



**Conference of the Parties to the
Minamata Convention on Mercury
Fifth meeting**

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Item 4 (c) of the provisional agenda*

**Matters for consideration or action by the Conference
of the Parties: artisanal and small-scale gold mining**

Needs and priorities of Indigenous Peoples and local communities with regard to the use of mercury in artisanal and small-scale gold mining

Note by the secretariat

1. In paragraph 3 of decision MC-4/4, on artisanal and small-scale gold mining, the Conference of the Parties requested the secretariat to compile views on the needs and priorities of Indigenous Peoples and local communities with regard to the use of mercury in artisanal and small-scale gold mining.
2. To give effect to the request, the secretariat, with the help of a consultant, developed a report to summarize and map the needs and priorities of Indigenous Peoples and local communities with regard to the use of mercury in artisanal and small-scale gold mining. The resulting report is set out in annex I to the present note and is presented without formal editing.
3. Also in response to the request in decision MC-4/4, the secretariat convened a meeting of representatives of Indigenous Peoples and local communities of the Amazonian countries on the use of mercury in artisanal and small-scale gold mining. The meeting was hosted by the Government of Brazil in Brasilia on 4 October 2023. A summary of the outcomes of the meeting, prepared by meeting participants, is set out in annex II to the present note and is presented as received by the secretariat, without formal editing.
4. The work described above was funded through generous contributions by Australia, Norway and Sweden.

* UNEP/MC/COP.5/1.

Annex I***Needs and priorities of Indigenous Peoples and local communities with regard to the use of mercury in artisanal and small-scale gold mining****1. Background and objective**

This report was developed in response to decision MC-4/4 by the Conference of the Parties to the Minamata Convention on Mercury, at its fourth meeting, where it requested the Secretariat “*to compile views on the needs and priorities of indigenous peoples and local communities with regard to the use of mercury in artisanal and small-scale gold mining*”.

The report aims to explore the intricate and complex relationships between Indigenous Peoples, local communities, ASGM and mercury pollution and identify the priorities of Indigenous Peoples and local communities across geographical regions and socio-economic contexts. It is hoped that the report will provide support for policy discussions underpinned by the recognition that Indigenous Peoples and local communities are among the most vulnerable populations to the impacts arising from the exposure to mercury pollution.

2. Introduction**2.1 Mercury and artisanal and small-scale gold mining****Overview**

Artisanal and small-scale gold mining (ASGM) typically takes place in informal, poorly regulated settings where miners use mercury to extract gold from ore through a process called amalgamation. In this process, mercury binds to gold particles, forming an amalgam, which is later heated to separate the two elements. This method, while relatively low-cost and accessible to small-scale miners, has negative ecological and human health consequences. Mercury vapor is released into the atmosphere during the heating process, and mercury-contaminated tailings pollute soil and waterways. Mercury persists in the environment, where it can transform into highly toxic methylmercury and accumulate in the food chain, posing long-term health risks to both humans and wildlife.

Artisanal and small-scale gold mining (ASGM) provides livelihoods for millions of people around the world, particularly in developing countries where formal employment opportunities may be limited. ASGM is typically characterized by low capital investment and high labour intensity, and can include a wide range of practices, from individual miners using basic tools and manual processes to more organized and mechanized operations involving several miners. The ASGM sector contributes with approximately twenty percent of the gold traded globally.

Mercury is commonly used in ASGM for the extraction of gold from ore. Mercury is mixed with crushed or milled ore or with alluvial sediments containing gold to create a heavy amalgam that binds gold particles to mercury. Amalgams are heated to vaporize the mercury and to leave behind the concentrated gold. In some cases, miners attempt to recover and reuse the mercury by condensing the vaporized mercury and collecting it for future use.

According to the Global Mercury Assessment 2018 (UNEP 2018), ASGM is the largest source of mercury emissions and releases to the environment, accounting for 38% of total anthropogenic emissions into the atmosphere. According to the assessment, in 2018, ASGM released approximately 1,220 tons of mercury into the land and aquatic environments of South America (53%), East and South-East Asia (36%), and sub-Saharan Africa (8%). The total emissions and releases from ASGM globally are estimated at approximately 2,058 tons annually.

Mercury is highly toxic and can lead to serious health problems for miners, their families, and nearby communities. Through improper handling and disposal, mercury also results in contamination of soil and water, loss of biodiversity and degradation of ecosystems. Humans who live near ASGM sites where mercury is used and who consume large amounts of fish high in mercury are particularly vulnerable to impacts of mercury. Through long-range transport and cycling, mercury from ASGM also affects people who are far removed from the mining and processing sites.

* The annex is presented without formal editing.

2.2 Artisanal and small-scale gold mining and the Minamata Convention on Mercury

Overview

In accordance with Article 7 of the Convention, each Party that has artisanal and small-scale gold mining and processing within its territory shall take steps to reduce, and where feasible eliminate, the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from, such mining and processing. Each Party shall notify the Secretariat if, at any time, the Party determines that artisanal and small-scale gold mining and processing in its territory is more than insignificant. If it so determines, the Party shall: (a) develop and implement a national action plan in accordance with Annex C; (b) submit its national action plan to the Secretariat no later than three years after the Convention has entered into force for the Party or three years after the notification to the Secretariat, whichever is later; and (c) provide a review every three years of the progress made in meeting obligations under Article 7 and include such reviews in its reports pursuant to Article 21.

The Minamata Convention on Mercury aims to protect human health and the environment from the harmful effects of mercury from man-made sources and processes. The Convention seeks to control mercury emissions, releases, and exposures throughout the lifecycle of mercury, from its mining to its environmentally sound disposal. The Convention also sets out strategies to prevent the exposure of vulnerable populations, particularly children and women of child-bearing age, especially pregnant women.

