The Minamata Convention requires Parties with significant ASGM to elaborate national action plans (NAPs) detailing how they will minimise or eliminate the use of mercury in ASGM.

The following questionnaire seeks information about measures countries are taking to reduce or eliminate mercury from their ASGM sectors and ensure respect for the human rights of the most vulnerable people in their communities, especially indigenous peoples. This includes further information on import and distribution of mercury, as well as the effectiveness of controls and enforcement.

**Questionnaire**

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| *You can choose to answer all or some of the questions below* |

**Controls on Mercury**

1. Has your country prohibited the a/import and b/export of elemental mercury?

Restricted but banned in mineral processing.

According to the Government Resolution (No.95/2007), mercury and its compounds (inorganic and organic) are listed as restricted toxic and hazardous chemicals.

In accordance with the Law on Toxic and Hazardous Chemicals and Law on Licensing, export license for toxic and hazardous chemicals shall be issued by the state central administrative organ in charge of the environment. Requirements for the license provided in “Procedures for export, import, transboundary movement, production, and trade of toxic and hazardous chemicals”, approved jointly by the Minister of Environment and Minister of Foreign Affairs in 2009. Ministry of Environment and Tourism issues license for import and use of restricted chemicals based on the conclusions by the National Council of Toxic and Hazardous Chemicals Policy Coordination.

Medical institutions are prohibited from purchasing new mercury-containing thermometers, mercury-based pressure gauges, and dental amalgam, and reducing, stopping, and replacing the use of mercury-containing instruments and equipment by the Joint Order (No.07/27 of 2011) of the Minister of Health and the Head of the National Emergency Management Agency.

The use of mercury in minerals exploration and processing is prohibited in 2008 by the Order of the Minister of Environment (No.135/2008) and stopped the operation of mills that use mercury amalgamation in their operation of gold processing and cleaned out contaminated sites in 2008-2009.

1. Has your country prohibited mercury use in artisanal or small-scale gold mining (ASGM) by law or Regulation?

Yes. By Order #135, issued by the Minister of Environment in 2008, the use of mercury in extraction and processing of mineral resources is prohibited.

1. What enforcement and penalties apply to gold miners who use mercury or traders who supply mercury for this use, if such use is prohibited, please share statistics on such actions?

By Mongolian Law on Infringements (2017) and Criminal Code of Mongolia (article 20.11) (Revised in 2015), persons who violated the Law on Law on Toxic and Hazardous Chemicals shall be punished.

a) Law on Infringement (Article 5.11) specifies that a person violated the Regulation to ensure implementation of law and legislations on Toxic and Chemical Hazards shall be fined equal to thirty units of amount and the illegal income will be confiscated.

b) The Criminal Code specifies the following punishments:

Article 20.11: Disposal of hazardous waste, chemical toxic, hazardous substances

1. Disposal of hazardous waste, chemical toxic, hazardous substances that present injury to health into the non-designated dump site, fraudulent classification of the waste with intent to dispose into the non-designated site, extermination, transportation through the state border shall be punishable by a fine equal to from five thousand four hundred to twenty seven thousand units of amount or penalty of limitation of free travel right from one  to five years, or imprisonment for a term from one to five years.
2. The same acts, if committed:
   1. with infliction of serious health injuries, that has resulted in death of a person
   2. causing of damage in large amounts shall be punishable by imprisonment for a term from two to eight years.

Article 24.3: Illegal activities with toxic and hazardous substances

1. 1. Illegal activities with toxic and hazardous substances that transportation through the state border, production, storage, sale, purchase, transfer to others shall be punishable by a fine equal to five thousand four hundred units to twenty-seven thousand units of amount, or penalty of limitation of free travel right, from one to five years, or imprisonment for a term of one to five years.
2. The same acts, if committed:
   1. with infection of serious health injuries, that has resulted in the death of a person;
   2. causing of damage in large amounts shall be punishable by a fine equal ten thousand to forty thousand units of amount or imprisonment for a term of two to eight years;
3. The acts specified in the First Paragraph of the present article, when it is committed on behalf of or for the interest of the legal entity shall be punishable by a fine equal twenty thousand to one hundred twenty thousand units of the amount with deprivation of the right to engage in specified business;
4. The act specified in the second Paragraph of the present article, when it is committed on behalf of or for the interest of a legal entity shall be punishable by a fine equal to forty thousand to two hundred thousand units of the amount with deprivation of the right to engage in specified business.

