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 programmed 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 paper is divided into two sections to cover programming of the $10 million early ratification program and similar activities in the interim period between adoption and entry into force of the Minamata Convention and to cover additional eligible enabling activities in the interim period applicable to the post-GEF-5 period.

3. Section 1 of this paper presents the initial guidelines for the development of “Minamata Convention Initial Assessments” (MIA).

4. These guidelines apply to the period between adoption and entry into force up to the first Conference of the Parties of the Minamata Convention.

5. The guidelines for the MIAs will be used in programming the funds approved by the 44th GEF Council in June 2013 for this purpose and resources to be identified in GEF 6 for these activities.

6. As initial guidelines, they will be subject to revision, as needed, taking into account the decisions of future meetings of the Intergovernmental Negotiation Committee (INC) and of the Conference of the Parties (COP) to the Convention.

7. Section 2 of the paper presents the initial guidelines of enabling activities that are binding legal obligations. For the Minamata Convention, the development of an Artisanal and Small Scale Gold Mining (ASGM) National Action Plan (NAP) is legally binding on countries that have notified the Secretariat in accordance with Article 7 (3) of the Convention. For the purposes of the period between signature and ratification, the guidelines in section 2 will apply to parties who have notified the Secretariat of the Convention in the interim period.

8. Funding for National Action Plans are not included in the funds set aside in GEF-5 by the 44th Council, but will be eligible in the post GEF-5 period.
THE ROLE OF THE GEF

9. Article 13 of the draft Minamata Convention on Mercury establishes a financial mechanism that consists of the Global Environment Facility Trust Fund and a specific international programme to support capacity-building and technical assistance.

10. In regard to the GEF, Article 13 provides 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.”

11. To facilitate the early entry into force of the Convention, an initial assessment will enable a country to determine what is needed in order to ratify the Convention and, subsequently, to provide a basis for any further work towards implementation, including, inter alia, the development of the ASGM national plan, the emissions plan, and a NAP.
SECTION 1

Guidelines for Minamata Convention Initial Assessments (MIA)

Definition

12. Enabling activities, as defined in the GEF Operational Strategy, represent a basic building block of GEF assistance to countries. They are a means of fulfilling essential communication requirements of a Convention, providing basic and essential level of information to enable policy and strategic decisions to be made, or assisting in planning that identifies priority activities within a country. Countries thus enabled will have the ability to formulate and 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 full agreed costs funding from the GEF when they are directly related to global environmental benefits, and/or consistent with the guidance of a Convention.

13. The MIAs will be the basis for each country to collect information that will assist it in its decisions to ratify; to notify the convention in accordance with article 7; to develop its National Implementation Plan in accordance with Article 20; and to prepare a national plan to reduce emissions of mercury in accordance with Article 8.

Country Eligibility

14. In the interim period between adoption and entry into force, as well as during the post entry into force period, countries eligible to receive GEF funding for the Minamata Convention Initial Assessment (MIA) must be:

(a) Developing countries or countries with economies in transition that are signatory to the Convention; and

(b) Are eligible to borrow from the World Bank (IBRD and/or IDA) or are eligible recipients of UNDP technical assistance through its country Indicative Planning Figure (IDF).

15. Future meetings of the INC in the interim period may also provide guidance on the eligibility for the MIA.

16. After entry into force of the Convention, the COP will provide guidance on eligibility criteria.

Preparation of Minamata Convention Initial Assessment (MIA)

17. The Minamata Convention has controls and 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 actions by parties required under Articles 10, 11 and 12 of the Convention, will follow guidelines developed by the Conference of Parties and are therefore not eligible activities under these initial guidelines.

19. The Minamata Convention Initial Assessment will contain the following components:

(a) Assessment of Legislation and policies in regard to the implementation of the provisions of:
   (i) Article 3;
   (ii) Article 5;
   (iii) Article 7 (including legislation and policy to cover formalization, worker health and safety);
   (iv) Article 8 (specifically in regard to relevant national air pollution/emission standards and regulations);
   (v) Article 9 (specifically in regard to the ability to identify and categorize sources of releases).

(b) Initial Inventory of mercury in the following categories:
   (i) Stocks of mercury and/or mercury compounds and import and export procedures including an assessment of the storage conditions;
   (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;
   (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 to implement the convention including the systems needed to report to the Convention under article 21 and identification and strengthening needs of national institutions required to implement the convention.

20. Based on the data generated from the implementation of the MIA, the expected outcome will be a description of the following key areas:

(a) National mercury profile, including significant sources of emissions and releases, as well as inventories of mercury and mercury compounds;
(b) Structures, institutions, legislation already available to implement the Convention;
(c) Barriers that would hinder or prevent implementation;
(d) Technical and financial needs for implementation of the Convention, including resources from the GEF, national sources, bilateral sources, the private sector and others.
SECTION 2

Guidelines for the preparations of National Action Plans required under Article 7

Country Eligibility

21. In the period between adoption of the Convention and its entry-into-force, countries eligible to receive GEF funding for the preparation of National Action Plans (NAPs) must:

   (a) Notify the Secretariat 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 to borrow from the World Bank (IBRD and/or IDA) or be eligible recipients of UNDP technical assistance through its target for resource assignments from the core (TRAC).

22. After entry into force of the Convention, the COP shall provide guidance on eligibility criteria.

23. Future meetings of the INC may provide guidance on eligibility in the interim period.

Preparation of National Action Plans

24. In accordance with paragraph 3 of Article 7 of the Convention and Annex C, the 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 NAP;

(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. Each Party may include additional strategies in its NAP 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. In order to develop the contents described above the preparation of the NAPs should develop the following key elements:

   (a) Analysis of the ASGM sector, including the main mining areas, the miners/private sector involved, the relevant stakeholders, the level or formalization and other relevant information.

   (b) Baseline consumption of mercury and other harmful chemicals including cyanide;

   (c) Assessment of the health impacts of mercury use;

   (d) Assessment, including a cost-benefit analysis, of technically available and economically feasible techniques and technologies that can replace the use of mercury.

VALUE OF GRANTS:

Minamata Convention Initial Assessment (MIA)

27. The amount of the grant will be determined on a case-by-case basis, but should not exceed $200,000 unless it can be justified by the complexity of the national circumstances.

National Action Plan (NAP)

28. Will be determined on a case-by-case basis. The size of the project should not exceed 500,000 unless it can be justified by the complexity of the national circumstances.