The Minamata Convention is the only international legally binding multilateral agreement to address the use of mercury in ASGM. Article 7 of the Convention sets out the obligations for Parties to reduce and, where feasible, eliminate the use of mercury in ASGM within their territories, while Annex C contains steps and strategies that Parties, having determined that artisanal and small-scale gold mining and processing in their territories is more than insignificant, shall include in their national action plans.¹

In its decision MC-4/4, the Conference of the Parties adopted updated guidance on the development of national action plans on ASGM and called upon Parties to engage Indigenous Peoples, local communities and other relevant stakeholders in the development and implementation of such plans. The updated guidance contains best practices for minimizing the generation of mercury-contaminated tailings that includes ensuring the engagement of Indigenous populations, including from territories in conflict, in the decision-making process for sound tailings management aimed at protecting human health and the environment.

Efforts to implement the Convention's provisions pursuant to ASGM focus on promoting best practices, while eliminating the worst practices, with a view to improving the health of miners and communities around mining sites, while striving to cause less environmental harm and improve the distribution of economic benefits arising from ASGM.

The implementation of the Convention has led to significant progress to reduce the use, emissions and releases of mercury from various sources and processes throughout its lifecycle. Nevertheless, much work remains to be done in relation to the use of mercury in ASGM to afford the necessary protection to vulnerable populations and the environment.

3. Use of terms

3.1. Artisanal and small-scale gold mining

According to article 2 of the Convention, artisanal and small-scale gold mining “*means gold mining conducted by individual miners or small enterprises with limited capital investment and production*”. In line with article 7 and annex C of the Convention, this report will refer to artisanal and small-scale gold mining and processing in which mercury amalgamation is used to extract gold from ore and will use the abbreviation ASGM to refer to both mining and processing.

¹ The full text of the Convention is available online at <https://minamataconvention.org/sites/default/files/2021-06/Minamata-Convention-booklet-Sep2019-EN.pdf>.

3.2. Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) describes “Indigenous peoples” as distinct social and cultural groups with their traditions, institutions, and territorial areas. Indigenous Peoples self-identify as such and have historical continuity with pre-colonial societies, and have strong ties to their land, territories, and natural resources, as well as their ways of managing and preserving biodiversity and ecosystems.

3.3. Local communities

The term “local communities” is being used in this document to refer to “*non-Indigenous communities with historical linkages to places and livelihoods characterized by long-term relationships with the natural environment, often over generations*” as per the use of the term by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES).² Local communities, which are often referred to as “traditional communities”, may share similar characteristics with Indigenous Peoples, such as having strong social, cultural and economic traditions, and identify themselves with their ancestral territories and often have, at least to some extent, their own governing systems based on their norms, customs, and traditions.

4. Methodological approach

The present report was developed by the Secretariat, with the help of a consultant, based on a review of scientific and grey literature, recorded webinars and other resources available online. Information was also gathered through consultations and interviews of Indigenous Peoples and non-Indigenous experts as part of the study underpinning the report. Moreover, experiences and insights shared during a meeting of Indigenous Peoples and local communities on the use of mercury in artisanal and small-scale gold mining, held on 4 October 2023 in Brasilia, Brazil, were also incorporated into the report. Draft findings were reviewed by Indigenous Peoples and non-Indigenous experts and their feedback was incorporated into the development of the report.

5. Key findings

5.1. Overview of impacts of mercury used in ASGM on Indigenous Peoples and local communities

Indigenous Peoples and local communities have a strong connection to nature and depend on ecosystems for food, medicine, shelter, and materials for cultural practices and ceremonies. Because many Indigenous Peoples and local communities live near ASGM sites and rely on traditional lifestyles and diets, they face unique vulnerabilities related to mercury exposure. Many Indigenous Peoples and local communities are exposed to mercury through the consumption of fish contaminated with methylmercury resulting from ASGM activities. In a report titled “Mercury, small-scale gold mining and human rights”, the UN Special Rapporteur on Toxics and Human Rights noted that indigenous peoples are particularly affected by mercury use in ASGM through the destruction and pollution of their territories, deforestation, loss of biodiversity and contamination of their food sources. Indigenous children are also disproportionately impacted by the dangerous work in the mines, sexual exploitation, and slavery-like conditions.

In the Amazon basin, where fish is a fundamental part of the diet of 30 million people, the consumption of mercury contaminated fish by Indigenous Peoples and local communities living near ASGM sites has led to dire consequences. A recent study among the Yanomami people in Brazil found that elevated mercury levels in the hair from 200 people were associated with neurological symptoms and other health effects (Basta et al. 2021). The Yanomami and Yekuana peoples in Brazil and Venezuela also showed high mercury levels in their hair (Vega et al. 2018). In Peru, studies conducted in the Madre de Dios region have found that ASGM contributed to mercury contamination and high levels of methylmercury in the Harakmbut, Matsigenka, and Yine communities, with related negative impacts on the cognitive function of exposed individuals (Reuben et al. 2020, Silman et al. 2022). In Colombia, Tukano and Desana Indigenous communities (Valdelamar-Villegas et al. 2020) and Tikuna, Uitoto, Bora, and Ocaina communities (Alcala-Orozco et al 2020) have shown high mercury levels related to ASGM activities. In Ecuador, studies have found elevated mercury levels and related neurological effects in Shuar and Achuar Indigenous communities in the Ecuadorian Amazon (Bermeo-Flores and Flores-Robles 2015, González-Merizalde et al 2016). Studies in Bolivia have

² See <https://www.ipbes.net/glossary-tag/local-communities>.

found that the Ese-Eja (Esse Ejja), Chimane, and Yuracaré Indigenous Peoples have been impacted by mercury exposure from ASGM (Barbiere 2009, Beneface 2010).