Statistics ([www.police.gov.mn](http://www.police.gov.mn) : 2019: 12; 2020:8; 2021:9 - Total crimes (Article 24.3 of the Criminal code); but mercury is not specified

2019: 0; 2020: 0; 2021: 1 (Article 20.11 of the Criminal Code)

1. If your country allows import of mercury and prohibits its use in ASGM, how do customs officers determine the end use of the mercury at the point of import to ensure it is not directed to ASGM?

A “Procedure for Export, Import, Transboundary Movement, Production and Trade of Toxic and Hazardous Chemicals” was approved by a Joint order #334/104 of Minister for Environment and Foreign Affairs in 2009. This procedure serves as a mechanism to control the regulation of the export, import, transboundary movement, production, and trade of mercury containing compounds. According to the regulation, Ministry of Environment and Tourism (MET) will give a permission to entities and citizens to export, import, use and trade based on the application and other required materials submitted to the Ministry. Only those organization and entities who got the permission from MET according to the Regulation shall do import cross the few border points approved by the Government Resolution #296 in 2006.

1. Are there tracking and certification processes to ensure that imported mercury is used according to its claimed purpose?

Professional Inspection Agency of Mongolia controls the implementation of the Law on Toxic and Hazardous Chemicals. MET will aggregate data and reports on export, import, trans-border transportation and production, storage, trade, transportation, use and deposition of hazardous and toxic chemicals, and establish a databank; approve annual reports on activities concerning the use of hazardous and toxic chemicals and provide undertakings related to the use of hazardous and toxic chemicals with professional and methodological guidance and approve necessary recommendations.

1. 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?

According to the Law on Toxic and Hazardous Chemicals, MET will aggregate data and reports on export, import, trans-border transportation and production, storage, trade, transportation, use and deposition of hazardous and toxic chemicals, and establish a databank.

1. What remedies are available to persons in your country for pollution damages related to mercury exposure from ASGM activities?

The State inspection agency is to monitor and mandated to take the task for inspection. In case of any remedy occur, the national council in charge of hazardous chemical management and coordination will issue taskforce, therefore the National Emergency Authority is mandated for the pollution clearance with support of professional agencies.

**Illegal Traffic**

1. What actions has your country taken to prevent the illegal importation, smuggling and distribution of mercury to ASGM activities?

The State inspection agency is to monitor and mandated to take the task for inspection. Currently a project to track the chemical import and to monitor its movement is being implemented with support of ADB. This consumer based tool is expected as one of prevention action from border to consumer and/or purchase level.

1. What are the greatest challenges your country faces in preventing illegal mercury imports and smuggling?

Public and consumer knowledge

1. 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?

Within the frameworks and mechanisms of the chemical related conventions those neighbouring countries joined as did Mongolia.

1. 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?

According to the laws and regulation, it is accessible to make compliance both to the Custom, Police, Anti-Corruption Authorities in Mongolia. But such case is recorded during the reporting period.

1. Is there any information to suggest local or regional organised crime syndicates are distributing mercury to facilitate gold smuggling in your country?

Not such.

**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. Mongolia ratified the Minamata Convention in 2015. NAP was approved in 2019 by the Government Resolution No.317. In accordance with the Law on Development Policy, Planning, and Management, an integrated system will be developed. In connection with this enacted law, the NAP was repealed in October 2021. The objectives of the program will be reflected in the integrated planning.

1. 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?

The introduction of mercury-free gold extraction alternative technologies will contribute towards the total reduction of mercury use in ASGM and the emissions and releases to the environment of mercury. The capacity-building activities are crucial in ensuring the economic viability and environmental sustainability of ASGM operations, by ensuring that local expertise is created and strengthened in the areas. It will contribute to enhancing the awareness of health and environmental impact.

**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?

Not applicable to Mongolia

1. Has any government or public forum for consultation with indigenous peoples about mercury pollution from ASGM been established?

Not applicable to Mongolia

1. 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.

Not applicable to Mongolia

1. 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?

Not applicable to Mongolia

1. What constitutional or legal rights do indigenous peoples have to prohibit mercury based ASGM in their traditional lands and territories?

Not applicable to Mongolia.

**General**

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