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**United Nations  
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**Intergovernmental negotiating committee  
to prepare a global legally binding instrument  
on mercury  
Seventh session**

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Item 3 (c) 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 to the Convention: items to be  
adopted by the committee on a provisional basis pending  
formal adoption by the Conference of the Parties at its  
first meeting**

**Draft guidance to the Global Environment Facility on overall  
strategies, policies, programme priorities, eligibility for access  
to and utilization of financial resources and on an indicative list  
of categories of activities that could receive support from the  
Global Environment Facility Trust Fund**

**Note by the Secretariat**

1. The Minamata Convention on Mercury establishes, in paragraph 5 of Article 13, a mechanism for the provision of adequate, predictable and timely financial resources to support developing country parties and parties with economies in transition in implementing their obligations under the Convention. As laid out in paragraph 6 of Article 13, the mechanism includes the Global Environment Facility (GEF) Trust Fund and a specific international programme to support capacity-building and technical assistance.
2. With regard to the GEF Trust Fund component of the financial mechanism, the Minamata Convention further provides in paragraph 7 of Article 13 that it “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.” 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 Global Environment Facility Trust Fund”.

\* UNEP(DTIE)/Hg/INC.7/1.

3. 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. Those guidelines have been used in the submission of proposals for funding under the fifth and sixth replenishments of the Trust Fund.

4. At its sixth session, held from 3 to 7 November 2014 in Bangkok, the intergovernmental negotiating committee reviewed the initial GEF guidelines and adopted “guidance to the Global Environment Facility in implementation of the mercury programme of the GEF-6 chemicals and waste focal area strategy”.<sup>1</sup> In this guidance, the intergovernmental negotiating committee requested GEF, in providing financial support to developing countries and countries with economies in transition for activities under the Minamata Convention, to extend the eligibility for enabling activities to States that are non-signatories to the Convention, “provided that any such State is taking meaningful steps towards becoming a Party as evidenced by a letter from the relevant minister to the Executive Director of the United Nations Environment Programme and to the Chief Executive Officer and Chairperson of the Global Environment Facility”. This extension of eligibility was agreed to by the GEF Council in January 2015.

5. The intergovernmental negotiating committee also requested GEF to consider the following activities when providing financial resources to developing countries and countries with economies in transition:

(a) Enabling activities as outlined in the Initial Guidelines for Enabling Activities for the Minamata Convention on Mercury of the Global Environment Facility, particularly Minamata Convention initial assessment activities and national action plans for artisanal and small-scale gold mining, to facilitate ratification;

(b) Activities to implement the provisions of the Convention, affording priority to those that:

(i) Relate to legally-binding obligations;

(ii) Facilitate early implementation on entry into force;

(iii) Allow for reduction in mercury emissions and releases and address the health and environmental impacts of mercury.

6. In paragraph 3 of the resolution on financial arrangements<sup>2</sup> in the Final Act, the Conference of Plenipotentiaries decided that the intergovernmental negotiating committee should develop, and adopt provisionally pending formal adoption by the Conference of the Parties at its first meeting, guidance to the GEF Council on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources and an indicative list of categories of activities eligible for support from the GEF Trust Fund.

7. In line with that request and building on the “provisional guidance for the implementation of the GEF-6 chemicals and waste focal area strategy as it relates to mercury” adopted at the sixth session of the committee, the annex to the present note sets out draft additional details of what could entail guidance to GEF on overall strategies, policies, programme priorities, eligibility for access to and utilization of financial resources and an indicative list of categories of activities eligible for support from the GEF Trust Fund prepared by the interim secretariat. The interim secretariat has consulted with the GEF secretariat in the preparation of the draft guidance and has also taken into account the experience of the secretariat of the Basel, Rotterdam and Stockholm conventions.

8. The committee may wish to consider the draft guidance, adopt it on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting, and forward it to the next meeting GEF Council to guide its work during the remainder of the interim period, including the period after entry into force of the Convention and prior to the first meeting of the Conference of the Parties to the Minamata Convention and to inform the seventh replenishment of the GEF Trust Fund with regard to the Minamata Convention.

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<sup>1</sup> UNEP(DTIE)/Hg /INC.6/24, annex III, sect. I. A.

<sup>2</sup> UNEP(DTIE)/Hg/CONF/4, annex I.

## Annex

### **Draft guidance to the Global Environment Facility on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources as well as on an indicative list of categories of activities that could receive support from the Global Environment Facility Trust Fund**

1. Pursuant to Article 13 of the Minamata Convention on Mercury, the present guidance is intended to assist the Global Environment Facility (GEF) in fulfilling its role as one of the entities entrusted with the operation of the financial mechanism of the Minamata Convention.

#### **I. Eligibility for access to and utilization of financial resources**

2. To be eligible for funding from GEF as one of the entities comprising the financial mechanism of the Minamata Convention on Mercury, a country must be a developing country or country with an economy in transition and a party to the Convention.

3. Activities that are eligible for funding from the GEF Trust Fund are those that seek to meet the objectives of the Convention and are consistent with the present guidance.

#### **II. Overall strategies and policies**

4. 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, including costs arising from activities that:

- (a) Are country-driven;
- (b) Are in conformity with programme priorities as reflected in relevant guidance provided by the Conference of the Parties;
- (c) Build capacity and promote the utilization of local and regional expertise;
- (d) Promote synergies with other focal areas;
- (e) Promote multiple-source funding approaches, mechanisms and arrangements, including from the private sector; and
- (f) Promote sustainable national socioeconomic development, poverty reduction and activities consistent with existing national sound environmental management programmes geared towards the protection of human health and the environment.