ASGM is also widespread in many countries in tropical Africa, and mercury is commonly used in the gold extraction process. Some of the groups affected by mercury exposure include the Baka people in Cameroon (Obase Musono 2023), the Akan people in Ghana (Gyamfi et al. 2022), and Bedik and Bassari Indigenous communities in Senegal (Niane 2015), who have been found to have elevated mercury levels, likely due to the consumption of contaminated fish.

In Southeast Asia, studies have shown elevated mercury levels in Indigenous Peoples and local communities in several countries. In Indonesia, elevated mercury levels have been found in Dayak populations in Kalimantan, and Minhasa populations in Sulawesi (Kambey 2001). In Myanmar, reports indicate that the Shan and Kachin Indigenous groups in northern Myanmar have been affected by ASGM-related mercury pollution from ASGM activities (Soe et al. 2022) as well as the Co Tu Indigenous People in Quang Nam, Viet Nam (Nguyen et al. 2018).

Even though they are far removed from the ASGM activities taking place in the tropics, Indigenous peoples living in the Arctic are also more vulnerable to mercury exposure due to the prevalence of mercury accumulation in high latitudes due to long-range transport and global mercury cycling. Mercury levels in the Canadian Inuit population, including women in childbearing age, are higher than populations in southern Canada (AMAP 2015).

Some conditions contribute to Indigenous Peoples and local communities being particularly vulnerable to mercury pollution from ASGM. These include:

Traditional living and living in remote areas – Indigenous peoples frequently rely on traditional diets that include main sources of protein intake from fish, marine mammals, and other wildlife that can accumulate mercury. The dietary practices of Indigenous peoples and their potential for high levels of mercury exposure lack appropriate consideration in the context of the social, cultural, and economic impacts of mercury pollution on these traditional lifestyles. In some instances, subsistence diets are not a choice but a necessity due to lack of access to food because of isolation, food deserts³ and/or unaffordable commercial prices.

Mercury pollution from ASGM, as well as other types of mining, disproportionately affects Indigenous Peoples and local communities who live in remote locations that overlap with large reservoirs of gold and other minerals.

Differentiated cultural impacts – Mercury contamination of traditional foods can affect not only the physical health of Indigenous and local communities but also their cultural practices. Fish, rivers, and water bodies hold deep cultural significance for many Indigenous Peoples, and the contamination of these resources can disrupt traditional ways of life and cultural practices.

Indigenous Peoples and local communities frequently rely on oral traditions for the transfer of knowledge across generations. Mercury pollution from ASGM disrupts the traditional practices that are central to their cultural identity. Cognitive loss due to mercury contamination has significant cultural impacts on Indigenous Peoples and local communities as neurological damage leads to reduced ability of children to learn and retain their language, oral history and traditions. Compounding to the problem, Indigenous Peoples and local communities, who are at high risk of mercury exposure, often lack access to health services that are culturally appropriate, in addition to being affordable, reliable, and easily accessible.

Low awareness and access to education – Indigenous peoples and local communities have limited access to clear, accessible, and culturally-appropriate information about the risks of mercury exposure, including intergenerational impacts and the elevated risk for women of child-bearing age and children, and how to mitigate them. Pregnant women and women in child-bearing age lack access to crucial information, such as fish advisories, in their languages, to protect their unborn children. Remote and rural Indigenous Peoples and local communities across the globe are in dire need of education and awareness programs that are tailored specifically to their languages, cultures, and circumstances.

Low engagement in research and monitoring – Improved research and monitoring efforts could improve understanding of the impacts of mercury contamination on Indigenous Peoples and local communities and help inform mitigation strategies. However, Indigenous peoples and local

³“Food deserts” are geographic areas, typically in urban and rural settings, where residents have limited access to affordable and nutritious food. These areas are characterized by a lack of supermarkets, grocery stores, or other sources of fresh and healthy food options. Instead, residents in food deserts often rely on convenience stores, fast-food outlets, and other sources that predominantly offer processed and unhealthy foods.

communities living in remote regions are not easily accessible for regular monitoring of health and environmental impacts of mercury pollution. When they happen, research and monitoring activities are usually conducted without an agreed consultation protocol and only superficial engagement of Indigenous Peoples and local communities.

Low inclusion in decision-making processes – Indigenous and traditional knowledge and active participation in decision-making are regarded as crucial for addressing the climate, biodiversity and pollution crises. This is also true for reforming the ASGM sector to reduce and eliminate the use of mercury. To date, when compared to other major stakeholder groups, Indigenous Peoples and local communities have had limited participation in, and contribution to, implementation and decision-making processes under the Convention. Because of their high stakes and intimate knowledge of local ecosystems, increased engagement of Indigenous Peoples and local communities in processes under the Minamata Convention across all geographical regions can enhance the implementation of the Convention, including of Article 7 and Annex C.

More broadly, the implementation of Article 7 and Annex C of the Convention can also benefit from the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which provides an internationally agreed framework on the rights of Indigenous Peoples. UNDRIP requires States to consult and cooperate with Indigenous Peoples in order to obtain their free, prior and informed consent before adopting and implementing measures that may affect them. For example, States must obtain consent before undertaking of projects that affect Indigenous Peoples' rights to land, territory and resources, including mining, as well as for the storage or disposal of hazardous materials on Indigenous Peoples' lands or territories.

Low levels of access to resources and support – The access of Indigenous Peoples and local communities to resources and support necessary for monitoring of mercury exposure, mitigating risks, accessing healthcare, and enhancing local capacity to manage mercury contamination is typically very low across all geographic regions.

