约》附件 C 列明的内容。对制定国家行动计划的资助将限于 50 万美元，除非与初步评估活动的情况一样，某一国家国内情况的复杂性使该国有理由获得更高级别的资助。

13. 委员会不妨考虑拟定提供给全环基金的指导，尤其是有关确定优先重点在于资助《公约》规定义务的相关行动以及资助被认为有助于尽早执行《公约》的活动方面的指导。除此以外，委员会不妨就扶持性活动的初步准则向全环基金提供评论。最后，这些初步准则指出，在《公约》通过和生效之间的过渡时期，委员会可以就扶持性活动的资格标准提供进一步的指导。在这种情况下，委员会还不妨审议其他在实现批准方面取得了进展的工作，可用于使各国得以确保全环基金信托基金的资助，尤其是因为到委员会举行第六届会议之时，《公约》将不再开放供签署。

附件

[English only]



GEF/C.45/Inf.05/Rev.01  
January 24, 2014

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GEF Council Meeting  
November 5 – 7, 2013  
Washington, D.C.

**INITIAL GUIDELINES FOR ENABLING ACTIVITIES FOR THE  
MINAMATA CONVENTION ON MERCURY**

## TABLE OF CONTENTS

Introduction and Summary .....	1
The Role of the GEF .....	2
Section 1.....	3
Guidelines for Minamata Convention Initial Assessment Activities (MIA) .....	3
Definition .....	3
Country Eligibility .....	3
Preparation of Minamata Convention Initial Assessment Activities .....	4
Value of Grants .....	5
Minamata Convention Initial Assessment Activities.....	5
Section 2.....	6
Guidelines for the preparations of Artisanal and Small-Scale Gold Mining (ASGM) National Action Plans (NAPs) required under Article 7 .....	6
Country Eligibility .....	6
Preparation of ASGM National Action Plans .....	6
Value of Grants .....	7
ASGM National Action Plans .....	7

**INTRODUCTION AND SUMMARY**

1. At its 44<sup>th</sup> Meeting in June 2013, the GEF Council considered document GEF/C.44/04, *Preparing the GEF to serve as the Financial Mechanism of the Minamata Convention on Mercury upon entry into force* and in its decision, inter alia:

“Authorized the use of up to \$10 million for the funding of an early action pre-ratification program for the Minamata Convention to be programed during the remainder of GEF-5, upon request by eligible signatory countries.

Requested the GEF Secretariat to develop initial guidelines consistent with the final resolutions of the Diplomatic Conference for enabling activities and pre-ratification projects, in consultation with the interim Secretariat of the Minamata Convention, and present this as an information document at the 45<sup>th</sup> Council Meeting.”

2. The document containing the initial guidelines was originally presented to the 45<sup>th</sup> Council meeting as document GEF/C.45/Inf.05 for its information

3. After reviewing the initial guidelines, the Council requested the GEF Secretariat to circulate these guidelines to the Council members for comments, and thereafter prepare a revised version to be circulated in January 2014. The guidelines were circulated and comments from a number of Council members were received and incorporated into the revised version.

4. The revised guidelines are catalogued as GEF/C.45/Inf.05/ Rev.01.

5. This document is divided into two sections (Section 1 and 2) to cover programming of the \$10 million during the early action pre-ratification program and eligible enabling activities of the Minamata Convention.

6. Section 1 of this paper presents the initial guidelines for the development of “Minamata Convention initial assessment activities” (MIA). Section 2 of the paper presents the initial guidelines for the development of Artisanal and Small-Scale Gold Mining (ASGM) National Action Plans (NAP), in accordance with Article 7 (3) of the Convention.

7. The initial guidelines for these enabling activities will be used for programming the funds specifically approved by the 44<sup>th</sup> GEF Council in June 2013 for this purpose and will also be used to allocate resources in GEF 6 for these enabling activities.

8. These initial guidelines will be in effect until such time as they are revised by the Intergovernmental Negotiation Committee (INC) and the Conference of the Parties consistent with the resolution adopted by the Conference of Plenipotentiaries on the Minamata Convention on Mercury.

**THE ROLE OF THE GEF**

7. Article 13 of the Minamata Convention on Mercury establishes a financial mechanism that shall include the Global Environment Facility Trust Fund and a specific international Programme to support capacity-building and technical assistance.

8. Specifically Article 13 states the following:

“The Global Environment Facility Trust Fund shall provide new, predictable, adequate and timely financial resources to meet costs in support of implementation of this Convention as agreed by the Conference of the Parties. For the purposes of this Convention, the Global Environment Facility Trust Fund shall be operated under the guidance of and be accountable to the Conference of the Parties. The Conference of the Parties shall provide guidance on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources. In addition, the Conference of the Parties shall provide guidance on an indicative list of categories of activities that could receive support from the Global Environment Facility Trust Fund. The Global Environment Facility Trust Fund shall provide resources to meet the agreed incremental costs of global environmental benefits and the agreed full costs of some enabling activities.”

