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**Implementation of the
Minamata Convention on Mercury
in the Interim Period until Entry into Force**

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I. Background

1. Mercury is a naturally occurring element found throughout the environment in inorganic and organic forms. It is toxic, persistent in the environment and biomagnifies through food webs causing severe and permanent health impacts, in particular significant neurological and other effects, with concerns expressed particularly about the effects on unborn children and infants.

2. In 2001, the Governing Council of the United Nations Environment Programme 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 decided 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 encouraged to adopt goals for reduction of mercury emissions and releases and UNEP initiated technical assistance and capacity building activities to meet these goals. A mercury programme to address these concerns was established and was further strengthened by governments in decisions of the Governing Council in 2005 and in 2007.

3. 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. To this end, an intergovernmental negotiating committee (INC) was thus established, to commence its work in 2010 and conclude negotiations prior to the 27th session of the Governing Council in 2013. Governments from the Latin America and Caribbean region actively participated during the negotiations and five regional consultations took place over a period of three years in preparation of the INCs sessions.

4. In January 2013, the intergovernmental negotiating committee concluded its fifth session by agreeing to the text of the Minamata Convention on Mercury. The text was presented for adoption and inclusion in the Final Act and opened for signature at the Conference of Plenipotentiaries, that took place in Japan in October 2013. The Convention was at that occasion signed by seventeen Latin American and Caribbean governments (Argentina, Plurinational State of Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Guyana, Jamaica, Mexico, Nicaragua, Panama, Peru, Uruguay, and the Bolivarian Republic of Venezuela). Three additional governments (Cuba, Paraguay, Suriname) signed the Final Act. Later,

Paraguay signed the Convention on 10 February 2014. Globally, the Convention already has one ratification (USA) and 96 signatures¹.

5. During the interim period between the date on which the Convention is opened for signature and the date of the opening of the first meeting of the Conference of the Parties to the Convention, the intergovernmental negotiating committee will meet as may be necessary to facilitate the rapid entry into force of the Convention, to prepare for the first meeting of the Conference of Parties and prepare for the convention's effective implementation upon its entry into force. The sixth session of the intergovernmental negotiating committee on mercury (INC6) is scheduled to take place from 3 to 7 November 2014 in Bangkok, Thailand, and will be preceded by regional consultations on 2 November 2014.

II. The Minamata Convention on Mercury

6. The Minamata Convention on Mercury has the objective to protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds. To this end, the Convention includes a range of measures to control emissions and releases of mercury throughout its lifecycle, including:

a. Measures to control the supply and trade of mercury, including limitations on certain specific sources of mercury, such as from primary mining (ban on new primary mercury mines; phase-out of the existing ones over a period of up to 15 years since the date of entry into force of the Convention).

b. Control measures on a range of mercury-added products whose production, import and export will be banned by 2020, except for use in a small range of exempt categories. These items, which have non-mercury alternatives, include:

- Batteries, except for certain 'button cell' batteries
- Switches and relays
- Some compact fluorescent lamps
- Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps
- Soaps and cosmetics (mercury is used in skin-whitening products)
- Some mercury-containing medical items such as thermometers and blood pressure devices.

c. Control measures on manufacturing processes in which mercury or mercury compounds are used. This includes processes like chlor-alkali production, or acetaldehyde production, where the use of mercury shall not be allowed after the phase-out date of 2025 and 2018, respectively. For

¹ As of February 14, 2014. Official website of the Minamata Convention on Mercury: www.mercuryconvention.org

other processes, measures shall be taken to restrict the use of mercury, like the vinyl chloride monomer production.

d. Controls on artisanal and small-scale gold mining using mercury. Countries which have identified that they have artisanal and small-scale gold mining in their territory at a level which is more than insignificant shall take steps to reduce and, where feasible eliminate, the use of mercury by small-scale miners, and national plans shall be developed within three years of the treaty entering into force.

e. Emissions and releases of mercury each have a separate article, with controls directed to reducing levels of mercury emitted or released while allowing flexibility to accommodate national development plans. Relevant sources of emissions listed by the Convention include coal-fired power plants, coal-fired industrial boilers, smelting and roasting processes used in the production of non-ferrous metals, waste incineration facilities, and cement clinker production facilities. Sources of releases are not identified in the Convention, and the release article applies only to sources which are not controlled under other articles in the Convention. For both emissions and releases, differing levels of control apply to new and to existing sources.

f. Measures on environmentally sound interim storage of mercury and on mercury wastes, as well as measures on contaminated sites.

g. Provisions to promote the identification and protection of populations at risk, boosting medical care and better training of health-care professionals in identifying and treating mercury-related effects.

