
Managing Mercury Trade for ASGM Under the Minamata Convention on Mercury



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South American Workshop on Regional
Cooperation to Support National Action Plans
for Artisanal and Small Scale Gold Mining

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Requirements related to Trade and ASGM

Trade Obligations under Article 3

- Restrictions on mercury sources permitted for use in ASGM
- Prior informed consent process
- Trade permitted only for:
 - “uses allowed” or
 - environmentally sound interim storage

ASGM Obligations under Article 7

- Create NAP, including national objectives and reduction targets
- Manage trade and prevent diversion to ASGM

Criteria For Trade Related to ASGM

- ✓ Consistent with Convention and National/Local Law
- ✓ NOT from primary mining sources (e.g., Mexico)
- ✓ NOT from “excess” chlor-alkali sources [para 5(b)]
- ✓ Consistent with NAP obligations
 - NOTE: ASGM is only a “use allowed” if consistent with a country’s NAP, including national objectives and reduction targets

Why Licensing Systems?

- Not required by the Convention, BUT:
- Licensing provides advantages for Convention compliance:
 - Creates foundation of legal trade system, and a basis of enforcement against illegal trade
 - Makes PIC easier to implement
 - Makes Convention reporting easier
 - Countries can compare import/export license data gathered under PIC to spot problems

Building a Licensing System

Legal framework - modification or new framework needed?



Who is current responsible authority?
Do you need a new one? Who will be PIC focal point under Article 17.4?



Who else must be involved in decision-making (roles/responsibilities under ASGM NAP)?

