THE MINAMATA CONVENTION ON MERCURY

The **Minamata Convention on Mercury** is an international treaty designed to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds. The Convention is named after the Japanese city, Minimata. This naming is of symbolic importance as the city went through devastating incident of mercury poisoning. The Convention recognizes that mercury is a chemical of global concern owing to its long-range atmospheric transport, its persistence in the environment once anthropogenically introduced, its ability to bio-accumulate in ecosystems and its significant negative effects on human health and the environment.

HISTORY

Mercury and mercury compounds have long been known to be toxic to humans and other organisms. Large-scale public health crises due to mercury poisoning, such as Minamata disease and Niigata Minamata disease, drew attention to the issue.

In 1972, delegates to the Stockholm Conference on the Human Environment witnessed Japanese junior high school student Shinobu Sakamoto, disabled as the result of methylmercury poisoning *in utero*. The United Nations Environment Programme (UNEP) was established shortly thereafter.

In 2001, the Governing Council of the United Nations Environment Programme1 (UNEP) invited the Executive Director of UNEP to undertake a global assessment of mercury and its compounds, including information on the chemistry and health effects, sources, long-range transport, and prevention and control technologies relating to mercury.

In 2003, the Governing Council considered this assessment and found that there was sufficient evidence of significant global adverse impacts from mercury and its compounds to warrant further international action to reduce the risks to human health and the environment from the release of mercury and its compounds to the environment. Governments were urged to adopt goals for the reduction of mercury emissions and releases and UNEP initiated technical assistance and capacity building activities to meet these goals.

The assessment recognized mercury as a substance producing significant adverse neurological and other health effects, with particular concerns expressed about its harmful effects on unborn children and infants. The global transport of mercury in the environment was a key reason for taking the decision that global action to address the problem of mercury pollution was required.

The idea to create an international agreement about mercury emission dates back to 2003. The reason the idea was not initially put into an action was that, the USA called for voluntary actions to decrease the emission, undermining the need for the treaty.

A mercury programme to address mercury concerns was thus established and was further strengthened by governments in decisions of the Governing Council in 2005 and in 2007. In the decision of 2007, the Governing Council concluded that the options of enhanced voluntary measures and new or existing international legal instruments would be reviewed and assessed in order to make progress in addressing the mercury issue.

On 20 February 2009, following extensive consideration of the issue, the 25th Governing Council of UNEP agreed that voluntary actions had not been sufficient to address the concerns on mercury, and as such, adopted a decision "to initiate international action to manage mercury in an efficient, effective and coherent manner including the preparation of a global legally binding instrument. At this 25th Governing Council of UNEP, USA also agreed to work together with other nations to create a binding agreement on mercury emission.

An Intergovernmental Negotiating Committee (INC) was therefore established, chaired by Fernando Lugris of Uruguay and supported by the Chemicals Branch of UNEP's Division of Technology, Industry and Economics, to commence its work in 2010 and conclude negotiations prior to the twenty-seventh session of the Governing Council in 2013.
The INC held five sessions to discuss and negotiate a global agreement on mercury:

- INC 1, 7 to 11 June 2010, in Stockholm, Sweden
- INC 2, 24 to 28 January 2011, in Chiba, Japan
- INC 3, 31 October to 4 November 2011, in Nairobi, Kenya
- INC 4, 27 June to 2 July 2012, in Punta del Este, Uruguay
- INC 5, 13 to 18 January 2013, in Geneva, Switzerland

Forty participating countries were tested for mercury by the representatives from the International POPs Elimination Network (IPEN) and different nonpartisan organizations from Sweden. Each country was positive on mercury, and, "more than a third exceeded the U.S. National Research Council reference dose of 1 ppm." This created a bigger wish among the countries to decrease the impact of mercury.
On 19 January 2013, after negotiating late into the night, the Intergovernmental Negotiating Committee (INC) concluded its fifth session with 147 governments agreeing on the text of the Minamata Convention on Mercury. *In the early hours of 19 January 2013, Fernando Lugris, the Uruguayan chair delegate, proclaimed thus "today, we have closed a chapter on a journey that has taken four years of often intense but ultimately successful negotiations and opened a new chapter towards a sustainable future. This has been done in the name of vulnerable populations everywhere and represents an opportunity for a healthier and more sustainable century for all peoples".*