The recently adopted Kunming-Montreal Global Biodiversity Framework⁴ and the Global Biodiversity Fund of the Global Environment Facility⁵ can provide important entry points to improve the flow of resources and support to Indigenous Peoples and local communities to address the impacts of mercury pollution from ASGM on human health and the environment.

5.2. Mapping the complex relationships of Indigenous Peoples and local communities with ASGM

The impacts of mercury use in ASGM on Indigenous Peoples and local communities are highly context dependent. The impacts differ depending, for example, on the relationship of the affected communities with ASGM, type of mining (for example, alluvial or open pit), access to technologies and other economic activities, social norms, geological characteristics of the mining sites, etc. Categorizing the relationships between Indigenous Peoples and local communities with ASGM can help shed light on the complexity of risks and impacts of mercury pollution on these vulnerable populations.

To start unveiling the needs and priorities of Indigenous Peoples and local communities with regard to the use of mercury in ASGM, the present report grouped Indigenous Peoples and local communities based on scenarios of interaction that vary in factors related to *where the mining is done, by whom, and level of consent*.

While the groups depicted below represent an effort to chart intricate dynamics through certain generalizations and assumptions about the interactions between Indigenous and local communities with ASGM, it is important to note that this grouping neglects many other important factors at play. The distinctions between these groups can be fluid, and some Indigenous Peoples and local communities might not fall into any single category.

Group A – ASGM on Indigenous territories or traditional lands done by Indigenous or local community members and with community-based consent

In some regions worldwide, such as in Africa and Asia, Indigenous Peoples and local communities engage in ASGM as an integral part of their livelihood strategies. ASGM allows them to access

⁴ More information available at <https://www.cbd.int/gbf/>.

⁵ More information available at <https://www.thegef.org/newsroom/press-releases/new-global-biodiversity-fund-launched-vancouver>.

economic resources that would otherwise not be available and contribute to their well-being, social development, and self-sufficiency. Income generated from gold mining may fund education, healthcare, and infrastructure projects within the communities. The economic stability gained from ASGM can help those Indigenous Peoples and local communities resist external pressures and maintain their cultural practices.

Although ASGM within Indigenous territories and traditional lands can provide economic opportunities, environmental concerns, such as deforestation, soil degradation, and mercury pollution complicate the calculus of the net benefit for those communities over time. Additionally, the increasing pressure and influx of outside miners or market forces can disrupt the delicate balance between cultural integrity and economic needs of the Indigenous Peoples and local communities that engage in mining.

Group B – ASGM on Indigenous territories or traditional lands done by external miners and with community-based consent

In this category, ASGM occurs on Indigenous territories or traditional lands by people who are not members of those communities, but who have been granted permission to mine by the communities. This type of arrangement is relatively rare but some examples exist, for instance, in the Madre de Dios region of Peru.

Ideally, this type of activities reflects a partnership between the Indigenous Peoples or local communities and the mining operators, involving negotiated agreements to address environmental safeguards, benefit-sharing mechanisms, and social responsibilities. Benefits drawn from such arrangements can contribute to community development by generating income for social programs, education, healthcare, and infrastructure projects.

In practice, however, several challenges may exist and mercury use in ASGM through such agreements still poses serious health, environmental and social risks. Among the challenges, lack of awareness about the risks and impacts of mercury poses a serious threat to the Indigenous Peoples and local communities who engage in this type of arrangements. Furthermore, although ASGM can provide immediate economic benefits, ensuring that these benefits are sustained over the long term can be hard to achieve.

Group C – ASGM on Indigenous territories or traditional lands by outsiders and without community-based consent

This category describes a scenario where ASGM is carried out on Indigenous territories or traditional lands without the approval or consent of the affected community or communities. ASGM conducted without consent directly infringes upon Indigenous land rights and sovereignty and presents a threat to security and cultural heritage. This situation raises complex issues related to land and human rights, environmental impacts, food security, illicit activities, and conflicts. This type of ASGM poses both security and additional health threats to the affected Indigenous Peoples and local communities. In his report, the UN Special Rapporteur noted that Indigenous Peoples who live a subsistence lifestyle and do not participate in gold mining were being heavily affected by the contamination and violence associated with illegal and unregulated ASGM (UN 2022).

In some cases, such as across the nine countries in the Amazon basin, ASGM can be closely linked to narcotrafficking and organized crime, which is fuelled, at least in part, by illegal or unregulated mercury trade and opaque gold supply chains. A rise in “land grabbing” and recruitment of Indigenous youth to join ASGM activities without consent of their communities, supported by a combination of corruption, force, and intimidation tactics, further jeopardizes the autonomy and stability within Indigenous communities. It is important to note that, although conflict between Indigenous Peoples and external miners in the Amazon basin has attention of international media, the problem may also be common in other regions.

Several Indigenous Peoples and local communities have created self-organized surveillance teams to find and document illegal gold mining activities on their lands and territories. These community-led initiatives prevent emissions and releases of even larger amounts of mercury but come at great risk for the Indigenous and local communities. Parallel to the community-led surveillance efforts, some governments are adopting measures to combat the illegal trade of mercury. These efforts encompass more stringent border controls, surveillance of known trafficking routes, and imposing strict penalties for those caught supplying mercury to unauthorized ASGM areas.

Group D – ASGM in the proximity of Indigenous territories or traditional lands with contamination impact

This category describes situations where Indigenous Peoples and local communities are impacted by mercury pollution originating from ASGM activities happening near, but not on, their lands and territories. The affected communities have limited control over those ASGM activities, making them vulnerable to pollution sources that are beyond their reach.

