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THIRTEENTH ITEM ON THE AGENDA

Report of the Director-General

Third Supplementary Report: Follow-up to the Minamata Convention on Mercury

Purpose of the document

The Governing Body is invited to take note of the adoption of the Minamata Convention on Mercury and the follow-up action proposed by the Office (see the draft decision in paragraph 18).

Relevant strategic objective: Outcome 6: Workers and enterprises benefit from improved safety and health conditions at work.

Policy implications: There should not be a change in policy as mercury is covered by the Chemicals Convention, 1990 (No. 170).

Legal implications: None.

Financial implications: None.

Follow-up action required: The Office will be required to take action as set out in the decision paragraph.

Author unit: Labour Administration, Labour Inspection and Occupational Safety and Health Branch (LABADMIN/OSH).

Related documents: None.

The Minamata Convention on Mercury

1. The Minamata Convention on Mercury is a global treaty to protect human health and the environment from the adverse effects of mercury and mercury compounds. It is named after a city in Japan where serious health and environmental damage occurred as a result of mercury pollution in the mid-twentieth century.

What is mercury?

2. Mercury is a toxic substance, damaging to the brain and nervous system (particularly in young children and infants), as well as to the heart and kidneys. There is no known safe level of exposure. Mercury poisoning causes a range of neurological conditions, including coordination problems and memory loss. Mercury can also attack the cardiovascular system, the kidneys, the gastrointestinal tract, the immune system and the lungs, and can affect women's reproductive health by reducing fertility and increasing the risk of miscarriage. Mercury is particularly harmful to children and can impair their cognitive development.
3. The Minamata Convention is an acknowledgement by governments that mercury needs to be addressed through concerted global action. It adopts the principle of the environmentally sound life-cycle management of mercury to inform and guide action to ensure that there is a holistic and multi-sectoral approach. This is fundamental to successfully achieving the Convention's objective, which is "to protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds".¹

Scope and coverage

4. The Convention is designed to take a holistic view of the mercury life cycle, with controls on mercury from when it is mined, through its use in products and processes, to its disposal as waste and ultimately its final storage. The Convention also covers unintentional emissions, such as those resulting from the burning of coal and the production of certain non-ferrous metals, as well as releases associated with its intentional use, in such areas as artisanal and small-scale gold mining. The Convention addresses the need for information, reporting and monitoring, and also includes a financial mechanism that will assist countries in its implementation.
5. One important feature is a compliance mechanism that provides the means to assess whether countries are meeting their obligations and to identify whether they need additional help. If such help is needed, the Convention makes provision for financial and technical assistance.
6. The main features of the Convention are control measures designed to achieve its objective, namely:
 - ban on new mercury mines and phase-out of existing ones, and controls on international trade in mercury (Article 3);

¹ Article 1 of the Minamata Convention on Mercury.

- phase-out and phase-down of mercury use in products and processes (Articles 4, 5 and 6);
- controls on artisanal and small-scale gold mining (Article 7);
- controls on air emissions (Article 8) and releases to land and water (Article 9);
- storage, waste and contaminated sites (Articles 10, 11 and 12).

Negotiation process

7. In February 2009, the Governing Council of the United Nations Environment Programme (UNEP) adopted decision 25/5 on the development of a global legally binding instrument on mercury. The work to prepare this instrument was undertaken by an intergovernmental negotiating committee (INC) supported by the Chemicals Branch of the UNEP Division of Technology, Industry and Economics as secretariat.
8. The work of the INC was carried out over five sessions from June 2010 in Stockholm, Sweden, until January 2013 in Geneva, Switzerland:
 - INC 1: 7–11 June 2010, Stockholm, Sweden;
 - INC 2: 24–28 January 2011, Chiba, Japan;
 - INC 3: 31 October–4 November 2011, Nairobi, Kenya;
 - INC 4: 27 June–2 July 2012, Punta del Este, Uruguay;
 - INC 5: 13–18 January 2013, Geneva, Switzerland.
9. Following the conclusion of the negotiations at INC 5, the text was formally adopted and opened for signature by states and regional economic integration organizations at the Conference of Plenipotentiaries, held in Minamata and Kumamoto, Japan, from 9 to 11 October 2013. The Convention will enter into force 90 days after receipt of the 50th instrument of ratification.

