



on Contaminated land in Europe

Mirror group “Minamata Convention” - comments on the draft guidance on the management of mercury contaminated sites (UNEP/MC/COP.2/7)

PREFACE

The CF-“mirror-group” has been established to follow and support the drafting of the guidance document on managing mercury contaminated sites.

A summary on observations and comments regarding the draft guidance document has been presented and discussed at the COMMON FORUM meeting in Namur (BELGIUM) on 24 May 2018 and included to a statement dated by 30 May 2018. Building on this statement, we want to recommend and invite authors working on revising the draft guidance to consult and consider comments of our former statement once more.

The document on hand provides briefly general feedback on the revised (2nd) draft guidance.

General comments

We recognize the challenge in setting up a guidance document, which shall be targeted and easy to read at the same time for being ready to help about 200 countries to find their way in dealing with the problem of mercury contaminated sites.

Putting it into a nut-shell it is felt, that some sections and paragraphs of the revised draft include improvements, however it seems that most of the structure and content has been kept like it was before or even have got kind more vague. Such we want to encourage to consider whether a rethinking of concepts and structure might be possible and result in a more in depth rework of the draft guidance.

The guidance needs to be helpful in particular for local and national authorities in developing countries and emerging economies. They need to be enabled to manage the problem of mercury contaminated site with this guidance. The revised draft still hardly may meet these expectations.

Another important question is, whether a guidance document results from and provides for a **clear common understanding** shared by all parties of the Minamata Convention (horizontal) and ready to advise different levels of authorities (vertical) and stakeholders at national levels? Accordingly an identification and clarification of key terms and concepts seems crucial and might be really helpful (see CF-comments 30 May 2018 on “terminology”)¹.

Content of the guidance

The guidance should be able to gently taken the addressee’s hand and to guide him slowly through the process of managing a problem, which the addressee was not aware of before.

A first figure regarding the general framework according to the draft guidance is provided as a separate attachment to the document on hand. Given the proposal is deemed suitable COMMON

¹ Any published ISO document results from an global and inclusive exchange of experts in an open and transparent process. Therefore it is advocated and insisted that if the “contaminated sites” definition of the “Mediterranean Action Plan” is deemed to be considered the guidance should at least also refer to ISO 11074 “Soil quality – Vocabulary” (“site with areas of high concentrations of substances hazardous to soil and soil functions”). However it might be even more appropriate to provide for a glossary of crucial terms and available definitions as an ANNEX within the guidance.

FORUM and its mirror group “Minamata Convention” are available to develop a further figure for a decision tree or flow diagram.

Further general recommendations are:

- The level of detail is heterogeneous in the document. Possibly key messages could appear in the form of inserts (like “watch-out-boxes”). Such inserts often illustrate in an easy digestible way:
 - i. good practices according to REX of non-compliances or
 - ii. omissions that led in the past to errors
 - iii. or other important information

However, the guidance is not exhaustive and does not cover all points.

- It is recommended to introduce the “source–pathway–receptor”-paradigm, as it is crucial and helpful to conceptualize a good common understanding of contaminated sites (in particular through Conceptual Site Models for designing investigation plans and analyzing (assessing) human health and environmental risks assessment).
- Differences between a so called “exhaustive” (systematic?) and “individual” (single-site” or “site-specific) are hardly made evident and therefore do not seem ready for support practices in site identification. Here it might be helpful to provide for:
 - examples of implementation in some countries (and references to some documents may be of use),
 - explaining how to select high priority sites (e.g. example of criteria).
- Furthermore it seems recommendable to
 - i. add figures and illustrations as these means often are powerful in explaining a complex context or relationship and are likely attracting readers, and
 - ii. organise references (including the most useful ISO standards) by themes for easy access.
- Finally NB: Experiences in several African, Latin-America or other developing countries reveal that foreign language competences (in particular as well as for English) within administration (environmental inspections) are often limited. To help overcoming possible limitations in access to further helpful technical materials, it may be useful to add references in other languages than English. Accordingly we add some references technical materials in French and let you decide to keep them. Similarly it might be as well helpful to add also references in Spanish. As a reliable partner ReLASC, the Latin-American network for Contaminated Land Management is recommended.

Revised draft & comments; proposal framework figure

Complementary comments are enclosed in the revised draft document as track changes and comments.

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DISCLAIMER:

This document provides feedback and suggestions to support the Secretariat of the Minamata Convention in establishing a guidance regarding the management of mercury contaminated land Facilitating expert exchanges and providing this summary (and enclosed specific comments) does not correspond to processes necessary for agreeing on a COMMON FORUM position paper. Accordingly, it is to recognize that standpoints of member countries, organisations or individuals may deviate.