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| UN Special Rapporteur on toxics and human rightsSpecial Procedures BranchUNOG-OHCHRCH-1211 Geneva 10,Switzerland  |
| Datum: 2.3.2022 |
| Subject: Call for inputs -Special Rapporteur on toxics and human rights–Questionnaire: Mercury, artisanal and small-scale gold mining and human rights |
| Dear Dr. Marcos A. Orellana |

IUCN NL investigated mercury trade for the artisanal and small scale gold mining (ASGM) sector under its *Shared Resources, Joined Solutions* Strategic Partnership (2016-2020). The investigated countries are: Bolivia, Suriname, Guyana, Kenya, Tanzania, Uganda, Burkina Faso and the Philippines. Based on the regional reports created by our partners (see links to reports at the end of this document), we compiled an overview report of common findings in our report “[Opening the black box: local insights into the formal and informal global mercury trade revealed](https://www.iucn.nl/app/uploads/2021/07/lr_mercury_brochure_digitaal_gebruik.pdf)”.

Please find information concerning Illegal Traffic and more specifically questions 9, 11 and 12 further below in the document.

For further questions, please do not hesitate to contact us.

With kind regards,



Barbara Hendus

Expert Conservation & Extractives

“[Opening the black box: local insights into the formal and informal global mercury trade revealed](https://www.iucn.nl/app/uploads/2021/07/lr_mercury_brochure_digitaal_gebruik.pdf)”

EXECUTIVE SUMMARY

BACKGROUND

Mercury is continually used in the artisanal and small-scale gold mining (ASGM) sector even though it is highly poisonous to both humans and the environment. There are an increasing number of projects, initiatives and conventions, including the Minamata Convention, working on the reduction of mercury use in ASGM. However, a long-lasting change away from mercury is hard to achieve and there seem to be mechanisms in place that prevent a mercury-free ASGM sector. As mercury trade and use is mostly regulated and restricted, a lot of mercury used for ASGM is traded informally. To better understand the factors at play, the mercury supply chain of both formal and informal mercury was investigated in eight countries with large ASGM sectors (Bolivia, Suriname, Guyana, Kenya, Tanzania, Uganda, Burkina Faso and the Philippines). Investigations on formal and informal imports, domestic trade routes, the supply chain and actors involved established a similar picture across the different regions.

IMPORTS, TRADE ROUTES AND SUPPLY CHAIN

Depending on the country, mercury enters via multiple formal and informal pathways. In the case of entrance through formal ports, mercury is either misdeclared and passes customs unnoticed or officials are bribed to look the other way. For informal entrance, similar pathways are used as for other smuggled goods. Large trading hubs are generally the capitals and larger cities. The mercury trading network is multilayered with importers, wholesalers and retailers involved. The networks are well established and generally operate in secret, as most of the trade is informal. High up in the supply chain, trade is based on trust and networks are difficult to infiltrate or understand. For many mining operations, the mine manager or operation owner is the person who buys mercury. The mercury can be bought at hardware and mining stores in the cities and larger mining towns or directly at the mining sites where local traders offer mercury. These traders are often, but not always, gold traders who also trade with mercury. In some cases, mercury gets supplied in advance and the price gets settled when miners sell the recovered gold to the same trader.

MAIN DRIVERS OF MERCURY TRADE

Miners, their families and surrounding communities are often the most negatively affected by mercury. However, while they are the end users, they are not the driving force behind the trade. Many miners are caught in multiple circuits that cause the continued use of mercury. Firstly, miners are trapped in a poverty cycle in which mercury is the only affordable method to produce gold. Within the second cycle, gold/mercury traders take advantage of the sector’s informality and generate trade mechanisms that guarantee the continued use of mercury. Through the trade with both minerals, power imbalance between miners and gold traders can occur. In these cases, traders create dependencies in which the miners have to keep using mercury and cannot easily break ties with the dealer (e.g. by providing mercury up front to be offset with the gold buying price and under the condition that the produced gold can only be sold to the same trader). The gold/mercury traders increase their profits through the trade with both minerals.