Alluvial ASGM, in which mercury is used for amalgamation, can release large amounts of mercury into waterways. This results in the contamination of rivers and water bodies, upon which Indigenous Peoples and local communities rely for drinking water, fishing, entertainment and cultural practices. Mercury pollution from gold mining can lead to elevated mercury levels in fish, an important food for many Indigenous and local communities (Weinhouse et al. 2020; Reuben et al. 2020). Open-pit ASGM can contaminate soils and lead mercury accumulation in terrestrial animals that are hunted by Indigenous Peoples and local communities. Certain crops, such as paddy rice, are known to accumulate high levels of mercury. Bushmeat and subsistence paddy rice are the main pillars for food security of millions of Indigenous Peoples and local communities worldwide.

Group E – ASGM far away from Indigenous territories or traditional lands with exposure from long-range transport

This category represents situations where mercury, originating from ASGM and other sources, affects Indigenous Peoples and local communities living far away from the original sources. This happens due to the long-range transport and cycling of mercury and its accumulation in high latitudes. In the Arctic, the Inuit face increased mercury threats through dietary exposure.

5.3. Interventions to minimize and avoid the impacts of mercury use in ASGM on Indigenous Peoples and local communities

The following are broad categories of interventions aimed at reducing and eliminating exposure of Indigenous Peoples and local communities to mercury used in ASGM. They include actions to address their immediate needs and priorities, as well as to develop long-lasting solutions.

Most interventions identified below are part of the measures and strategies listed in Annex C of the Convention and are also included in the guidance on the development of national action plans on ASGM. The implementation of some of the identified interventions may require further development in the guidance.

It is important to note that the interventions listed below are foreseen, where relevant, through a lens of engagement with the relevant Indigenous Peoples and local communities. Nevertheless, some of the interventions target other key actors and do not directly involve Indigenous Peoples and local communities (for example, interventions aimed at increasing transparency throughout the gold supply chain will often target non-Indigenous actors).

Protection of human health

- Information sharing, public awareness and education on the risk of exposure to mercury and impacts to affected communities;
- Healthcare services that are culturally appropriate, affordable, reliable, and easily accessible, including regular community monitoring, in particular of children and women in child-bearing age;
- Training of health service providers to monitor, recognize, prevent, diagnose and treat mercury-related ailments with respect to cultural diversity and traditional medicine;
- Food security of Indigenous Peoples and local communities impacted by ASGM;

Environmental protection

- Environmental impact assessments and socio-environmental mitigation plans of legal mining activities;
- Participatory environmental monitoring;
- Restoration of affected ecosystems once mercury input from ASGM into the environment has stopped;

Indigenous rights & land rights

- Free, prior and informed consent of Indigenous Peoples and local communities with regard to planning and implementation of ASGM activities, which rely on the use of mercury for gold amalgamation;
- Legal recognition of land tenure by Indigenous Peoples and local communities;
- Respect of traditional Indigenous Peoples and local communities treaties and protocols and implementation of the UN Declaration on the Rights of Indigenous Peoples;

Inclusive planning and implementation

- Full and effective engagement of Indigenous peoples and local communities in planning and implementation of ASGM NAPs, with translation of materials into mother tongue and capacity building on mercury-free ASGM;
- Partnership development with civil society organizations;
- Development of guidance to Parties on engagement and consultation with Indigenous Peoples and local communities in the development and implementation of ASGM NAPs, while taking into account their rights, environmental impacts and economic alternatives;
- Meaningful participation in the processes of the Minamata Convention and establishment of a channel of communication with the Conference of the Parties;

Diversified sustainable livelihoods

- Consultations with Indigenous Peoples and local communities and assessment of feasible options for alternative economic livelihoods, which are sustainable, accessible and profitable;
- Demonstration of linkages with climate change and biodiversity to advance projects and programmes that promote complementary solutions and generate co-benefits;
- Partnership with multilateral development banks and investors for alternative economic activities;

Mercury-free mining and processing

- Formalization of miners and mining cooperatives and associations;
- Adoption of alternative mercury-free solutions, with the appropriate mining and processing equipment;
- Access to credit and other financing tools and incentives by the miners and their mining cooperatives;

Policy and regulation

- Requirement for environmental impact assessments and socio-environmental mitigation plans for ASGM activities that may impact Indigenous territories and traditional lands;
- Improved control of trade, use and disposal of mercury;
- Improved transparency throughout the gold supply chain;

Law enforcement

- Curtailing the illegal trade of mercury into ASGM;
- Preventing illegal activities commonly associated with mercury use and mining: arms trafficking, drug trafficking, child labour, slavery and human trafficking, illegal deforestation, etc.;
- Sound handling, transport, storage, and disposal of waste of mercury or other chemicals seized by law enforcement actions to control illegal activities.

The importance and priority level assigned by specific Indigenous Peoples and local communities to each of category of interventions will vary significantly, depending on factors such as their level of engagement in mining and processing, geographic location, land tenure rights and other factors.

The following is an attempt to map the level of priority assigned by Indigenous Peoples and local communities to each broad category of interventions. It is noted that this simplified mapping may neglect other relevant factors that can influence the needs and priorities of different Indigenous Peoples and local communities. Further work is necessary to consult with Indigenous Peoples and local communities across different contexts to test the validity of this mapping exercise.

Category of intervention	Level of priority according to the type of community engagement with ASGM				
	Group A	Group B	Group C	Group D	Group E
Protection of human health	high	high	high	high	high
Environmental protection	medium	medium	high	high	high
Indigenous rights & land rights	high	high	high	high	high
Inclusive planning and implementation	medium	medium	high	high	low
Diversified sustainable livelihoods	high	high	high	high	high
Mercury-free mining and processing	high	high	low	low	low
Policy and regulation	high	high	high	high	high
Law enforcement	low	low	high	medium	low

6. Conclusions

Indigenous Peoples and local communities often face disproportionate risks from mercury exposure from ASGM due to their fish-based diet, cultural practices and dependence on traditional livelihoods.

