Selections from the

MINAMATA CONVENTION ON MERCURY

TEXT AND ANNEXES

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www.mercuryconvention.org

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for the full text of the convention in six languages
INTRODUCTION

In 2001, the Governing Council of the United Nations Environment Programme (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.

Mercury is recognized 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. A mercury programme to address these 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.

In 2009, following extensive consideration of the issue, the Governing Council agreed that voluntary actions to date had not been sufficient to address the concerns on mercury, and decided on the need for further action on mercury, including the preparation of a global legally binding instrument. An intergovernmental negotiating committee to prepare a global legally binding instrument on mercury was therefore established, to commence its work in 2010 and conclude negotiations prior to the twenty-seventh session of the Governing Council in 2013. The committee

1 As of February 2013, the designation of the Governing Council of UNEP has been changed to the United Nations Environment Assembly.
was provided with a detailed mandate setting out specific issues to be covered in the text of the instrument, as well as a number of other elements to be taken into account while negotiating the text.

In January 2013, the intergovernmental negotiating committee concluded its fifth session by agreeing on the text of the Minamata Convention on Mercury. The text was adopted by the Conference of Plenipotentiaries on 10 October 2013 in Japan and was opened for signature thereafter. The objective of the Convention is to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds and it sets out a range of measures to meet that objective. These include measures to control the supply and trade of mercury, including setting limitations on certain specific sources of mercury such as primary mining, and to control mercury-added products and manufacturing processes in which mercury or mercury compounds are used, as well as artisanal and small scale gold mining. The text of the Convention includes separate articles on emissions and releases of mercury, with controls directed at reducing levels of mercury while allowing flexibility to accommodate national development plans. In addition, it contains measures on the environmentally sound interim storage of mercury and on mercury wastes, as well as contaminated sites. Provision is made in the text for financial and technical support to developing countries and countries with economies in transition, and a financial mechanism for the provision of adequate, predictable and timely financial resources is defined.

Governments are invited and encouraged to sign the Convention at the offices of the Depositary, United Nations Headquarters, New York, during the period that it is 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.

It is anticipated that coordinated implementation of the obligations of the Convention will lead to an overall reduction in mercury levels in the environment over time, thus meeting the objective of the Convention to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.
MINAMATA CONVENTION ON MERCURY

The Parties to this Convention,

*Recognizing* 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 bioaccumulate in ecosystems and its significant negative effects on human health and the environment,

*Recalling* decision 25/5 of 20 February 2009 of the Governing Council of the United Nations Environment Programme to initiate international action to manage mercury in an efficient, effective and coherent manner,

*Recalling* paragraph 221 of the outcome document of the United Nations Conference on Sustainable Development “The future we want”, which called for a successful outcome of the negotiations on a global legally binding instrument on mercury to address the risks to human health and the environment,

*Recalling* the United Nations Conference on Sustainable Development’s reaffirmation of the principles of the Rio Declaration on Environment and Development, including, inter alia, common but differentiated responsibilities, and acknowledging States’ respective circumstances and capabilities and the need for global action,

*Aware* of the health concerns, especially in developing countries, resulting from exposure to mercury of vulnerable populations, especially women, children, and, through them, future generations,

*Noting* the particular vulnerabilities of Arctic ecosystems and indigenous communities because of the biomagnification of mercury and contamination of traditional foods, and concerned about indigenous communities more generally with respect to the effects of mercury,

*Recognizing* the substantial lessons of Minamata Disease, in particular the serious health and environmental effects resulting from the mercury pollution, and the need to ensure proper management of mercury and the prevention of such events in the future,

*Stressing* the importance of financial, technical, technological, and capacity-building support, particularly for developing countries, and
countries with economies in transition, in order to strengthen national capabilities for the management of mercury and to promote the effective implementation of the Convention,

*Recognizing also* the activities of the World Health Organization in the protection of human health related to mercury and the roles of relevant multilateral environmental agreements, especially the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

*Recognizing* that this Convention and other international agreements in the field of the environment and trade are mutually supportive,

*Emphasizing* that nothing in this Convention is intended to affect the rights and obligations of any Party deriving from any existing international agreement,

*Understanding* that the above recital is not intended to create a hierarchy between this Convention and other international instruments,

*Noting* that nothing in this Convention prevents a Party from taking additional domestic measures consistent with the provisions of this Convention in an effort to protect human health and the environment from exposure to mercury in accordance with that Party’s other obligations under applicable international law,

Have agreed as follows:

**Article 1**

**Objective**

The objective of this Convention is to protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.
### Mercury-added products

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<thead>
<tr>
<th>Mercury-added products</th>
<th>Provisions</th>
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<tr>
<td>Dental amalgam</td>
<td>Measures to be taken by a Party to phase down the use of dental amalgam shall take into account the Party’s domestic circumstances and relevant international guidance and shall include two or more of the measures from the following list:</td>
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<td>(i) Setting national objectives aiming at dental caries prevention and health promotion, thereby minimizing the need for dental restoration;</td>
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<td>(ii) Setting national objectives aiming at minimizing its use;</td>
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<td>(iii) Promoting the use of cost-effective and clinically effective mercury-free alternatives for dental restoration;</td>
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<td>(iv) Promoting research and development of quality mercury-free materials for dental restoration;</td>
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<td></td>
<td>(v) Encouraging representative professional organizations and dental schools to educate and train dental professionals and students on the use of mercury-free dental restoration alternatives and on promoting best management practices;</td>
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<td>(vi) Discouraging insurance policies and programmes that favour dental amalgam use over mercury-free dental restoration;</td>
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<td>(vii) Encouraging insurance policies and programmes that favour the use of quality alternatives to dental amalgam for dental restoration;</td>
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<td>(viii) Restricting the use of dental amalgam to its encapsulated form;</td>
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<td>(ix) Promoting the use of best environmental practices in dental facilities to reduce releases of mercury and mercury compounds to water and land.</td>
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Commentary:

The Minamata Convention on Mercury: attempting to address the global controversy of dental amalgam use and mercury waste disposal.


Abstract

In October 2013, a new international binding treaty instrument called the Minamata Convention on Mercury opened for signature in Minamata City, Japan, the site of arguably the worst public health and environmental disaster involving mercury contamination. The treaty aims to curb the significant health and environmental impacts of mercury pollution and includes provisions addressing the mining, export and import, storage, and waste management of products containing mercury. Importantly, a provision heavily negotiated in the treaty addresses the use of dental fillings using mercury amalgam, an issue that has been subject to decades of global controversy. Though use of dental amalgam is widespread and has benefits, concerns have been raised regarding the potential for human health risk and environmental damage from emissions and improper waste management. While the Minamata Convention attempts to address these issues by calling for a voluntary phase-down of dental amalgam use and commitment to other measures, it falls short by failing to require binding and measurable targets to achieve these goals. In response, the international community should begin exploring ways to strengthen the implementation of the dental amalgam treaty provisions by establishing binding phase-down targets and milestones as well as exploring financing mechanisms to support treaty measures. Through strengthening of the Convention, stakeholders can ensure equitable access to global oral health treatment while also promoting responsible environmental stewardship.