

Naming the mercury treaty

1. In June 2010, at the first meeting of the Intergovernmental Negotiating Committee to Prepare a Global Legally Binding Instrument on Mercury, the delegation of the Government of Japan proposed to call the mercury treaty the *Minamata Convention* and offered to host the Diplomatic Conference that will follow the negotiations and adopt the new treaty. An INC discussion on the advantages and disadvantages of this name should be held before a final decision on naming the new treaty is made.

2. *Minamata* is the name of a city in the Kumamoto prefecture of Japan and is also the name of a disease that is caused by acute methylmercury intoxication that was first diagnosed in people living in and near Minamata. It would be a distraction to call the new mercury treaty the *Minamata Convention*: A treaty's name should not be a source of controversy. Many residents of Minamata and organizations that represent Minamata disease victims have strongly opposed naming the new treaty the *Minamata Convention*.

3. Five organizations of Minamata victims have expressed their opposition to naming the treaty, the *Minamata Convention*.¹ In a letter to Ministers in Japan, they cite the presence of 1.5 million cubic meters of mercury-contaminated sludge that has remained at a landfill site in their community. They further note that the current treaty text does not address certain concerns that they consider to be of highest relevance to the lessons learned from the Minamata tragedy:

- i. Polluter's responsibility for contaminated sites and bearing costs for restoration or rehabilitation;
- ii. Polluter's responsibility for all victims, which includes but is not limited to compensation for them;
- iii. Government's and polluter's responsibility for a thorough and transparent investigation of every aspect of damage caused by mercury contamination; and
- iv. Full disclosure of information on the causes and the facts related to the mercury contamination

4. On 19 December 2012, the Minamata City Council adopted an opinion that opposed naming the mercury treaty, the *Minamata Convention*.² On 10 January 2013, Kyodo News Service published an article that reports on the controversy in Minamata over the treaty naming issue entitled, *Minamata-named treaty, like disease contentious*.³

5. Concerns have also been raised by NGOs and in the media that the new treaty's provisions and obligations may not be adequate to achieve actual reductions in total global mercury emissions and releases sufficient to reverse current global and local trends toward increasing mercury pollution in fish and shellfish and increasing human mercury exposure. Some argue naming such a treaty the *Minamata Convention* would dishonour the Minamata victims.

6. There are good examples of multi-lateral environmental agreements that are not named after the city hosting the diplomatic conference of their adoption such as, for example, the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change. Naming this treaty the *Mercury Treaty* would avoid the distractions that would likely result from a contentious name.

¹http://www.ne.jp/asahi/kagaku/pico/mercury/minamata/121227_Minamata_groups_statement_en.pdf

²Kumamoto NichinichiShimbum, 23 December 2012

³<http://www.japantimes.co.jp/text/nn20130110f4.html>

27 December 2012

Statement by Minamata Victims and Citizens Groups

We oppose the government of Japan's proposal to call the Mercury Treaty the "Minamata Convention" if the issues of Minamata are not resolved and the Lessons Learned from Minamata are not reflected in the Mercury Treaty.

We are victims of Minamata Disease and citizens' groups. We believe that it is crucial to reflect the Lessons Learned from Minamata in the Mercury Treaty in order to prevent a tragedy like Minamata from happening again in the future in any other place. The Mercury Treaty is now being negotiated under the United Nations Environment Programme (UNEP) and will be adopted in October 2013. However, the following requirements derived from the Lessons Learned are not reflected in Article 14 on Contaminated Sites in the currently proposed Chair's draft text for discussion at the final negotiating session in January 2013 (INC 5):

- (1) Polluter's responsibility for contaminated sites and bearing costs for restoration or rehabilitation;
- (2) Polluter's responsibility for all victims, which includes but is not limited to compensation for them;
- (3) Government's and polluter's responsibility for a thorough and transparent investigation of every aspect of damage caused by mercury contamination; and
- (4) Full disclosure of information on the causes and the facts related to the mercury contamination.

We believe it is the responsibility of the Japanese government, which has experienced the Minamata tragedy, to reflect and enshrine the Lessons Learned from Minamata into the Mercury Treaty. The Japanese government is obligated to make its utmost efforts to achieve this.

The full picture of the Minamata tragedy is not known due to a lack of a thorough and transparent investigation. In addition, many Minamata victims are still not yet recognized and compensated as Minamata Disease sufferers. Furthermore, about 1,500,000 m³ of mercury-contaminated sludge dredged from the Minamata Bay still remains "temporarily" placed, for more than 30 years since the start of the construction at the landfill site adjacent to the Minamata Bay, without any mercury removal. Finally, another contaminated site called the Hachiman residue pool, which was contaminated mainly by highly alkaline massive residues of carbide (including some other toxicants such as mercury), has not been cleaned up.

The Japanese government proposed naming the treaty the Minamata Convention, and UNEP has accepted the invitation of the Japanese government to hold the diplomatic conference to adopt and sign the Mercury Treaty in Japan in October 2013.

However, as issues from the original Minamata disaster are not yet resolved, and as

the Mercury Treaty has not even incorporated the Lessons Learned from Minamata into its obligations, we believe that naming the treaty the “Minamata Convention” will profane the name of Minamata, undermine the moral authority of the Mercury Treaty, and allow future Minamata disasters to occur.

We strongly request that the Lessons Learned from Minamata be reflected in the obligatory measures of the Mercury Treaty. If the Minamata Lessons are not meaningfully incorporated into the treaty, we will not be able to agree to name the Mercury Treaty the Minamata Convention.

END

On behalf of the organizations and individuals who endorse the above statement,

Ryukou Sakamoto,
Director, Minamata Disease Citizen’s Group Tel 0966-62-0470

Hideki Sato, Director,
Minamata Disease Victims’ Mutual Aid Society Tel 0966-63-8779

Organizations who endorsed the statement

- Minamata Disease Sufferers and Citizens
- Minamata Disease Victims' Mutual Aid Society
- Minamata Disease Mutual Aid Society
- Chisso Minamata Disease Patients Federation
- Society for Protection of Lives in Minamata

Individuals who endorsed the statement: 35