## SECTION 1

### Guidelines for Minamata Convention Initial Assessment Activities (MIA)

#### *Definition*

1. Enabling activities, as defined in the GEF Operational Strategy, represent a basic building block of GEF assistance to countries. These activities are a means to fulfill the communication requirements of a convention by providing the basic and essential information that will enable policy and strategic decisions to be made, or that will assist in developing plans that identify priority activities within a country. Countries that have carried out these activities would be enabled or have the ability to formulate direct sectoral and economy-wide programs to address global environmental problems, through cost-effective approaches within the context of national sustainable development efforts. Country-driven enabling activities will normally qualify for funding from the GEF when they are directly related to global environmental benefits, and/or consistent with the guidance from a convention.
2. The purpose of these guidelines is to assist an eligible party, if it so requires, to:
  - (a) assess its current regulatory framework in the context of preparation for a decision whether to ratify;
  - (b) decide if there is justification to notify the convention in accordance with article 7;
  - (c) To prepare to implement the obligations of the *Minamata Convention on Mercury* as soon as possible.

#### *Country Eligibility*

3. Consistent with paragraph 9 (b) of the GEF Instrument, in the interim period between adoption of the Convention and the COP1, as well as after the COP1, countries eligible to receive GEF funding for the Convention MIAs will be developing countries or countries with economies in transition:
  - (a) that have signed the Convention; and
  - (b) that are eligible for World Bank (IBRD and/or IDA) financing or eligible recipients of UNDP technical assistance through its target for resource assignments from the core (TRAC).
4. Meetings of the Intergovernmental Negotiation Committee (INC) in the interim period may provide further guidance on the eligibility criteria for enabling activities, including MIAs.
5. Further guidance on eligibility criteria may be provided by the COP after the Minamata Convention enters into force.



*Preparation of Minamata Convention Initial Assessment Activities*

6. MIA financing will be provided to countries in order to identify domestic mercury challenges and the extent to which existing legal and regulatory frameworks enable a country to implement future obligations under the Minamata Convention.

7. The list below includes specific issues to be addressed by the MIAs.<sup>1</sup> For countries that have already undertaken national assessments or chemical profiles that address elements of the below-referenced menu (e.g. Through assistance of the SAICM QSP), they are encouraged to draw on already available information.

8. The Minamata Convention has controls and/or phase out deadlines established for the following categories:

- (a) Mercury supply sources and trade (Article 3);
- (b) Mercury-added products (Article 4);
- (c) Manufacturing processes in which mercury or mercury compounds are used (Article 5);
- (d) Artisanal and small-scale gold mining (Article 7);
- (e) Emissions (Article 8);
- (f) Releases (Article 9).

9. The MIA exercise may, for example, include the following elements as applicable to the specific needs of an eligible country:

- (a) Review and assessment of legislation and policies in regard to the implementation of the provisions of:
  - (i) Article 3 – Mercury supply sources and trade, including import and export procedures;
  - (ii) Article 4 – Mercury added products
  - (iii) Article 5 – Manufacturing processes in which mercury or mercury compounds are used;
  - (iv) Article 7 – Artisanal and small-scale gold mining, including legislation and policy to cover formalization, worker health and safety;
  - (v) Article 8 – Emissions, specifically in regard to relevant national air pollution/emission standards and regulations; and
  - (vi) Article 9 – Releases, specifically in regard to the ability to identify and categorize sources of releases.
  - (vii) Article 10 - ensure that interim storage is undertaken in an environmentally sound manner.

<sup>1</sup> Towards the development of the MIA, countries are encouraged to refer to the Toolkit for Identification and Quantification of Mercury Releases as developed by UNEP. The Toolkit is intended to assist countries to develop a national mercury releases inventory.

- (viii) Article 11 – For Parties that are parties to both the Minamata and the Basel Convention to apply the definitions of the Basel Convention to wastes covered by the Minamata Convention
- (b) Initial inventory of mercury in the following categories:
  - (i) Stocks of mercury and/or mercury compounds, including an assessment of current storage conditions as well as an evaluation of potential storage needs in the future once the Convention is implemented;
  - (ii) Supply of mercury, including sources, recycling activities and quantities;
  - (iii) Sectors that use mercury and the amount per year, including manufacturing processes, ASGM and mercury added products; and
  - (iv) Trade in mercury and mercury containing compounds.
- (c) Identification of:
  - (i) Emission sources of mercury;
  - (ii) Release sources of mercury to land and water.
- (d) Assessment of the institutional and capacity needs required to implement the Convention, including the systems needed to report to the Convention under article 21, and identification of national institutions required to implement the Convention, including areas to be strengthened.
- (e) Development of appropriate strategies for identifying and assessing mercury contaminated sites.

