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Environment - Switzerland



Government announces support for Minamata Convention on Mercury

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The Minamata Convention on Mercury is a global treaty to protect human health and the environment from the adverse effects of mercury. It was agreed at the fifth and final session of the Intergovernmental Negotiating Committee in Geneva on January 19 2013.

Background

Mercury is a poisonous heavy metal, harmful to health and the environment. It is persistent and spreads over long distances via air and water. Through the aquatic food chain, mercury is absorbed by edible fish.⁽¹⁾

One example of mercury poisoning (and the reason for the convention's name) occurred in the city of Minamata in Japan. In the 1930s a factory released sewage water contaminated with mercury compounds into the bay in front of the city. Twenty years later, the consequences of poisoning through the consumption of fish became visible. Thousands of people suffered from Minamata disease, the symptoms of which include paroxysm, movement disorders and deafness.

Development and entry into force

In 2009 147 member states of the United Nations Environment Programme approved proceedings regarding an internationally binding instrument reducing the anthropogenic use of mercury. After several proceedings, in October 2013 the Convention on Mercury was presented for signing by the states in Kumamoto (Japan).

The convention has been signed by 93 states. The United States is the first and so far only state to ratify the convention.⁽²⁾ The convention will enter into force on the 90th day after the date of deposit of the 50th instrument of ratification, acceptance, approval or accession.⁽³⁾

The convention is not self-executing. Thus, parties must amend their national laws in order to implement the convention in their own territory, thereby taking into account domestic circumstances.⁽⁴⁾

The Swiss Federal Council approved the convention on September 9 2013 and Federal Councillor Doris Leuthard conducted the signing on October 10 2013. The convention is still to be ratified by the Swiss Parliament.

Convention in detail

As stated in Article 1, the convention's objective is to protect human health and the environment from emissions and releases of mercury and mercury compounds caused by humans. The convention covers the following key elements:

- The convention forbids the implementation of new mercury mines.⁽⁵⁾
- Existing mines must be closed within 15 years of the convention's entry into force.⁽⁶⁾
- Mercury may be used only for purposes allowed by the convention and must be disposed of carefully.⁽⁷⁾
- Cross-border trade with mercury is subject to the approval of the importing country and is limited to permissible purposes.⁽⁸⁾
- Mercurial products, as well as production methods using mercury, will be prohibited if alternatives are available.⁽⁹⁾ Certain products containing mercury (eg, thermometers, batteries, cosmetics and certain light bulbs) will be prohibited by 2020.⁽¹⁰⁾

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- Parties with relevant sources of mercury emissions or releases shall take measures to control and reduce them.⁽¹¹⁾
- The mercury prohibition does not apply to small-scale gold mining, since the prohibition would not be enforceable. However, states are obliged to implement action schedules to replace existing methods using mercury with methods less harmful for the population and environment.⁽¹²⁾

Impact on Switzerland

Switzerland has already regulated the use of mercury and allows its use only in exceptional circumstances.⁽¹³⁾ Thus, the convention will have only a minor effect on Swiss legislation. In particular, the convention will lead to amendments of the exemptions from the general prohibition to place on the market mercury-containing preparations or articles and to use elemental mercury, mercury compounds or mercury-containing production methods. Thus, Switzerland, for example, must adapt its national legislation on batteries. Annex 2.15(2) of the Ordinance on the Reduction of Risks relating to the Use of Certain Particularly Dangerous Substances, Preparations and Articles⁽¹⁴⁾ prohibits batteries containing more than 5 milligrams of mercury per kilogram. However, the convention prohibits all kinds of mercury containing batteries by 2020, except for button zinc silver oxide batteries and button zinc air batteries, each with a mercury content of less than 2%.⁽¹⁵⁾ Adaption will be needed, as the convention prohibits the use of mercury or mercury compounds in chlor-alkali production by 2025,⁽¹⁶⁾ a production method that is not yet generally prohibited in Switzerland.

In addition, like the other parties to the convention, Switzerland must support other countries by taking measures against the adverse effects of mercury, in particular by capacity building, technical assistance and technology transfer.⁽¹⁷⁾ Also, the government has announced its intention to financially support both the implementation of the convention and the Better Gold Initiative, which is based on a public-private partnership between Swiss delegates of the industry concerned and the State Secretariat of Economic Affairs.

Comment

The convention is an important step on the way towards global health and environmental protection. However, regarding small-scale gold mining in particular – a major source of mercury emissions and releases – the convention lacks binding obligations. It remains unclear whether, how and when countries with existing small-scale gold mining will and can take action in this regard.

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Endnotes

(1) United Nations Environment Programme Global Mercury Assessment, www.chem.unep.ch/mercury/Report/Chapter5.htm.

(2) Status as of November 19 2013. For further information on the status of signing or ratification please see www.mercuryconvention.org/Countries/tabid/3428/Default.aspx.

(3) Article 31(1) of the convention.

(4) *cp* Article 20.

(5) Article 3(3).

(6) Article 3(4).

(7) Articles 3(4), 4, 5 and 11.

(8) Article 3(6).

(9) *cp* Annex B, Part 2 of the convention.

(10) *cp* Annex A, Part 1.

(11) Articles 8 and 9.

(12) *cp* Article 7.

(13) *cp* Annex 1.7 of the Ordinance on the Reduction of Risks relating to the Use of Certain Particularly Dangerous Substances, Preparations and Articles, SR 814.81.

(14) SR 814.81.

(15) *cp* Annex A, Part 1 of the convention.

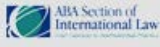
(16) *cp* Annex B.

(17) *cp* Articles 13 and 14.

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