Mercury use in ASGM catalyses a cascade of health, environmental, social, cultural and economic impacts on Indigenous Peoples and local communities. The relationship of Indigenous Peoples and local communities in ASGM, in which mercury is used, can vary significantly between communities and geographical regions. For example, some may benefit economically from ASGM activities while others might not receive any economic advantages and instead bear the cost of negative environmental and social impacts, such as environmental degradation, conflicts, diseases, and land rights issues.

To address these complex issues and respond to the needs and priorities of Indigenous Peoples and local communities, tailored approaches will be needed to reduce and eliminate mercury emissions and releases from the ASGM sector. In addition to targeting the use of mercury in ASGM itself, tailored efforts spanning the trade of mercury to the gold supply chain will also be needed.

In order to reduce the use, emissions and releases of mercury from the ASGM sector, it will be necessary to meaningfully engage with affected communities and work together to improve their health, livelihoods and well-being through improved public health services, monitoring, risk awareness, and economic opportunities. Many Indigenous Peoples and local communities emphasize the need for a rights-based approach to implement solutions to protect their health and environment.

Depending on their specific circumstances and context, the long-term solutions to reduce and eventually eliminate the use of mercury in ASGM, as required by the Minamata Convention, will require actions for promoting responsible and more sustainable ASGM practices, developing sustainable economic alternatives to ASGM, combating illegal trade of mercury, dismantling illegal ASGM operations, and ensuring traceability and transparency in the gold supply chain.

The Minamata Convention stands as a testament to the global commitment to mitigating the adverse effects of mercury pollution, safeguarding human health, and protecting the environment. Engaging Indigenous Peoples and local communities in processes under the Convention can contribute in many ways to the Convention's objective.

The Minamata Convention has a unique opportunity to further catalyse positive change in ASGM practices and safeguard the health and well-being of Indigenous peoples and local communities. By taking action to address the needs and priorities of Indigenous Peoples and local communities, the implementation of the Minamata Convention will contribute to a more equitable, effective, and inclusive approach to tackling the global challenge of mercury pollution coming from ASGM-related activities and, specifically, better protect the most vulnerable populations from the adverse effects of mercury. Collaborative efforts among governments, international organizations, Indigenous organizations, local community organizations and other stakeholders towards this goal are essential for

the achievement of a healthier and more equitable future that is free of anthropogenic mercury pollution.

7. Acknowledgements

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The development of this report was funded through a generous financial contribution by the governments of Australia, Norway and Sweden.

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Annex II***Mensaje de los pueblos indígenas y de las comunidades locales de la Amazonia a la quinta reunión de la Conferencia de las Partes en el Convenio de Minamata sobre el Mercurio⁷**

El texto del Convenio de Minamata sobre el Mercurio identifica la alta vulnerabilidad de los pueblos indígenas ante la contaminación por ese metal pesado. Dicha vulnerabilidad se asocia a que el pescado, la fuente principal de proteína en nuestra dieta, están siendo contaminados por mercurio.

El principal origen de la contaminación por mercurio en nuestra región es la minería de oro aluvial artesanal y a pequeña escala, MAPE, así como de la minería mecanizada a gran escala. En la Amazonía, estas actividades se desarrollan en su mayor parte de forma ilegal y se expanden sin control, apoderándose de espacios de vida sagrados para nosotros, generando división de nuestras estructuras organizativas, violencia y conflictos sociales internos incluso entre nuestras familias, vulnerando nuestros derechos, afectando nuestra salud, soberanía alimentaria y cultura, y despojándonos de nuestros territorios, los bosques y recursos de los que depende nuestra subsistencia.

A pesar de su escala y la profundidad de sus impactos, falta información sistematizada sobre la dimensión real de las afectaciones sociales y ambientales en territorios y pueblos indígenas de la Amazonia. Necesitamos el compromiso de los países de la región y del mundo de promover y liderar la producción de informaciones científicas oficiales contrastables, pero también tomar en cuenta nuestros conocimientos ancestrales como fuente primaria de información en nuestros territorios, que permitan caracterizar de forma efectiva el problema, definir estrategias e implementar acciones de monitoreo con participación de los pueblos indígenas.

La contaminación por mercurio es resultado de un modelo económico extractivo insostenible, avasallador y violento: gran parte de los asesinatos a líderes indígenas y defensores ambientales se registra en áreas invadidas por la minería, donde muchas veces grandes empresas transnacionales usan como fachada las MAPE para evadir pago de impuestos y regalías.

Es por esto, el abordaje de soluciones al problema debe incluir la articulación de acciones específicas de prevención, mitigación, eliminación, con transformaciones y cambios estructurales en los modelos de desarrollo. En este sentido es un requisito fundamental que se respete el derecho a la salud, al territorio, a la libre determinación, consulta y consentimiento de los pueblos indígenas respetando el consentimiento libre, previo e informado antes del otorgamiento de concesiones en territorios indígenas, desalojando mineros y actividades ilegales asociadas de dichas áreas, y controlando el tráfico de mercurio.

Uno de los procesos claves establecidos en el marco del Convenio de Minamata, son los Planes de Acción Nacional para la Minería Artesanal y Pequeña Escala de Oro (Plan MAPE). Estos instrumentos requeridos por el Convenio a las partes para ordenar la MAPE y sus impactos deben elaborarse con participación de los pueblos indígenas, garantizando el respeto a sus derechos.

Dentro de este marco de actuación, se debe dar atención prioritaria a la protección de aquellos sectores de nuestros pueblos que se encuentran en una situación de alto riesgo y especial vulnerabilidad frente a la contaminación por mercurio, en particular las mujeres gestantes y los niños y niñas.