Elements for Trade Control

Elements

Rationale

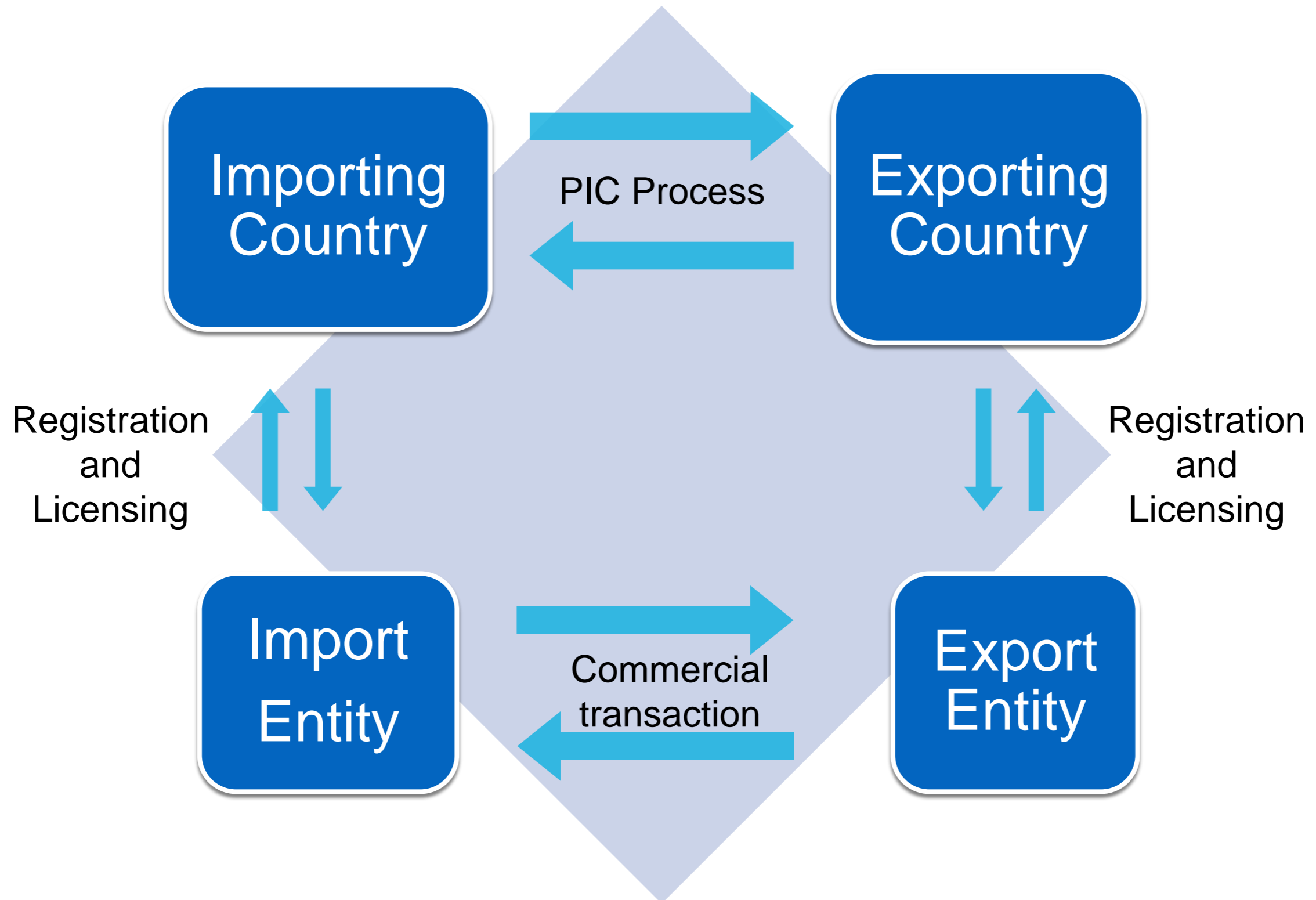
Registration Process

- Useful to determine legitimacy and to get data from past years

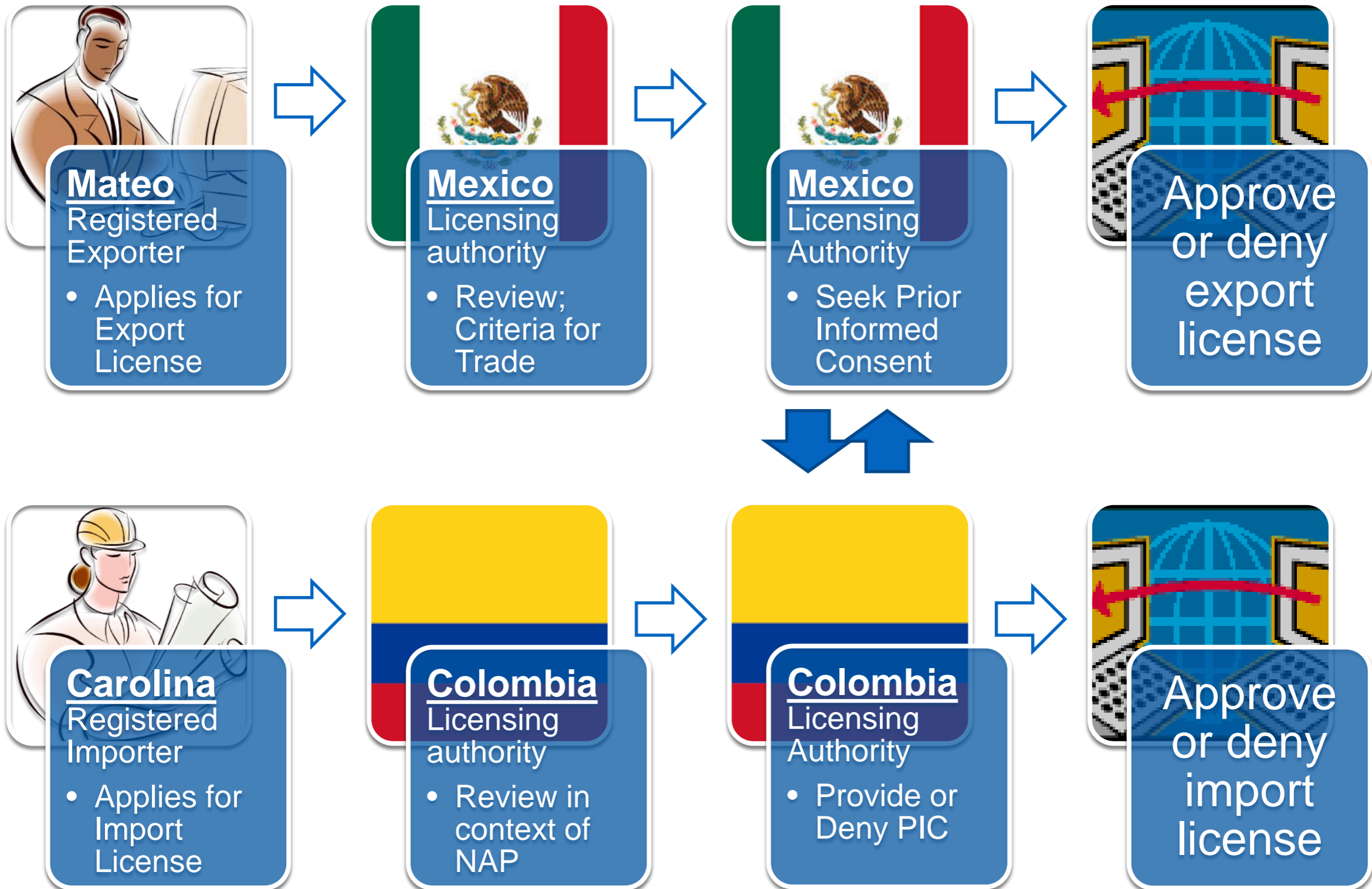
Shipment License

- PIC procedure on shipment basis
- Criteria for decision-making

Interaction of Licensing and Prior Informed Consent

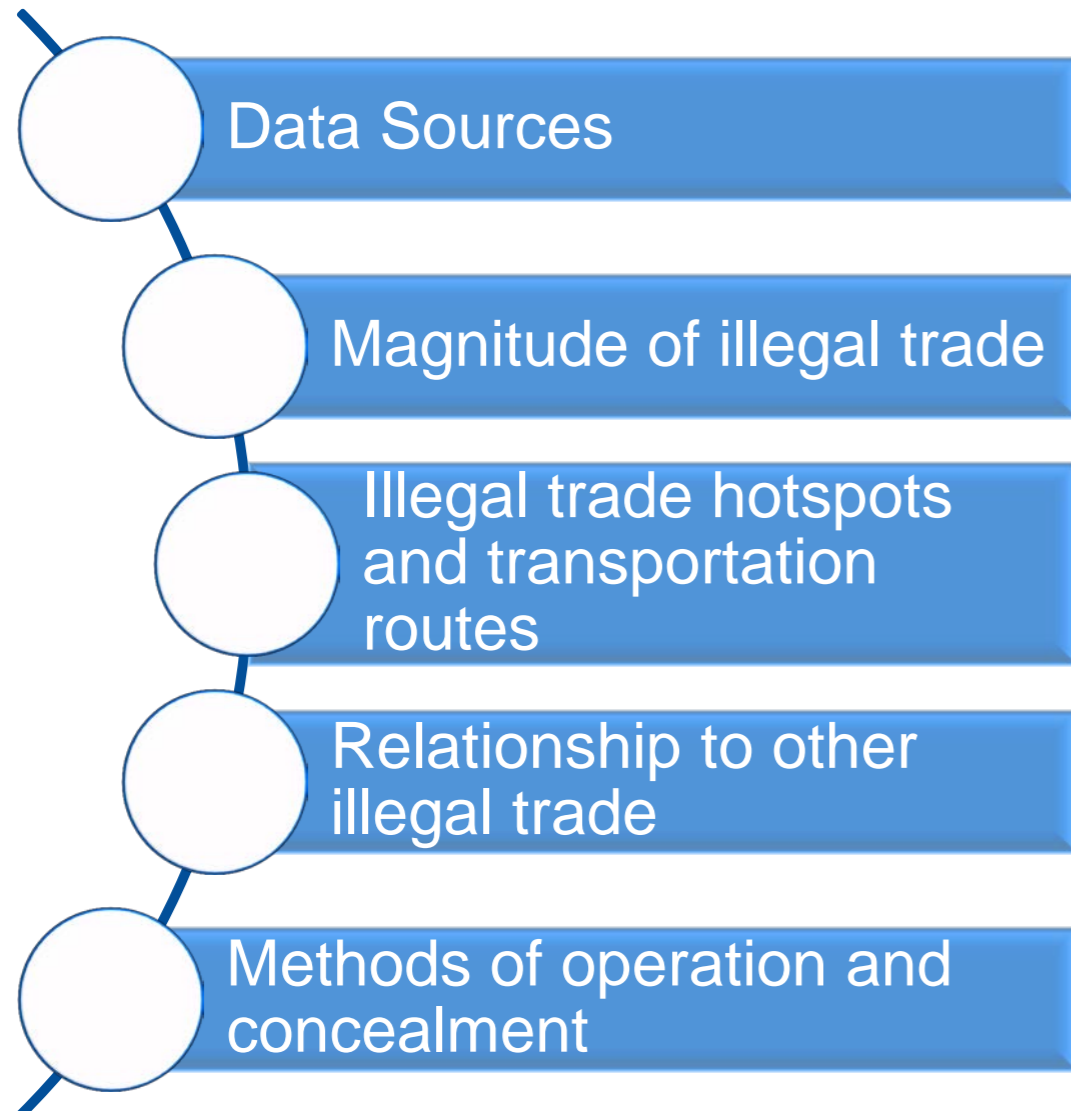


Licensing Process Example: Mateo and Carolina

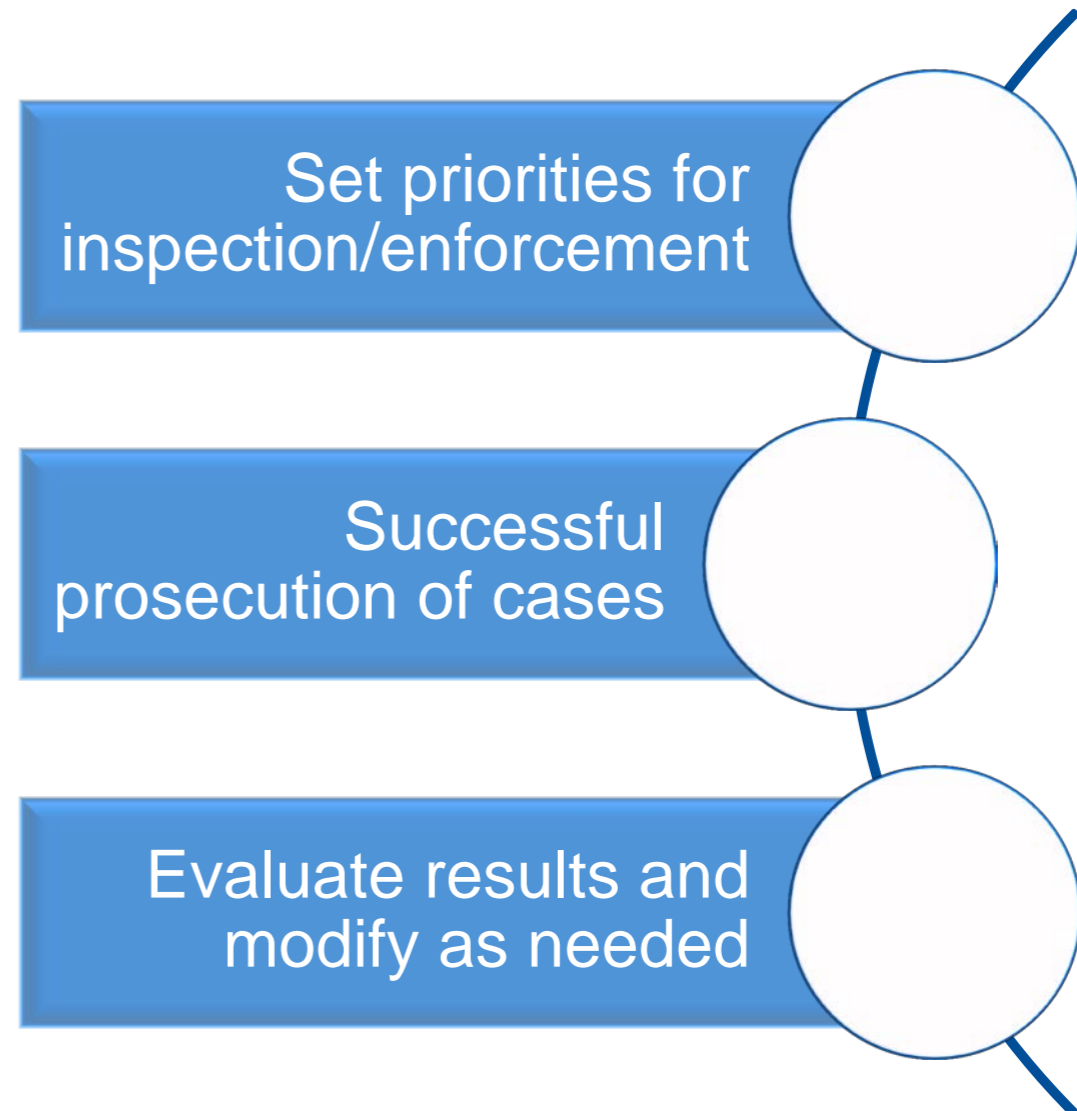


Illegal Trade Risk Assessment and Mitigation

Assessment



Mitigation



Crack Down on Smugglers and Prosecute Crimes

