

Response to the Joint Statement (No. 1)

22 June 2012

To: Mr. Takeshi YASUMA (Citizens Against Chemicals Pollution (CACP))

From: Teruyoshi HAYAMIZU, Director, Environmental Health and Safety Division, Environmental Health Department, Ministry of the Environment, JAPAN

I would like to send you my responses to “Civil Society Organizations Joint Statement; Japanese Government Needs incorporate the Lessons Learned from Minamata into the Mercury Treaty“ submitted from your organizations to the Japanese Environment Minister dated January 23, 2012.

1. Lessons learned from Minamata disease

The Mercury Treaty, which is now in the process of intergovernmental negotiation, is very important in order to prevent global mercury pollution and protect human health and the environment. The Japanese Government, as the government of a country which has experienced Minamata disease, intends to actively contribute to developing a treaty so that health damage and environmental destruction such as that caused by Minamata disease would never be repeated in any other country in the world. Finally we would like to name the treaty “Minamata Convention” by hosting the Diplomatic Conference scheduled for 2013. In this context, we think it important to include “Lessons learned from Minamata” to the treaty.

As to what kind of issues are “Lessons learned from Minamata”, it has been discussed in various places and many people pointed out different contents as lessons. However, I do not think that “lessons” would stay only at the Article 14; Contaminated sites, as you suggested. As you may know, the source of pollution which caused Minamata disease is a mercury catalyst which was used in the production process of acetaldehyde. In this sense, the article directly related to the cause of Minamata disease is the Article 7 “Manufacturing processes in which mercury is used”, and I think that other various articles are also related.

At least, one of the most important lessons learned from Minamata is that private sectors and the governments should take preventive measures against mercury pollution. In order to achieve this, it is important that an effective international treaty will be agreed as planned and measures will be promoted internationally. Therefore, we are actively engaged in negotiations.

With regard to the negotiations of individual articles, our thoughts are as follows:

i) In Article 7 (Manufacturing processes in which mercury is used) and Annex D, we believe that, from the viewpoint of preventive measures, manufacturing processes in which mercury or mercury compounds are used as catalysts or electrodes as is the case of Minamata in the past should widely be prohibited except for technically difficult processes, and strict management of exceptional mercury use should be guaranteed. We have been asserting these concepts in the negotiation.

ii) In Article 18 (Information exchange), we have proposed that epidemiological information, upon recognition, regarding health impacts associated with mercury exposure should also be exchanged.

iii) We are considering somehow referring to lessons learned from Minamata in the Preamble. We will consider concrete proposal in the future at the stage of discussing them. For your information, in the

Stockholm Convention on POPs, polluter pays principle is referred in the Preamble. Therefore, we think that it might also be appropriate to refer to it in the Preamble of Mercury Treaty.

Regarding the experiences of Japan, we have been trying to share them by making a booklet titled “Lessons Learned from Minamata Disease and Mercury Management in Japan,” translating it into all UN official languages and distributing it to the participants.

2. Article 14 (Contaminated Sites)

Regarding Article 14 on contaminated sites, the revised draft text has been shown based on the discussions at the contact group at INC3. The issues on contaminated sites are local problems rather than international problems. Therefore, I think it a difficult subject to handle in an international treaty. In addition, remediation of contaminated sites by mercury is technically difficult. Taking these issues into account, I think it appropriate in general to progress our discussions based on the current proposed texts.

In the Joint Statement, I understand it is suggested that the following contents should be included in the Article 14:

- i) Polluter’s responsibility for contaminated sites and bearing costs for restoration or rehabilitation
- ii) Polluter’s responsibility for all victims, which includes but is not limited to compensation for them
- iii) Government’s and polluter’s responsibility for a thorough and transparent investigation of every aspect of damage caused by mercury contamination; and
- iv) Full disclosure of information on the causes and the facts related to the mercury contamination.

I think that all of the above items are not limited to the issues on contaminated sites. My comments on individual items are as follows:

- i) I do not think that i) of the above is suitable as the text of a treaty where governments’ work is identified. I think it appropriate to describe polluters pay principle in the Preamble.
- ii) Regarding ii) of the above, I think it difficult to include the subject of compensation in the international treaty.
- iii) Regarding iii) of the above, I think that the (c) of current Article 20 (Research, Development and Monitoring) includes the assessments of the impact of mercury and mercury compounds on human health and the environment. I suppose that they are appropriate.
- iv) Regarding iv) of the above, as mentioned before, we have proposed in Article 18 (Information exchange) that epidemiological information, upon recognition, regarding health impacts associated with mercury exposure should also be exchanged.

I think that the various domestic problems in relation with Minamata disease should be discussed separately regardless the content of the negotiation of the treaty.

3. Reclamation site of mercury sludge in Minamata City

I assume that “the place of mercury contaminated sludge dredged from the Minamata Bay,” in your Joint Statement means so-called “Eco-park Minamata.”

Regarding the “Eco-park Minamata,” we have been informed that the Kumamoto Prefectural Government which owns and manages the park has been conducting periodical environmental monitoring for water,

sediments, groundwater and biota every year in order to grasp the environmental situation and confirm the safety of the reclamation site. The results so far show that there has been no problem.

In addition, the Kumamoto Prefectural Government established an expert committee which has been discussing quake resistance and confirmation of aging degradation of the reclamation site and future responses.

I acknowledge that so-called “Hachiman Pool” has been pointed out as a suspected contaminated area where residue of mercury in the industrial effluents may be accumulated. However, I have also been informed that monitoring for sea water of vicinity area, groundwater and leaching effluents has been conducted and the results have not shown any problems.

However, at the explanatory meeting on mercury held in Minamata last year, we heard directly from the local citizens that they have concern with the safety of the landfill area in case of an earthquake. If any further concern arises in the future, I believe that Kumamoto Prefectural Government which owns “Eco-park Minamata” and JNC which owns “Hachiman Pool” would take appropriate measures. The Ministry of the Environment of Japan would also provide necessary cooperation.

With regard to the issues on these reclamation sites in Minamata, I believe that necessary measures would be taken as domestic issues regardless of the provisions of Article 14.

4. Naming of “Minamata Convention”

Naming the treaty “Minamata Convention” does not mean that we would end the issues related to Minamata. On the contrary, by naming the treaty “Minamata Convention”, I think we could progress international mercury management by reminding us of the issues on Minamata for the future, including different problems left unsolved. In that sense, I believe it meaningful to name the treaty “Minamata Convention.” The name “Minamata Convention” has been supported by many in the international context. We would like to continue to make every effort to achieve this goal.