

## IPEN intervention on Article 9 Draft Element Paper

Thank you Chair,

In regards with the Article 9 draft elements paper IPEN would like to comment as follow:

Artisanal and small-scale gold mining (ASGM) is ranked by UNEP as the second largest source of global mercury air emissions, contributing an estimated 18 percent of total air emissions from all sources. ASGM is also a very large source of direct mercury discharges to water systems. It causes severe occupational and community mercury exposure.

Although it brings money into communities, it also often causes local inflation which disrupts local economies and has the effect of making poor communities even poorer. With very high and rising gold prices, ASGM practices will continue to expand unless measures are imposed to control this practice. Draft Article 9 however appears to propose only voluntary measures for addressing ASGM. This could place Party efforts to address ASGM outside of the Convention compliance regime thus possibly making these activities ineligible for support from the Convention's financial mechanism.

Article 9 in the draft begins with an aspirational statement of intent, however, includes no real compliance obligations. All that Parties are actually obliged to do toward achieving this laudable aspirational goal is to "*consider taking measures.*" There are no obligations to actually do anything. The draft justifies this as providing Parties with "*flexibility and non-binding approaches.*" Whether intentional or otherwise, the draft also gives full flexibility to donor Parties with regard to whether or not they provide technical and financial assistance in support of measures to reduce and eliminate mercury use in small-scale gold mining.

Draft Article 9.2 indicates that technical and financial assistance in support of national measures to reduce and eliminate the use of mercury in gold mining will be voluntary. It states: "*Parties may cooperate with one another and with relevant intergovernmental organizations*" in the provision of technical and financial assistance and other related matters. In IPEN's view, costs associated with ambitious and effective national programs to reduce and eliminate mercury use in ASGM will be considerable. A robust global mercury control treaty will need to include obligations on donor Parties to provide substantial support to such programs.

Article 9 should be amended to require each Party with artisanal and small-scale gold mining on its territory to develop and implement a national action plan whose objective is to minimize and eliminate the use of mercury in ASGM include:

- A statement of national objectives, reduction targets, and measures that will be used toward achieving the targets;

- Measures the Party will take to protect the miners and community health, as well as the environment,
- Measures the Party will take to limit the mercury supply available to ASGM including how it will ban mercury imports and other sources of mercury supply to this sector;
- Measures the Party will take to prohibit, restrict, or discourage the practice of whole ore amalgamation – the worst of all gold mining practices; and
- Measures and mechanisms the Party will use to cover the externality costs such as clean up, remediate and rehabilitate ASGM sites after mining activity ends.

This approach gives Parties considerable flexibility, but it also places Party activities to reduce and eliminate the use of mercury in ASGM firmly within the Convention compliance regime and therefore makes these activities eligible for support from the Convention financial mechanism.

Thank you Chair