- Criminally prosecute offenders to the full extent of the law.
- Proper evidence collection and preservation is key to convictions (physical and documentary)
- Create deterrent effect by:
 - Significant penalties (consider minimum fines or prison terms)
 - Publicizing prosecution

Regional Cooperation Opportunities

Model or common
licensing systems or
forms

Enhanced PIC
procedures and sharing
to pinpoint and
discourage illegal trade

Regional
Trade System

Illegal trade risk
assessment and
mitigation

Customs training
materials and workshops;
sharing of information
on smuggling critical

Regional and International Resources

- Formal and informal enforcement networks
- Interpol
- World Customs Organization (WCO) and its Regional International Liaison officers
- International Network for Environmental Compliance and Enforcement (INECE) <http://inece.org/topics/chemicals/>
- Regional enforcement networks (REN)

Resources



Minamata Convention on Mercury
Ratification and Implementation Manual

David Lennett
Senior Attorney, Natural Resources Defense Council

and

Richard Gutierrez
Founder and Executive Director, BAN Toxics!

<http://www.nrdc.org/international/ftoxic.asp>




ODS IMPORT/EXPORT LICENSING SYSTEMS

RESOURCE MODULE

Phasing out ODS in Developing Countries

POLICY DESIGN AND SETTING UP OF LEGISLATION

United Nations Environment Programme
Industry and Environment

UNEP

[Elements of ODS import/export licensing systems](http://www.unep.fr/ozonaction/information/mmcfiles/3197)

<http://www.unep.fr/ozonaction/information/mmcfiles/3197>
-e.pdf

Resources

Curso de aprendizaje en línea sobre productos químicos y desechos peligrosos

Control
nida

MÓDULO TRES puntos 0 %

INTERPOL CONVENIO DE BASILEA CONVENIO DE ROTTERDAM CONVENIO DE ESTOCOLMO

BIENVENIDOS AL

CURSO DE APRENDIZAJE EN LÍNEA PARA FUNCIONARIOS ENCARGADOS DE LA APLICACIÓN DE LA LEY SOBRE PRODUCTOS QUÍMICOS Y DESECHOS PELIGROSOS