#### **III. Programme priorities**

5. The GEF Trust Fund shall provide resources to meet the agreed incremental costs of global environmental benefits and the agreed full costs of some enabling activities.

6. In particular, it should give priority to the following activities when providing financial resources to developing country parties and parties with economies in transition:

- (a) Enabling activities, particularly Minamata Convention initial assessment activities and national action plans for artisanal and small-scale gold mining;
- (b) Activities to implement the provisions of the Convention, affording priority to those that:
  - (i) Relate to legally-binding obligations;
  - (ii) Facilitate early implementation on entry into force of the Convention for a party;
  - (iii) Allow for reduction in mercury emissions and releases and address the health and environmental impacts of mercury.

7. In providing resources for an activity, the GEF Trust Fund should take into account the potential mercury reductions of a proposed activity relative to its costs in accordance with paragraph 8 of Article 13 of the Convention.

## **IV. Indicative list of categories of activities that could receive support**

### **A. Enabling activities**

1. **Minamata Convention initial assessments (MIAs)**
2. **Preparation of national action plans for artisanal and small-scale gold mining in accordance with paragraph 3 of Article 7 and Annex C**
3. **Other types of enabling activities as agreed by the Conference of the Parties**

### **B. Activities to implement the provisions of the Convention**

#### **1. Activities to implement the provisions of the Convention that relate to legally-binding obligations**

8. When providing financial resources to eligible parties for activities to implement the provisions of the Convention, the GEF Trust Fund should afford priority to those activities that relate to legally-binding obligations of parties under the Convention. Such activities could include, inter alia:

(a) In relation to obligations under Article 3 (Mercury supply sources and trade), support for the actions required pursuant to paragraphs 4, 5 and 6;

(b) In relation to obligations under Article 4 (Mercury-added products), support for the actions required pursuant to paragraphs 1,3, 5 and 6;

(c) In relation to obligations under Article 5 (Manufacturing processes in which mercury or mercury compounds are used), support for the actions required pursuant to paragraphs 2, 3, 5, 6 and 7;

(d) In relation to obligations under Article 7 (Artisanal and small-scale gold mining), support for the actions required pursuant to paragraphs 2 and 3;

(e) In relation to obligations under Article 8 (Emissions), for parties with relevant sources of emissions, support for the actions required pursuant to paragraphs 3, 4, 5 and 7;

(f) In relation to obligations under Article 9 (Releases), support for the actions required pursuant to paragraph 3 and for parties with relevant sources of releases, the actions required pursuant to paragraphs 4, 5 and 6;

(g) In relation to obligations under Article 10 (Environmentally sound interim storage of mercury, other than waste mercury), support for the actions required pursuant to paragraph 2;

(h) In relation to obligations under Article 11 (Mercury wastes), support for the actions required pursuant to paragraph 3;

(i) In relation to obligations under Article 12 (Contaminated sites), support for the actions required pursuant to paragraph 1;

(j) In relation to obligations under Article 14 (Capacity-building, technical assistance and technology transfer), support for the actions required pursuant to paragraph 1;

(k) In relation to obligations under Article 17 (Information exchange), support for facilitation of the exchange of information listed in paragraph 1;

(l) In relation to obligations under Article 18 (Public information, awareness and education), support for the actions required pursuant to paragraph 2;

(m) In relation to obligations under Article 21 (Reporting), support for national reporting.

#### **2. Activities to implement the provisions of the Convention that facilitate early implementation on entry into force of the Convention for a party**

9. When considering activities to implement the provisions of the Convention that facilitate early implementation on entry into force, the GEF Trust Fund should also consider providing support for activities that, although they are not the subject of a legal obligation under the Convention, may significantly contribute to a party's preparedness to implement the Convention upon its entry into force for that country.

10. Such activities could include, inter alia, support for:

(a) The development by parties with relevant sources of emissions of national plans setting out the measures to be taken to control emissions and their expected targets, goals and outcomes in accordance with paragraph 3 of Article 8 (Emissions);

(b) The development by parties with relevant sources of releases of national plans setting out the measures to be taken to control releases and their expected targets, goals and outcomes in accordance with paragraph 4 of Article 9 (Releases);

(c) Capacity-building for the development of strategies to identify and assess sites contaminated by mercury or mercury compounds in accordance with Article 12 (Contaminated sites);

(d) Cooperation in the development and improvement of research, development and monitoring in accordance with paragraph 1 of Article 19 (Research, development and monitoring);

(e) Development of implementation plans following initial assessments pursuant to Article 20 (Implementation plans).

**3. Activities to implement the provisions of the Convention that allow for reduction in mercury emissions and releases and address the health and environmental impacts of mercury**

11. Activities to implement the provisions of the Convention that allow for reduction in mercury emissions and releases and address the health and environmental impacts of mercury may encompass activities relating to both the binding and non-binding provisions discussed above.

## **V. Review by the Conference of the Parties**

12. In accordance with paragraph 11 of Article 13, the Conference of the Parties will review, no later than at its third meeting, and thereafter on a regular basis, the level of funding, the guidance provided by the Conference of the Parties to GEF as one of the entities entrusted to operationalize the Mechanism established under this Article, its effectiveness and its ability to address the changing needs of developing country parties and parties with economies in transition. On the basis of such review, the Conference of the Parties will take appropriate action to improve the effectiveness of the financial mechanism, including by updating and prioritizing as necessary its guidance to GEF.

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