

University of Oklahoma College of Law
International Human Rights Clinic
United States of America

Call for submissions “Mercury, artisanal and small-scale gold mining and human rights”

Special Rapporteur on toxics and human rights

Prepared by:

**Students:** Professor:

Megan McKenna, J.D. Candidate, 2022 Alvaro Baca

Hailey Moore, J.D. Candidate, 2022

Roxane M. Longeon, J.D. Candidate, 2023

Angela C. Powers, J.D. Candidate, 2023

Alexander Hilgartner, J.D. Candidate, 2022

Cami E. Edwards, J.D. Candidate, 2022

Haley R. Cook, J.D. Candidate, 2022

These inputs do not represent the official position of the University of Oklahoma or the College of Law, and the views presented here reflect only the opinions of the individual authors and of the International Human Rights Clinic.

**March 2022**

**Introduction**

The International Human Rights Clinic of the University of the Oklahoma College of Law (IHRC-OU) (United States of America) submits the following inputs to Special Rapporteur on toxics and human rights. We hope this information will be useful.

**Questionnaire**

**Controls on Mercury in Suriname**

1. **Has your country prohibited the a) import or b) export of elemental mercury?** Currently in Suriname import and export of mercury requires license. However, legal framework does not exist for restriction to licensing requirements.
2. **Has your country prohibited mercury use in artisanal or small-scale gold mining (ASGM) by law or regulation?** In Suriname, legal framework does not exist to prohibit the mercury used in artisanal or small -scale gold mining.
3. **What enforcement action and penalties apply to gold miners who use mercury, or to traders who supply mercury for this use, if such use is prohibited? Please share statistics on such actions.** In Suriname, enforcements actions or penalties do not exist for gold miners or traders who use mercury.
4. **If your country allows import of mercury but prohibits its use in ASGM, how do customs officers determine the end use of mercury at the point of import to ensure it is not directed to ASGM?** In Suriname, import mercury is allowed and legal framework does not exist that prohibit its use in ASGM, nor a mechanism to determine the end use of mercury.
5. **Are there tracking or certification processes to ensure that imported mercury is used according to its claimed purpose?** In Suriname, the legal frameworks of tracking or certification of these processes do not exist, nor the tariff heading harmonized codes to facilitate identification of product with mercury content**.**
6. **Are mercury importers registered on a government database and their activities periodically audited including the end use of the mercury they import? Are postal imports of mercury banned?** There is no official record of the importation of mercury.
7. **What remedies are available to persons in your country for pollution damages related to mercury exposure from ASGM activities?** In Suriname, remedies available to persons do not exist for pollution damages related to mercury exposure from ASGM activities.

**Illegal Traffic**

1. **What actions has your country taken to prevent the illegal importation, smuggling and distribution of mercury to ASGM activities?** In Suriname, legal frameworks do not exist, nor mechanisms ongoing in these issues.
2. **What are the greatest challenges your country faces in preventing illegal mercury imports and smuggling?** InSuriname, one of the great challenges is lacking adequate legal framework to prevent illegal mercury.
3. **Has your country established cooperative arrangements with bordering countries or at a regional level to combat illegal transboundary movement of mercury destined for ASGM activity?** In 2020,Suriname mentioned measures to be implemented in collaboration with French Guiana and Guyana. However, there are not yet any effective measures, nor exist a mechanism ongoing in this regard or setting up a reasonable time-limit for that.
4. **Are there instances of corruption among police, military or other officials involving the facilitation of mercury distribution in your country? What measures have been taken to address it?** There is no official record in this regard. However, specific law does not exist to combat the corruption, nor forbit the discretionary authority, the political influence or the absence of transparency, and clarity in the process of the registration of mercury distribution.
5. **Is there any information to suggest local or regional organised crime syndicates are distributing mercury to facilitate gold smuggling in your country?** There is no official record. However, specific legal frameworks do not exist that properly contains these activities.

**Minamata Convention**

1. **Has your country ratified the Minamata Convention on Mercury and if yes, what measures have been taken to eliminate mercury from ASGM, including its diversion to ASGM?** Yes, in 2020Suriname mentioned measures to be implemented. However, there are not yet any effective measures, nor exist a mechanism ongoing in this regard or setting up a reasonable time-limit for that.
2. **How could access to capacity building or technology transfer under the Minamata Convention Specific International Programme help your country to eliminate mercury pollution from ASGM?**

**Protections for Indigenous Peoples**

1. **What specific actions has your country taken to directly protect the health of indigenous peoples from mercury contamination related to ASGM?** In Suriname, specific legal framework does not exist that properly protect the health of indigenous and tribal peoples from mercury contamination related to ASGM, nor a mechanism ongoing in this issue.

However, the Wayana people – a group of indigenous communities that live along the rivers of Suriname, and the French Guyana border are one example of the many indigenous groups within the Amazon that are facing exponentially escalating health complications relating to ASGM practices, **since 1982**.

1. **Has any government or public forum for consultation with indigenous peoples about mercury pollution from ASGM been established?** In Suriname, specific legal frameworks do not exist in these issues.
2. **Have any mercury related health assessments or studies been conducted in your country that relate directly to the exposure of indigenous peoples to mercury pollution from ASGM activities and associated mercury pollution? Please describe or share.** InSuriname, assessments or studies in official records do not exist in these issues. However, in 2012 the Special Rapporteur on the rights of indigenous peoples sent communication to Suriname asking on the measures taken to address the health, environmental, social, and other impacts of small -scale mining activities on or near the traditional lands of Wayana communities. Not response from Suriname in the records of the OHCHR.
3. **What health services and advice does your country provide to indigenous peoples to either treat high mercury levels or to minimise their exposure to mercury through diet (e.g., fish) or direct exposure via ASGM activity?** In Suriname, mechanisms in these issues do not exist for indigenous and tribal peoples, nor a program ongoing.
4. **What constitutional or legal rights do indigenous peoples have to prohibit mercury based ASGM in their traditional lands and territories?** In Suriname constitutionals or legal rights do not exist for indigenous and tribal peoples to prohibit mercury based ASGM in their traditional lands and territories, nor a mechanism ongoing in this issue.

 **General**

1. Please provide any further information that you consider relevant for the purposes of this questionnaire.