

Mercury INC-3, Nairobi, Kenya, 2011
Article 14 Contaminated Sites

Thank you very much, Mr. Chairman.

I am Takeshi Yasuma from Citizens Against Chemicals Pollution (CACP) in Japan.
My intervention concerns Article 14: Contaminated Sites.

The topic of contaminated sites is closely linked to the Minamata tragedy since the disaster resulted from a contaminated more than 50 years ago. Since then, the Minamata tragedy has claimed more than 50,000 victims and become a global reminder of the harm that mercury-contaminated sites can cause. If the treaty is to bear the name of Minamata, then we believe this article will represent how serious delegates are about addressing future Minamatas.

Based on the Minamata experience, we recommend the following three points.

1. As the two options in the draft treaty text illustrate, there is a huge disparity of views regarding the nature of the obligations appropriate for contaminated sites. As a way of moving forward, we recommends inclusion of a mandatory inventory and site characterization requirement, so that parties obtain the necessary baseline information needed to prioritize sites and act on emergency health situations.

2. We recommend text be added to option 1 obliging polluters to pay the remediation costs and appropriate compensation to victims. The text should also include mechanisms for implementing Rio Principle 10: Access to information; Rio Principle 13: Compensation for Victims of Pollution and other Environmental Damage; and Rio Principle 16: The Polluter Pays Principle. Provisions should be included to promote international cooperation to address the most problematic sites where the responsible party cannot be identified or where it lacks the necessary level of resources

3. When mercury contaminants are removed for remediation of contaminated sites, they should be collected, transported, disposed and managed in an environmentally sound manner in order to prevent them from becoming a source of continuing contamination. A guideline should be developed for the safe management of wastes generated from site remediation, and related text should require the safe management of remediation wastes in accordance with Article 13.

These three measures should be applied to the current Minamata site since as much as 1.5 million m³ of contaminated sludge is still present in Minamata Bay in what was supposed to be a “temporary landfill”.

We believe that honoring the Minamata tragedy means including obligations to protect the public from contaminated sites so that Minamata never happens again.

Thank you for your consideration.