

IPEN Quick Views of Minamata Convention COP1

September 2017

The following is a summary statement of IPEN views on issues that COP1 will be called upon to address:

Mercury supply sources and trade (Article 3)

- Parties should go beyond the treaty requirements and implement their own export bans on mercury.
- COP1 should adopt guidance and associated forms to identify individual stocks of mercury or mercury compounds exceeding 50 metric tons, as well as sources of mercury supply-generating stocks exceeding 10 metric tons per year within their territory.
- COP1 should adopt all recommended guidance that regulates transboundary movement in relation to Article 3. This is critical to ensure that sources of mercury export and import between Parties and Non-Parties can be tracked, assessed and reduced over time.
- Mercury trade data should be reported to the Secretariat annually and posted on the Convention website.
- The issue of evaluating whether trade in mercury compounds compromises the objective of the Convention should be reviewed on a parallel timeframe to the review of Annex A and B of the treaty. The review should include mercuric sulphide, cinnabar, and other relevant compounds.

Reporting (Article 21)

- While timing of general implementation reporting on the Convention may be aligned with other conventions, reporting on trade and supply of mercury through data gathered in forms under Article 3 requirements should be completed annually to track global mercury trade effectively.
- Reporting by Parties on mercury production should also be mandatory and should be performed annually to supplement trade and supply data and help detect illegal trade.
- Under Article 8 para 7, Parties are obliged to create and maintain an inventory of mercury emissions. To assess the effectiveness of measures taken under the treaty, Parties should report details of their emissions inventories annually to the Secretariat and provide a link to the full inventory, which should be publicly available online (either solely for mercury or as a broader pollutant release and transfer registry- PRTR).
- If inventory reporting is considered “supplementary” and not mandatory, as is currently to be determined, one of the key evaluation methods for the effectiveness of the treaty will be compromised.
- Annual reporting on commodity grade mercury waste that has been disposed of or retired should also be mandatory to determine global mercury removal from the commodity.

Effectiveness evaluation (Article 22)

- COP1 should adopt the roadmap and process presented in meeting doc UNEP/MC/COP.1/12 Annex 1 to ensure that the draft strategy for establishing baseline monitoring data is adopted no later than COP2.
- A key aspect of the monitoring program is the establishment of an expert committee to assess data and strategic approaches to establishing harmonised monitoring protocols and appropriate baselines. The expert committee should be open to academic and civil society participation as is the case with the mercury BAT / BEP expert group and parallel entities under the Stockholm Convention.

ASGM National Action Plan (Article 7)

- COP1 should adopt guidance on ASGM National Action Plans (NAP) and note that Parties can be more rigorous in their jurisdiction.

- Governments should consider including these items in their NAP: banning mercury use in ASGM (immediately coupled with enforcement); inclusion of local stakeholders and miner's

associations in NAP implementation; and review of the governance of ASGM and formalisation of the sector.

- The NAP should include health interventions and monitoring for mining communities.
- Mercury use in ASGM should be rapidly replaced by physical and mechanical gold extraction processes or alternative livelihoods for miners.

Emissions (Article 8) and Releases (Article 9)

- COP1 should fully adopt BAT / BEP guidance on emissions and releases so that Parties can reduce mercury pollution from sources listed in Annex D and inventory ongoing emissions and releases.
- Some potentially very large sources of mercury emissions and releases are not listed in Annex D, such as vinyl chloride monomer (VCM) production and oil and gas production. COP1 should signal commitment to address these sources in the future and amend the BAT / BEP guidelines accordingly.

Environmentally sound interim storage (Article 10)

- The provisional guidance on storage should be adopted at COP1.
- Storage facilities should be assessed upon closure in a manner consistent with identification procedures for suspected contaminated sites.
- In the event that a facility is mercury contamination-free, a jurisdictional validation certification from an independent auditor should be issued to ensure such a status is recorded.

Mercury wastes (Article 11)

- All waste consisting of commodity grade mercury at or above 95% purity that is not destined for sale for allowable uses under the treaty should be deemed mercury waste and sent for permanent disposal (storage / retirement). All waste containing elemental mercury below 95% purity should be deemed "waste contaminated with mercury."
- All waste with mercury-containing discarded products such as thermometers and batteries should be deemed "mercury waste" until that mercury had been removed or recovered; no threshold should apply.
- All waste contaminated with mercury at a concentration of more than 1 ppm should be deemed "mercury waste."
- Mercury waste should not be defined by leachate thresholds as this dictates landfill disposal which is not environmentally sound.
- Incineration and landfill of mercury waste should be prohibited to prevent further releases.

Contaminated sites (Article 12)

- COP1 should adopt provisional contaminated sites guidance to allow countries to identify and assess mercury hotspots and report on their experience using such guidance at COP2.
- If further development is required to achieve final guidance, it should proceed via an expert group that includes civil society participation and presented for formal adoption at COP2.
- Norway, Chad, Congo, Mali, Sierra Leon and Senegal have submitted IPEN's *Guidance on the Identification, Management and Remediation of Mercury Contaminated Sites* to the Secretariat and recommended its use as the basis for treaty guidance. COP1 may consider adopting it as provisional guidance.

Financial resources and mechanism (Article 13)

- GEF should provide financing to developing countries and countries in transition to develop their inventories of emissions and releases and to build capacity to identify national sources.



- More clarity is required from the GEF regarding funding eligibility for Minamata Convention Implementation particularly with regard to parties and non-parties.

Health Aspects (Article 16)

- Encourage WHO through its regional and national offices to support and expand human biomonitoring for mercury in a parallel manner to the biomonitoring programs it already successfully operates for POPs.