ILO involvement in the negotiation process and interim period

10. ILO involvement and participation in the negotiations on the Minamata Convention were limited to just the first INC session. Following INC 1, the former Programme on Safety and Health at Work and the Environment (SafeWork) determined that it was not necessary for the ILO to continue to participate in the negotiations as mercury was already covered by the Chemicals Convention, 1990 (No. 170).
11. However, after the adoption of the Minamata Convention, the interim secretariat of the Minamata Convention approached the ILO Labour Administration, Labour Inspection and Occupational Safety and Health Branch (LABADMIN/OSH) seeking to renew the collaboration in accordance with Article 16(2) of the Convention, which states:
 2. The Conference of the Parties, in considering health-related issues or activities, should:
 - (a) Consult and collaborate with the World Health Organization, the International Labour Organization and other relevant intergovernmental organizations, as appropriate; and

- (b) Promote cooperation and exchange of information with the World Health Organization, the International Labour Organization and other relevant intergovernmental organizations, as appropriate.
12. The ILO agreed to renew its collaboration and work has now started to develop occupational fact sheets relating to mercury exposure for use by the interim secretariat of the Minamata Convention for awareness-raising workshops being held worldwide prior to the Convention coming into force. In addition, LABADMIN/OSH has participated in the workshops, providing presentations on mercury exposure in the workplace.
 13. Furthermore, at the May 2014 meeting of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC), a special session was hosted by the ILO on mercury use in artisanal and small-scale gold mining, which was attended by representatives of the ILO, the United Nations Development Programme (UNDP), UNEP (including the interim secretariat of the Minamata Convention), the United Nations Industrial Development Organization (UNIDO), the United Nations Institute for Training and Research (UNITAR), the World Bank and the World Health Organization (WHO), and it was agreed that collaboration and coordination were required among the participating organizations to ensure that all areas were specifically covered under the mandate of each organization.
 14. The IOMC was established in 1995 to strengthen cooperation and increase coordination in the field of chemical safety. It is the pre-eminent mechanism for initiating, facilitating and coordinating international action to achieve the World Summit on Sustainable Development 2020 goal of the sound management of chemicals. The nine participating organizations of the IOMC are: the Food and Agriculture Organization of the United Nations (FAO), the ILO, UNDP, UNEP, UNIDO, UNITAR, the World Bank, WHO and the Organisation for Economic Co-operation and Development (OECD).
 15. The ILO has also accepted an invitation to participate actively in the upcoming sixth session of the INC, which will take place in November 2014.

Links to ILO work and areas of critical importance

16. The scope of the collaboration between the Office and the interim secretariat of the Minamata Convention is clear. The International Programme on the Elimination of Child Labour (IPEC) has already undertaken work on child labour in artisanal and small-scale gold mining in Africa, and LABADMIN/OSH and the Sectoral Policies Department (SECTOR) are working on both gold mining and electrical and electronic waste (e-waste) in member States where mercury exposure is one of the main occupational hazards. Worker exposure to mercury is related to three areas of critical importance, namely: protection of workers from unacceptable forms of work; formalization of the informal economy; and strengthening workplace compliance through labour inspection.
17. Mercury use, especially in artisanal and small-scale gold mining, occurs mostly in the informal sector and usually in households where not just the worker is exposed, but also the family. Most artisanal gold miners – adults and children – use mercury to extract gold from the ore, as it is easy to obtain and the cheapest and easiest method available. They amalgamate gold with mercury and then burn the amalgam to separate out the gold, risking their health and their lives, and also those of their families. In the formal economy, especially in the recycling of e-waste, labour inspection is of vital importance for the prevention of worker exposure to mercury and for compliance with national laws and regulations enacted by member States.

Draft decision

18. *The Governing Body:*

- (a) takes note of the adoption of the Minamata Convention on Mercury; and*
- (b) requests the Office to continue collaborating with the interim secretariat of the Minamata Convention and other participating organizations of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) in the areas under the ILO's mandate, in particular in the protection of worker safety and health from exposure to mercury.*