The Convention was adopted and opened for signature on 10 October 2013, at a Conference of Plenipotentiaries (Diplomatic Conference) in Kumamoto, Japan, preceded by a Preparatory Meeting from 78 October 2013. The European Union and 86 countries signed the Convention on the first day it was open. A further 5 countries signed the Convention on the final day of the Diplomatic Conference, 11 October 2013.
Governments were invited and encouraged to sign the Convention at the offices of the Depositary, United Nations Headquarters, New York, during the period it was open for signature (until 9 October 2014). Governments are also encouraged to work towards the implementation of the Convention and becoming a party thereto in order to lead to its rapid entry into force.

Convention Texts and Provisions

Article 1: Objective of the Convention
Article 2: Definitions
Article 3: Mercury supply sources and trade
Article 4: Mercury added products
Article 5: Manufacturing processes in which mercury or mercury compounds are used
Article 6: Exemptions available to a Party upon request
Article 7: Artisanal and small-scale gold mining
Article 8: Emissions
Article 9: Releases
Article 10: Environmentally sound interim storage of mercury other than waste mercury
Article 11: Mercury wastes
Article 12: Contaminated sites
Article 13: Financial resources and mechanism
Article 14: Capacity building, technical assistance and technology transfer
Article 15: Implementation and compliance committee
Article 16: Health aspects
Article 17: Information exchange
Article 18: Public information, awareness and education
Article 19: Research, development and monitoring
Article 20: Implementation plans
Article 21: Reporting
Article 22: Effectiveness evaluation
Article 23: Conference of the parties
Article 24: Secretariat
Article 25: Settlement of disputes
Article 26: Amendments to the convention
Article 27: Adoption and amendment of annexes
Article 28: Right to vote
Article 29: Signature
Article 30: Ratification, acceptance, approval or accession
Article 31: Entry into force
Article 32: Reservations
Article 33: Withdrawal
Article 34: Depositary
Article 35: Authentic texts

Relevance of the Convention

The Convention prohibits a myriad of products containing mercury, and their production and trade at least by 2020. These products include batteries, compact fluorescent lamps, switches and relays, soaps and cosmetics, thermometers, and blood pressure devices.

Furthermore, the Convention prohibits vaccines containing mercury, as well as dental fillings which use mercury amalgam. The Convention requires countries to come up with plans to reduce the amount of mercury used by gold miners (*Kindly note that, the biggest mercury release comes from coal-fired power stations and usage of mercury to separate gold from ore-bearing rock. Mercury from the factories is released into a river system*).

The Convention acknowledges paragraph 221 of the outcome document of the United Nations Conference on sustainable development "the future we want" and also re-affirms the principles of the RIO Declaration on Environment and Development.

The Convention emphasizes the need to learn from the substantial lessons of the Minamata disease resulting from mercury exposure to vulnerable populations especially women, children and through them, future generations particularly in developing countries and countries with economies in transition

The Convention recognizes the role played by the existing international institutions such as the World Health Organization (WHO) in protecting human health accepts other international agreements in the field of health, environment and trade such as the Basel and Rotterdam Conventions, and sees them as mutually supportive.

The Convention makes it possible for developed countries to help financially, technically, and technologically developing countries in the management of mercury, in order to promote a mercury free world.

The major highlights of the Minamata Convention on Mercury include a ban on new mercury mines, the phase-out of existing ones, control measures on air emissions, and the international regulation of the informal sector for artisanal and small-scale gold mining.

Note: *The number of signatories to the Convention is 128 and the number of Parties is 9 as of 8th December, 2014. Uganda signed on the 10th October, 2013 and has not yet ratified the Convention*

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