10. Based on the relevant information collected during the MIA exercise described above, the MIA may also include the following :

- (a) National Mercury Profile, including identification of significant sources of emissions and releases, as well as inventories of mercury and mercury compounds;
- (b) Overview of structures, institutions, and legislation already available to implement the Convention;
- (c) Challenges to implementation, including identification of legal and/or regulatory gaps to be addressed prior to ratification
- (d) Capacity building, technical assistance as well as other needs required for the implementation of the Convention.

#### **VALUE OF GRANTS**

##### **Minamata Convention Initial Assessment Activities**

11. The amount of the grant will be determined on a case-by-case basis. Each grant should normally not exceed US\$200,000 unless the country can justify the additional amount due to the complexity of national circumstances.

## SECTION 2

**Guidelines for the preparations of Artisanal and Small-Scale Gold Mining (ASGM) National Action Plans (NAPs) required under Article 7***Country Eligibility*

1. Consistent with paragraph 9(b) of the GEF Instrument, in the period between adoption of the Convention and the COP1, countries eligible to receive GEF funding for the preparation of ASGM National Action Plans (ASGM NAPs) will:
  - (a) Notify the Secretariat of the Convention in writing that there is more than insignificant ASGM and processing in its territory (Article 7, para 3);
  - (b) Be developing countries or countries with economies in transition that have signed the Convention; and
  - (c) Be eligible for World Bank (IBRD and/or IDA) financing or be eligible recipients of UNDP technical assistance through its target for resource assignments from the core (TRAC).
2. Meetings of the Intergovernmental Negotiation Committee (INC) in the interim period may provide further guidance on the eligibility criteria for the ASGM NAP.
3. Further guidance on eligibility criteria may be provided by the COP after the Minamata Convention enters into force.

*Preparation of ASGM National Action Plans*

4. In accordance with paragraph 3 of Article 7 of the Convention and Annex C, the ASGM NAP will contain the following:
  - (a) National objectives and reduction targets;
  - (b) Actions to eliminate:
    - (i) Whole ore amalgamation;
    - (ii) Open burning of amalgam or processed amalgam;
    - (iii) Burning of amalgam in residential areas, and;
    - (iv) Cyanide leaching in sediment, ore or tailings to which mercury has been added without first removing the mercury;
  - (c) Steps to facilitate the formalization or regulation of the artisanal and small-scale gold mining sector;
  - (d) Baseline estimates of the quantities of mercury used and practices employed in artisanal and small-scale gold mining and processing within its territory;
  - (e) Strategies for promoting the reduction of emissions and releases of, and exposure to, mercury in artisanal and small-scale gold mining and processing, including mercury-free methods;

- (f) Strategies for managing trade and preventing the diversion of mercury and mercury compounds from both foreign and domestic sources to use in artisanal and small-scale gold mining and processing;
  - (g) Strategies for involving stakeholders in the implementation and continued development of the national action plan;
  - (h) A public health strategy on the exposure of artisanal and small-scale gold miners and their communities to mercury. Such a strategy should include, *inter alia*, the gathering of health data, training for health-care workers and awareness-raising through health facilities;
  - (i) Strategies to prevent the exposure of vulnerable populations, particularly children and women of child-bearing age, especially pregnant women, to mercury used in artisanal and small-scale gold mining;
  - (j) Strategies for providing information to artisanal and small-scale gold miners and affected communities; and
  - (k) A schedule for the implementation of the NAP.
5. In addition, a NAP may include additional strategies to achieve its objectives, including the use or introduction of standards for mercury-free artisanal and small-scale gold mining and market-based mechanisms or marketing tools.
6. The NAPs may carry out the following as appropriate:
- (a) Analysis and characterization of the ASGM sector, including the main mining areas, the miners/private sector involved with the relevant stakeholders, and the level of formalization
  - (b) Baseline consumption of mercury;
  - (c) Assessment of technically available and economically feasible techniques and technologies that can replace the use of mercury.

#### VALUE OF GRANTS

##### ASGM National Action Plans

7. The amount of the grant will be determined on a case-by-case basis. Each grant should normally not exceed US\$500,000 unless the country can justify the additional amount due to the complexity of national circumstances.
8. If a country intends to do both an MIA and an ASGM NAP the country must take steps not to replicate activities.