7. Other provisions are made within the text for financial and technical support to developing countries and countries with economies in transition, with a financial mechanism for the convention established within the text. Information exchange, public awareness, and research are also encouraged.

8. Following an initial assessment, countries may develop and execute implementation plans, taking into account their domestic circumstances, for meeting the obligations under the Convention.

9. The Minamata Convention on Mercury shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession .

III. Background on the situation of mercury in the LAC region

10. A summary of the situation of mercury in the region of Latin America and the Caribbean, for some of the key elements addressed by the Minamata Convention, is presented below:

a. Supply and trade: in the region of Latin America and the Caribbean secondary production of mercury has been reported in some countries as a byproduct of large-scale gold mining, or from historical waste (tailings) of silver mining. Formal primary mercury mining has not been reported.

According to trade statistics, observed trends indicate that total imports of elemental mercury decreased during recent years, while exports continued to rise (up to around 560 tons by 2012). The share of intra-regional trade has notably increased during the last years, particularly after the ban on the export of mercury from the European Union and the United States. It must be noted however that trade statistics are not always complete and consistent; therefore an updated and thorough analysis of mercury flows and trends would be needed for the region.

- b. Products and processes: mercury-added products are generally imported but not produced in the region. It has been estimated that the products consumed in LAC represents about 10% of the mercury used globally in products, mainly in dental applications, measuring devices and dental applications². Regarding manufacturing processes covered by the Convention, only chlor-alkali production has been identified in the region. According to the UNEP global inventory of chlor-alkali plants and national information, by 2012 there were 11 plants with mercury cell technology operating in 7 LAC countries (accounting for about 13% of global chlorine production with mercury cells). Many of these facilities have plans to convert to mercury-free technology by 2020.
- c. Emissions and releases: mercury emissions to air from the LAC region were estimated in 292 tonnes by 2012, that is, 15% of mercury emitted globally. Within the region, about 263 tonnes (90%) were emitted in South America. The major source of emissions in the region is the use of mercury in artisanal and small-scale gold mining, which represents 71% of total LAC emissions, followed by non-ferrous metals production (11%) and large-scale gold production (7%). Releases to water are more challenging to estimate, but artisanal gold mining is also believed to be a major source of pollution to aquatic environments.
- d. Artisanal and small-scale gold mining: as indicated above, this sector represents the major source of mercury emissions and releases in the region. The artisanal and small-scale gold mining is present in at least a dozen countries in the region, mainly in the Andes and Amazon basin, but also in Central America, involving at least 500,000 artisanal miners³. This activity has a significant impact on the current demand and trade of mercury in the region.
- e. Mercury wastes: separate collection of discarded mercury-added products and recycling of mercury is limited in the region. These products are frequently mixed with other municipal wastes that are disposed of in landfills. Some countries have hazardous waste landfills authorized to receive mercury wastes. Specific facilities designed for the temporary storage of elemental mercury have not been identified in the region.

² According to data included in the UNEP Global Mercury Assessment (2013).

³ Estimation based on the information presented by the countries that participated during the Second Global Forum on Artisanal and Small-Scale Gold Mining (3-5 September 2013, Lima, Peru).

11. While the region still faces a range of challenges to control mercury emissions and releases, it is also worth mentioning that many countries have carried out important work in relation to mercury, including: inventories of mercury emissions, phase-out of mercury products in the health sector, conversion of mercury-cell plants in the chlor-alkali industry, or formalization of miners and reduction of mercury use in artisanal gold mining.

