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

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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 for comments 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

10. Enabling activities, as defined in the GEF Operational Strategy, represent a basic building block of GEF assistance to countries. These activities are a means of fulfilling essential communication requirements of a convention by providing basic and essential level of information to enable policy and strategic decisions to be made, or assisting in plans that identify priority activities within a country. Countries 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.
11. 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

12. 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:
 - (a) developing countries or countries with economies in transition that have signed the Convention; and
 - (b) 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) .
13. Meetings of the Intergovernmental Negotiation Committee (INC) in the interim period may provide further guidance on the eligibility criteria for enabling activities, including MIAs.
14. 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

15. 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.
16. 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.
17. 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).
18. 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.

19. 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

20. 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

21. 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).
22. Meetings of the Intergovernmental Negotiation Committee (INC) in the interim period may provide further guidance on the eligibility criteria for the ASGM NAP.
23. Further guidance on eligibility criteria may be provided by the COP after the Minamata Convention enters into force.

Preparation of ASGM National Action Plans

24. 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.

25. 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.

26. 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

27. 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.

28. If a country intends to do both an MIA and an ASGM NAP the country must take steps not to replicate activities.