



Distr.: General
18 August 2014

Original: English



**United Nations
Environment
Programme**

**Intergovernmental negotiating committee
to prepare a global legally binding instrument
on mercury
Sixth session**

Bangkok, 3–7 November 2014

Item 3 (b) of the provisional agenda*

**Work to prepare for the entry into force of the Minamata
Convention on Mercury and for the first meeting of the
Conference of the Parties: matters required by the
Convention to be decided upon by the Conference of the
Parties at its first meeting**

**Input to preliminary draft guidance on overall strategies,
policies, programme priorities and eligibility for access to and
utilization of financial resources, and on an indicative list of
categories of activities to be funded by the Global Environment
Facility trust fund**

Note by the secretariat

1. In paragraph 5 of its article 13, the Minamata Convention on Mercury defines a mechanism for the provision of adequate, predictable and timely financial resources. The mechanism is designed to support developing country parties and parties with economies in transition in implementing their obligations under the Convention. In paragraph 6 of the same article, the Convention provides that the mechanism shall include the Global Environment Facility (GEF) trust fund and a specific international programme to support capacity-building and technical assistance. The operation of the financial mechanism, relating in particular to the specific international programme to be included in the mechanism, is discussed in the note by the secretariat on initial consideration of the financial mechanism (UNEP(DTIE)/Hg/INC.6/20).

2. In paragraph 7 of article 13, the Minamata Convention provides that the GEF trust fund shall provide new, predictable, adequate and timely financial resources to meet costs in support of implementation of the Convention as agreed by the Conference of the Parties. It also provides that for the purposes of the Convention the GEF trust fund shall be operated under the guidance of and be accountable to the Conference of the Parties, that the trust fund shall provide resources to meet the agreed incremental costs of global environment benefits and the agreed full costs of some enabling activities and that the Conference of the Parties shall provide guidance on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources, as well as guidance on an indicative list of categories of activities that could receive support from the GEF trust fund. In paragraph 3 of its resolution on financial arrangements, the Conference of Plenipotentiaries on the Minamata Convention on Mercury decided that the intergovernmental negotiating committee

* UNEP(DTIE)/Hg/INC.6/1.

should develop and adopt such guidance on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting.

3. In considering support for the Minamata Convention, the GEF Assembly, at its fifth meeting, held in Cancun, Mexico, in May 2014, agreed to an allocation in its sixth replenishment of \$141 million for work under the Convention, as follows:

(a) To develop and demonstrate new tools and economic approaches for managing harmful chemicals and waste in a sound manner: \$10 million;

(b) To support enabling activities and promote their integration into national budgets and planning processes, national and sector policies and actions and global monitoring: \$30 million;

(c) To reduce or eliminate anthropogenic emissions and releases of mercury to the environment: \$78 million;

(d) To support regional approaches to eliminate and reduce harmful chemicals and waste in the least developed countries and small island developing States: \$23 million.

4. The GEF secretariat has provided initial guidelines on access to funding for enabling activities, in particular for Minamata Convention initial assessment activities and for the development of national action plans on artisanal and small-scale gold mining. Access to the funding is available only for signatory countries. The guidance has been used in submitting proposals for funding under the fifth replenishment. A report on activities undertaken with GEF support is provided in document UNEP(DTIE)/Hg/INC.6/INF/6.

5. In considering guidance to be provided to GEF on an indicative list of categories of activities to be funded, the committee may wish to consider the following issues. First, the committee may wish to focus on activities that are obligatory for parties to the Convention. Second, the committee may wish to provide guidance on the conditions under which activities that are not obligatory, but which facilitate early implementation of the Convention or direct reductions of emissions or releases of mercury, may be funded. Third, the committee may wish to provide additional guidance in relation to enabling activities, to supplement the guidance provided by the GEF secretariat. The GEF guidance on enabling activities is provided in an annex to the present note.

6. In considering the category of activities that arise from obligations of parties under the Convention, it should be noted that there are certain obligatory actions for parties under the following articles: article 3 (Mercury supply sources and trade); article 4 (Mercury-added products); article 5 (Manufacturing processes in which mercury or mercury compounds are used); article 7 (Artisanal and small-scale gold mining); article 8 (Emissions); article 9 (Releases); article 10 (Environmentally sound interim storage of mercury, other than waste mercury); article 11 (Mercury wastes); article 12 (Contaminated sites); article 14 (Capacity-building, technical assistance and technology transfer); article 17 (Information exchange); article 18 (Public information, awareness and education); article 19 (Research, development and monitoring); and article 21 (Reporting).

7. Some obligations apply only to parties in certain circumstances, such as those that have determined that, in their territories, artisanal and small-scale gold mining and processing in which mercury amalgamation is used to extract gold from ore is more than insignificant, or parties with relevant sources of emissions. In other cases, obligations apply to all parties to the Convention.

8. In developing guidance for GEF, consideration may be given to prioritizing, as appropriate, the obligations under the Convention, particularly bearing in mind paragraph 8 of article 13, which provides that the GEF trust fund should take into account the potential mercury reductions of a proposed activity relative to its costs.

9. In considering the category of activities that are not obligatory under the Convention but which facilitate early implementation or direct reductions of emissions or releases of mercury, one key activity that may be considered is the development of implementation plans. Article 20 establishes that each party may develop and execute an implementation plan following an initial assessment. Implementation plans, which are required under other legal instruments such as the Stockholm Convention on Persistent Organic Pollutants, can provide direction on the activities to need to be undertaken to implement the Convention successfully.

10. The initial guidelines provided by the GEF secretariat cover enabling activities, including Minamata Convention initial assessment activities and the development of national action plans for artisanal and small-scale gold mining. The guidelines will remain in effect until such time as they are revised by the intergovernmental negotiating committee and the Conference of the Parties consistent with the resolution adopted by the Conference of Plenipotentiaries.

11. Section 1 of the initial guidelines, on initial assessment activities, indicates that financing will be provided to countries for activities aimed at identifying their domestic mercury challenges and the extent to which their existing legal and regulatory frameworks are sufficient to enable them to implement their future obligations under the Minamata Convention. The guidelines list a number of categories controlled under the Minamata Convention, as well as elements that may be addressed as part of the initial assessment. Funding for initial assessment activities will be limited to \$200,000, unless the country can provide justification for a higher level of funding due to the complexity of its national circumstances.
12. Section 2 of the initial guidelines, on the preparation of national action plans for artisanal and small-scale gold mining, requires that a country notify the secretariat in writing that there is more than insignificant artisanal and small-scale gold mining and processing in its territory. The actions covered in connection with the development of the national action plan reflect those set out in Annex C to the Convention. Funding for the development of national action plans will be limited to \$500,000, unless, as with initial assessment activities, a higher level of funding can be justified by the complexity of a country's national circumstances.
13. The committee may wish to consider proposing guidance to GEF, particularly in relation to establishing priorities for funding for actions relating to obligations under the Convention and funding for activities considered to assist the early implementation of the Convention. In addition, the committee may wish to provide comments to GEF on the initial guidelines for enabling activities. Finally, the initial guidelines indicate that in the interim period between adoption and entry into force of the Convention the committee may provide further guidance on the eligibility criteria for enabling activities. In this context, the committee may also wish to consider other efforts demonstrating progress towards ratification that could be used to enable countries to secure funding under the GEF trust fund, in particular since the Convention will no longer be open for signature by the time of the sixth session of the committee.

Annex

[English only]



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

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 44th 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 45th Council Meeting.”

2. The document containing the initial guidelines was originally presented to the 45th 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 44th 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.¹ 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.

¹ 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.