IV. UNEP action on mercury

12. Besides the support to negotiations of an international legally-binding instrument on mercury that were initiated in 2009, UNEP has delivered since 2003 a programme of activities to address the global challenge of mercury. In 2005 the UNEP Global Mercury Partnership was initiated to take immediate action on mercury. It is a multi-stakeholder partnership with eight priorities or partnership areas, consistent with the major sources of mercury (such as artisanal and small-scale gold mining, coal combustion, chlor-alkali, mercury in products, or supply and storage).

13. During the last years, several activities have been developed within the framework of the Global Mercury Partnership in the LAC region. Two bi-national projects on the sound mercury storage and disposal were conducted first in Argentina-Uruguay, and later in Mexico-Panama, with the technical support of the Basel and Stockholm Convention regional centres based in these countries. In relation to artisanal and small-scale gold mining (ASGM), the region hosted the 2nd Global Forum on ASGM, which was held in Peru (Lima, September 2013), and joined 100 participants from around the world. Additionally, a sub-regional Andean Forum on ASGM was later organized in Colombia (Medellin, November 2013), where the need for further regional cooperation on this area was highlighted. UNEP has also supported projects to facilitate the development of National Action Plans on ASGM in Colombia, and Bolivia-Peru.

14. Projects to reduce the use of mercury in products, such as medical devices or lamps, have also been conducted in several countries of the region. Additionally, many countries have used, or have been trained to use, the UNEP Toolkit to develop national inventories of mercury releases and inventories.

15. GEF mercury-related projects have also been prepared during this period, and a regional project on developing mercury inventories and action plans has recently been approved and is ready to be executed during the next couple of years.

16. In order to disseminate the scope and implications of Minamata Convention on Mercury to the LAC countries, a report is being prepared which describes the key provisions of the Convention, contextualized with regional data and information, including case studies of some of the actions already underway in different countries.

17. In preparation of the meetings of the Intergovernmental Negotiating Committee (INC), support was provided to the organization of the LAC regional consultations. A preparatory consultation for INC4 took place in Brasilia (May 2012), with the support of the Government of Brazil (held back-to-back with a technical workshop on mercury waste management in the LAC region, supported by the Governments of Spain and Uruguay). INC4 was held in Uruguay in June 2012. A preparatory consultation for INC5 was held in Bogota (November 2012), with the support of the Government of Colombia.

18. In preparation of the Diplomatic Conference of the Minamata Convention (Japan, October 2013), relevant briefings were also circulated across the region, and participation of LAC countries was facilitated. UNEP also participated in the regional event to disseminate the Minamata Convention, which took place within the framework of the meeting of Ministers of Environment of MERCOSUR (Uruguay, May 2013).

19. During 2014 UNEP is planning to organize a regional workshop in Latin America (Central and South America) and another workshop in the Caribbean to support ratification and early implementation of the Minamata Convention on Mercury.

V. Considerations for the countries

20. In order to meet the objectives of the Minamata Convention on Mercury and facilitate its implementation, governments of the Latin America and Caribbean region are invited and encouraged to:

- a. Sign the Minamata Convention as soon as feasible, if they have not yet done so.
- b. Foster internal arrangements required by their national legal frameworks to ratify, accept, approve or accede to the Convention thus becoming a Party, contributing to a rapid entry into force of the treaty.
- c. Take actions at national and regional level, with the support of international organizations and other stakeholders, to reduce and, where feasible eliminate, uses and releases of mercury, thus preventing exposure to population and environmental pollution. Such actions may include:
 - o Initial assessments of the situation on mercury, including identification of mercury flows, sources of emissions and releases, stocks, etc.
 - o Establishment of inter-institutional and multi-stakeholder coordination mechanisms.
 - o Development of legal and policy frameworks.
 - o Development of Artisanal and Small Scale Gold Mining National Action Plans, if applicable.

- o Promotion of best available techniques and environmental sound practices to reduce mercury emissions and releases, and the sound management of mercury wastes.
 - o Raise awareness on mercury issues.
- d. Cooperate and exchange information with other countries of the region.