El Convenio de Minamata debe ser un espacio con los pueblos indígenas y comunidades locales, donde se garantice nuestra participación efectiva y se generen espacios y condiciones que permitan construir, conjuntamente con las Partes del Convenio, soluciones integrales desde el respeto de los derechos colectivos y enmarcadas en procesos efectivos de diálogo intercultural.

Es prioritario que el Convenio garantice espacios para la implicación activa en sus procesos de las mujeres indígenas, quienes son particularmente susceptibles a los efectos negativos para la salud del mercurio, y a los impactos ambientales y sociales asociados a la minería aurífera en territorios indígenas.

La Conferencia de las Partes puede desempeñar un papel clave para garantizar la participación efectiva y continua de los Pueblos Indígenas y comunidades locales en los procesos del Convenio de

* The annex is presented as received by the secretariat, without formal editing.

⁷ Este texto resume los principales puntos discutidos durante la reunión de los pueblos indígenas y las comunidades locales sobre el uso de mercurio en la minería artesanal y de pequeña escala de oro, organizada por la Secretaría del Convenio de Minamata y acogida por el gobierno de Brasil en Brasilia el 4 de octubre de 2023.

Minamata. Un paso clave para asegurar es la institucionalización del proceso de participación. Con este objetivo identificamos algunas acciones que requerirían la implicación y seguimiento activo de la Conferencia de las Partes del Convenio de Minamata:

- (a) Convocar y promover la participación de delegaciones de pueblos indígenas y de comunidades locales en los distintos espacios del Convenio.
- (b) Reportar regularmente a la Conferencia de las Partes sobre los avances de la construcción del proceso indígena y sus propuestas en el marco del Convenio, por ejemplo, mediante la inclusión de un punto específico en la agenda de las reuniones de la Conferencia de las Partes sobre las necesidades y prioridades de los pueblos Indígenas y las comunidades locales.
- (c) Promover la consideración de indicadores específicos para pueblos indígenas en los procesos de Evaluación de la efectividad del Convenio.
- (d) Apoyo para orientar demandas y propuestas para definir objetivos que sean alcanzables a corto, mediano y largo plazo.
- (e) Promover la articulación del Convenio con otros mecanismos y procedimientos de Naciones Unidas sobre pueblos indígenas.

Message from Indigenous Peoples and local communities of the Amazon to the fifth meeting of the Conference of the Parties to the Minamata Convention on Mercury⁸

(Automatic translation from the original in Spanish)

The text of the Minamata Convention on Mercury identifies the high vulnerability of indigenous peoples to mercury pollution. This vulnerability is associated with the fact that fish, the main source of protein in our diet, are being contaminated by mercury.

The main source of mercury contamination in our region is artisanal and small-scale alluvial gold mining (ASGM), as well as from industrial mining. In the Amazon, these activities are mostly carried out illegally and are expanding unchecked, generating violence and conflict, including social conflicts among our families, violating our rights, affecting our health, food sovereignty and culture, and depriving us of our territories, forests and the resources on which our livelihoods depend.

Despite its scale and the depth of its impacts, there is a lack of systematised information on the real dimension of the social and environmental effects on the territories and indigenous peoples of the Amazon. We need the commitment of the countries of the region and the world to promote and lead the production of official and verifiable scientific information, but also to take into account our ancestral knowledge as a primary source of information in our territories, that will allow us to effectively characterise the problem, define strategies and implement monitoring actions with the participation of indigenous peoples.

Mercury contamination is the result of an unsustainable, overpowering and violent extractive economic model: a large part of the murders of indigenous leaders and environmental defenders are registered in areas invaded by mining, where large transnational companies often use ASMs as a front to avoid paying taxes and royalties.

This is why the approach to solutions to the problem must include the articulation of specific prevention, mitigation and elimination actions, with transformations and structural changes in development models. In this regard, it is a fundamental requirement that the right to health, territory, self-determination, consultation and consent of indigenous peoples be respected by implementing the free, prior and informed consent before granting any concessions over indigenous territories, evicting miners and associated illegal activities in these areas, and controlling mercury trafficking.

One of the key processes established under the Minamata Convention are the National Action Plans for Artisanal and Small-scale Gold Mining (ASGM Plan). These instruments required by the

⁸ This text summarizes the main points discussed during the meeting of indigenous peoples and local communities on the use of mercury in artisanal and small-scale gold mining, organized by the Secretariat of the Minamata Convention and hosted by the government of Brazil in Brasilia on 4 October 2023.

Convention for the parties to manage ASM and its impacts must be developed with the participation of indigenous peoples, guaranteeing respect for their rights.

Within this framework for action, priority attention must be given to the protection of those sectors of our peoples who are at high risk and particularly vulnerable to mercury contamination, especially pregnant women and children.

The Minamata Convention must be a workspace with indigenous peoples and local communities, where our effective participation is guaranteed and spaces and conditions are generated that allow us to build, together with the Parties to the Convention, comprehensive solutions based on respect for collective rights and framed in effective processes of intercultural dialogue.

It is a priority for the Convention to guarantee spaces for the active involvement in its processes of indigenous women, who are particularly susceptible to the negative health effects of mercury, and to the environmental and social impacts associated with gold mining in indigenous territories.