REGULADOS POR LOS CONVENIOS DE BASILEA, ROTTERDAM Y ESTOCOLMO

MÓDULO 3 CONTROL

[E-learning module on illegal trade risk assessment \(Chapter 3\)](http://synergies.pops.int/Default.aspx?tabid=3534)
<http://synergies.pops.int/Default.aspx?tabid=3534>

Curso de aprendizaje en línea sobre productos químicos y desechos peligrosos

Cooperación
nida

MÓDULO SEIS puntos 0 %

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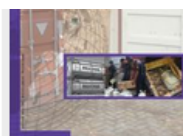
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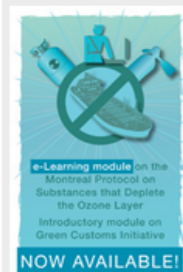
MÓDULO 6 COOPERACIÓN

[E-learning module on mechanisms for international collaboration \(Chapter 6\)](http://synergies.pops.int/Default.aspx?tabid=3534)
<http://synergies.pops.int/Default.aspx?tabid=3534>

Resources



Now in its third edition, this volume takes into account the developments in international trade and provides new material to reflect changes in the Montreal Protocol, Harmonised System codes, licensing systems and other relevant information since its original publication in 2001 and its second edition in 2008.



E-Learning Module for Customs Officers *(CLICK ON FLYER FOR MORE INFORMATION)*

UNEP OzonAction and the [World Customs Organization](#) are jointly developing an e-learning course devoted to the enforcement of the Montreal Protocol, which regulates the international trade of Ozone Depleting Substances. This new module, which will be launched later in 2009, will be based on the contents of the updated UNEP Training Manual for Customs Officers and reflect WCO's expertise in developing and delivering online training to customs officers worldwide. This collaboration is being undertaken within the framework of an ongoing agreement between the two organisations to cooperate in capacity building of customs officers to facilitate legal trade in ODS and to fight illegal trade in those substances. This initiative is also under the auspices of the [Green Customs Initiative](#), to which it is linked.



Enforcement Strategies for Combating the Illegal Trade in HCFCs and Methyl Bromide (2013)

This booklet provides guidance for establishing and implementing effective enforcement programs for preventing the illegal trade in HCFCs and methyl bromide. Drawing on lessons learned from earlier phase-outs, the booklet provides case studies, short examples and guidance from developed and developing countries. The booklet offers law enforcement officers numerous recommendations and highlights a variety of strategies, both simple and complex, that can be implemented with flexible approaches that maximize the efficient use of scarce human and financial resources.



Risk Assessment of Illegal Trade in HCFCs (2011)

Despite significant progress in tackling illegal trade in ozone-depleting substances over the past decade there is thought to be a significant threat in the near future of a dramatic increase in illegal trade in hazardous substances. This booklet provides a comprehensive overview of the issue of illegal trade in hazardous substances and offers a range of practical advice on the HCFC phase-out.

[Customs Training Materials](#)

<http://www.unep.org/ozonaction/Topics/Customs/tabid/6402/Default.aspx#CTM>

The Regional Enforcement Network for Chemicals and Waste (REN) is a project financed by the Swedish International Development Cooperation Agency (SIDA) and implemented by UNEP in 25 countries in Northeast Asian, South Asia and Southeast Asia (including Afghanistan, Bangladesh, Brunei, Bhutan, Cambodia, China, Fiji, India, Indonesia, Iran, Republic of Korea, Democratic Republic of Korea, Lao PDR, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Singapore, Sri Lanka, Thailand, Timor-Leste, and Vietnam). The Project focuses on the prevention and control of illegal transboundary movements of harmful substances and hazardous wastes (HSHW). It aims to build capacity and awareness about the issue of illegal trade in hazardous substances and offers a range of practical advice on the HCFC phase-out.

[Example of regional enforcement cooperation on illegal trade of chemicals and wastes](#)

http://www.projectren.org/project_information.php