The investment necessary for changing to mercury-free extraction methods, are mostly unaffordable for the individual ASGM miners. Generally, the traders or investors of mining operations could afford investments, however, they have no incentive to do so as the trade with both mercury and gold is very lucrative. Instead, they create trade mechanisms that encourage miners to keep using mercury. Mercury trade is a lucrative business on all levels in the supply chain. It is often linked to the gold trade and in many cases the same actors are involved in both trades. Nonetheless, there are also actors involved that have no such links to gold trade and only trade with mercury.

**MAIN RECOMMENDATIONS**

A combination of factors is driving the continued use of mercury, including the lucrativeness of the trade, the informality of the ASGM sector, the poverty of many miners and the power imbalance between many traders and miners. Mercury governance within the focus countries has potential for improvement. To tackle the mercury problem, action should be taken that addresses the problem from all angles.

• Reliable data concerning formal mercury trade and the ASGM sectors of the countries is necessary to better understand mercury trade for ASGM.

• As informal trade is hard to tackle, we recommend improving legal trade regulations and monitoring for both mercury and gold within the different countries.

• Laws and regulations concerning mercury imports, domestic trade and use should be clarified.

• Yearly quotas for formal imports should be put in place.

• Licensing and monitoring schemes for domestic trade should be created and enforced.

• Custom agencies should receive training on recognizing, handling and storage of mercury.

• Environmentally sound interim storage facilities need to be created with monitoring schemes in place to guarantee safe keeping of confiscated mercury.

• There is the need for increased regional and international cooperation on informal trade. In many cases, the stricter implementation of regulations in one country led to a shift of imports into a neighboring country with looser regulations.

• To address the mercury problem at the level of the miners, the ASGM sectors should be formalized to provide miners with access to governmental support.

• Inclusive, long-term institutionalized support that facilitates the transition to mercury-free gold extraction techniques should continue. These should include research on the most affective extraction method for the mining site and include miners in the search for affordable and doable methods.

• Financing schemes that enable miners to access necessary equipment for these mercury-free techniques need to be put in place.

• Markets for mercury-free gold need to be enlarged and a certification scheme for mercury-free gold needs to be supported.

Implementing these recommendations would ensure that the power imbalance between miners and gold/mercury traders would be reduced and miners would have an incentive to change to mercury-free techniques.

**In depth reports**

For further information, the full report can be accessed in [English](http://www.iucn.nl/app/uploads/2021/07/lr_mercury_brochure_digitaal_gebruik.pdf), [Spanish](http://www.iucn.nl/app/uploads/2021/07/spanish_mercury_brochure_a4_digital_use.pdf) and [French](http://www.iucn.nl/app/uploads/2021/07/french_mercury_brochure_digital.pdf).

For more detailed information per country, please consult the regional mercury reports for [Burkina Faso](https://www.iucn.nl/app/uploads/2021/03/regional_mercury_report_burkina_faso.pdf), [East Africa](https://www.iucn.nl/app/uploads/2021/03/regional_mercury_report_ea.pdf), [Guyana](https://www.iucn.nl/app/uploads/2021/03/regional_mercury_report_guyana.pdf), [Philippines](https://www.iucn.nl/app/uploads/2021/03/regional_mercury_report_philippines.pdf), [Suriname](https://www.iucn.nl/app/uploads/2021/03/regional_mercury_report_suriname.pdf) and [Bolivia](https://www.iucn.nl/app/uploads/2021/03/regional_mercury_report_bolivia.pdf).

**Other platforms**

An overview over IUCN NL’s work on mercury can be found [here](https://www.iucn.nl/en/publication/iucn-nl-sheds-light-on-the-formal-and-informal-mercury-trade/).

Our partners, InfoAmazonia’s web platform with detailed information about Suriname and Guyana, can be found [here](https://mercurio.infoamazonia.org/en/).