The Conference of the Parties can play a key role in ensuring the effective and ongoing participation of Indigenous Peoples and local communities in Minamata Convention processes. A key step to ensure this is the institutionalisation of the participation process. To this end, we identified some actions that would require the active involvement and follow-up of the Conference of the Parties to the Minamata Convention:

- (a) Convene and promote the participation of indigenous peoples' and local communities' delegations in the various forums of the Convention.
- (b) Report regularly to the Conference of the Parties on the progress of the construction of the indigenous process and its proposals within the framework of the Convention, for example, by including a specific item on the agenda of the meetings of the Conference of the Parties on the needs and priorities of Indigenous peoples and local communities.
- (c) Promote the consideration of specific indicators for indigenous peoples in the Convention's Effectiveness Assessment processes.
- (d) Support to guide demands and proposals to define objectives that are achievable in the short, medium and long term.
- (e) Promote the articulation of the Convention with other UN mechanisms and procedures on indigenous peoples.

Mensagem dos povos indígenas e comunidades locais da Amazônia para a quinta reunião da Conferência das Partes da Convenção de Minamata sobre Mercúrio⁹

(Tradução automática do original em espanhol)

O texto da Convenção de Minamata sobre Mercúrio identifica a alta vulnerabilidade dos povos indígenas à poluição por mercúrio. Essa vulnerabilidade está associada ao fato de que os peixes, a principal fonte de proteína em nossa dieta, estão sendo contaminados por mercúrio.

A principal fonte de contaminação por mercúrio em nossa região é a mineração artesanal e de pequena escala de ouro aluvial (MAPE), bem como de mineração industrial. Na Amazônia, essas atividades são realizadas, em sua maioria, ilegalmente e estão se expandindo sem controle, gerando violência e conflito, incluindo conflitos sociais entre nossas famílias, violando nossos direitos, afetando nossa saúde, soberania alimentar e cultura, e despojando-nos de nossos territórios, florestas e os recursos dos quais dependem nossos meios de subsistência.

Apesar de sua escala e da profundidade de seus impactos, faltam informações sistematizadas sobre a real dimensão dos efeitos sociais e ambientais sobre os territórios e os povos indígenas da Amazônia. Precisamos do compromisso dos países da região e do mundo para promover e liderar a produção de informações científicas oficiais e verificáveis, mas também levar em conta nosso conhecimento ancestral como fonte primária de informações em nossos territórios, que nos permitam caracterizar

⁹ Este texto resume os principais pontos discutidos durante a reunião de povos indígenas e comunidades locais sobre o uso de mercúrio na mineração artesanal e de pequena escala de ouro, organizada pelo Secretariado da Convenção de Minamata e sediada pelo governo do Brasil em Brasília no dia 4 de outubro de 2023.

efetivamente o problema, definir estratégias e implementar ações de monitoramento com a participação dos povos indígenas.

A contaminação por mercúrio é resultado de um modelo econômico extrativista insustentável, avassalador e violento: grande parte dos assassinatos de líderes indígenas e defensores do meio ambiente é registrada em áreas invadidas pela mineração, onde grandes empresas multinacionais frequentemente usam MAPE como fachada para evitar o pagamento de impostos e royalties.

Por isso, a abordagem de soluções para o problema deve incluir a articulação de ações específicas de prevenção, mitigação e eliminação, com transformações e mudanças estruturais nos modelos de desenvolvimento. Nesse sentido, é um requisito fundamental que o direito à saúde, ao território, à autodeterminação, à consulta e ao consentimento dos povos indígenas seja respeitado, respeitando-se o consentimento livre, prévio e informado antes de fazer concessões em territórios indígenas, expulsando garimpeiros e atividades ilegais associadas a essas áreas e controlando o tráfico de mercúrio.

Um dos principais processos estabelecidos pela Convenção de Minamata são os Planos de Ação Nacional para Mineração de Artesanal e de Pequena Escala de ouro (Plano MAPE). Esses instrumentos exigidos pela Convenção para que as partes gerenciem a MAPE e seus impactos devem ser desenvolvidos com a participação dos povos indígenas, garantindo o respeito aos seus direitos.

Dentro dessa estrutura de ação, a atenção prioritária deve ser dada à proteção dos setores de nossos povos que estão em alto risco e são particularmente vulneráveis à contaminação por mercúrio, especialmente mulheres grávidas e crianças.

A Convenção de Minamata deve ser um espaço de trabalho com os povos indígenas e as comunidades locais, onde nossa participação efetiva seja garantida e sejam gerados espaços e condições que nos permitam construir, juntamente com as Partes da Convenção, soluções abrangentes baseadas no respeito aos direitos coletivos e enquadradas em processos efetivos de diálogo intercultural.

É uma prioridade para a Convenção garantir espaços para o envolvimento ativo em seus processos das mulheres indígenas, que são particularmente suscetíveis aos efeitos negativos do mercúrio sobre a saúde e aos impactos ambientais e sociais associados à mineração de ouro em territórios indígenas.

A Conferência das Partes pode desempenhar um papel fundamental para garantir a participação efetiva e contínua dos povos indígenas e das comunidades locais nos processos da Convenção de Minamata. Uma etapa fundamental para garantir isso é a institucionalização do processo de participação. Para esse fim, identificamos algumas ações que exigiriam o envolvimento ativo e o acompanhamento da Conferência das Partes da Convenção de Minamata:

- (a) Convocar e promover a participação de delegações de povos indígenas e comunidades locais nos diversos fóruns da Convenção.
- (b) Informar regularmente à Conferência das Partes sobre o progresso da construção do processo indígena e suas propostas dentro da estrutura da Convenção, por exemplo, incluindo um item específico na agenda das reuniões da Conferência das Partes sobre as necessidades e prioridades dos povos indígenas e comunidades locais.
- (c) Promover a consideração de indicadores específicos para os povos indígenas nos processos de Avaliação da Eficácia da Convenção.
- (d) Apoiar a orientação de demandas e propostas para a definição de objetivos que sejam alcançáveis a curto, médio e longo prazo.
- (e) Promover a articulação da Convenção com outros mecanismos e procedimentos da ONU sobre povos indígenas.