

Protecting people and the environment from mercury pollution in Latin America and the Caribbean: linkages between the Minamata Convention on Mercury and the Escazú Agreement.



WHAT THEY ARE

The **Minamata Convention on Mercury** is a global environmental agreement with the objective to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds. It sets out a range of measures to address mercury throughout its life cycle from its mining to its management as waste. Since it entered into force on 16 August 2017, Parties have been working together to control the supply and trade of mercury, including setting limitations on specific sources of mercury such as primary mining. The Convention also targets measures to control mercury-added products and manufacturing processes in which mercury or mercury compounds are used, as well as artisanal and small-scale gold mining.

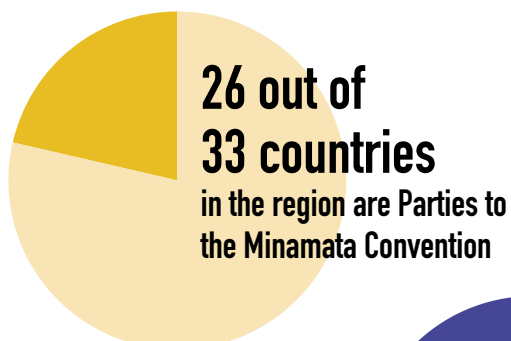
The **Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean** (Escazú Agreement) is Latin America and the Caribbean's first regional environmental treaty aiming to guarantee the rights of access to information, public participation and justice in environmental matters. In force since 22 April 2021, the agreement is also the first in the world to include specific provisions protecting human rights defenders in environmental matters. It places a particular focus on persons and groups in vulnerable situations and capacity-building and cooperation.

MERCURY AS A POLLUTANT

Mercury is an extremely toxic chemical. Mercury can travel long distances over the air, accumulate through the food chain, and negatively impact human health and the environment. There are no safe levels of human exposure to mercury which can cause severe health damage. Mercury pollution contributes to climate change and loss of biodiversity.

Mercury pollution is a global concern. Every year, as much **as 4,000 tons of mercury are released into the environment**. The largest source of mercury emissions **is artisanal and small-scale gold mining**, followed closely by **coal combustion, non-ferrous metal production, and cement production**. Mercury can still be found in many commercial products such as batteries, fluorescent lamps, cosmetics, pesticides, thermometers and dental amalgams. Everyone is exposed to some amount of mercury, and exposure to high amounts of mercury can lead to long-term and sometimes permanent neurological damage.

REGIONAL PARTICIPATION STATISTICS



[Parties to the Minamata Convention](#)



[Parties to the Escazú Agreement](#)

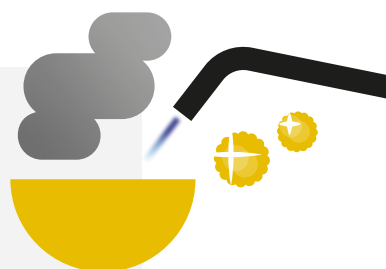
REGIONAL DEVELOPMENTS

12 countries in the region have notified the Minamata Convention that artisanal and small-scale gold mining (ASGM) is more than insignificant in their territory. Six of them have developed a National Action Plan to reduce the use of mercury in ASGM

2 countries in the region have fully operational PRTRs and **15** others are at various stages of its establishment

6 countries in the region have benefited so far from the Specific International Programme to support Capacity Building and Technical Assistance (SIP) under the Minamata Convention

38 projects in 16 countries across the region have received funding from the Global Environment Facility (GEF) through the Minamata Convention allocation



COMMON AREAS OF WORK



Area	Minamata Convention	Escazú Agreement
Public information, education & awareness	<u>Article 18</u> : Parties promote public access to information on mercury, awareness raising, training, and educational programmes	<u>Articles 5 and 6</u> : Parties ensure the public's right of access to environmental information, promote the generation and dissemination of environmental information and build public capacity and awareness
Information exchange & transparency	<u>Article 17</u> : Parties promote information exchange. The Secretariat maintains public registers of notifications, exemptions, mercury stocks.	<u>Articles 5 and 6</u> : Parties shall make environmental data available in a regular, comprehensive and timely manner. <u>Article 12</u> : A virtual and universally accessible clearinghouse operated by ECLAC is established
Pollutant Release & Transfer Registers (PRTs)	<u>Article 18</u> : encourages using or establishing pollutant release registers to collect and share data on mercury emissions/releases (articles 8 and 9) <u>Articles 8 and 9</u> : Parties shall establish and maintain an inventory of emissions and releases from relevant sources. <u>Article 22</u> : Use of information on mercury emissions and releases to support evaluating the effectiveness of the convention Development of mercury inventories in Minamata initial assessments, funded by the GEF	<u>Article 6.4</u> : Parties shall take steps to establish a Pollutant Release and Transfer Register covering air, water, soil and subsoil, materials and waste (includes mercury pollutants)
Biodiversity and the right to a healthy environment	The interconnections between mercury pollution and biodiversity loss and the need for coordinated action to protect ecosystems and human health are recognized under the Minamata Convention (Decision 5/17)	<u>Article 1</u> : objective to contribute to the right of present and future generations to live in a healthy environment and to sustainable development <u>Article 4</u> : guarantees the right to a healthy environment
Focus on groups in vulnerable situations	The Convention recognizes «health concerns, especially in developing countries, resulting from exposure to mercury of vulnerable populations, especially women, children, and through them future generations». (Preamble) Furthermore, <u>Annex C</u> to the Convention states that National Action Plans to address mercury use in artisanal and small-scale gold mining are to include strategies to prevent the exposure of vulnerable populations, particularly children and women of childbearing age, especially pregnant women Mercury levels in vulnerable populations (Article 22) are to be considered in effectiveness evaluation of the Minamata Convention	<u>Article 2</u> : defines persons and groups in vulnerable situations The treaty gives particular attention to this group throughout the text.
Participation in the development of strategies to identify and evaluate contaminated sites	<u>Article 12</u> : public involvement in identifying and managing contaminated sites	<u>Article 7</u> : guarantees public participation in environmental decision-making, including permitting
Participation in implementation plans	<u>Article 20</u> : Parties shall consult with national stakeholders for the implementation plans to comply with their obligations under the Convention	<u>Article 7</u> : guarantees public participation in environmental decision-making, including permitting
Mercury supply and trade	<u>Article 3</u> : Prohibits new primary mercury mining and regulates trade, including prior informed consent for exports	<u>Articles 5-8</u> : Access to environmental information, public participation and access to justice
Capacity-building & cooperation and mining	<u>Article 7</u> : Parties cooperate, build capacity and promote best practices to reduce and where feasible eliminate mercury use in artisanal and small-scale gold mining (ASGM) – Stakeholder involvement in ASGM national action plans	<u>Articles 10 and 11</u> : promote capacity building and cooperation on environmental access rights

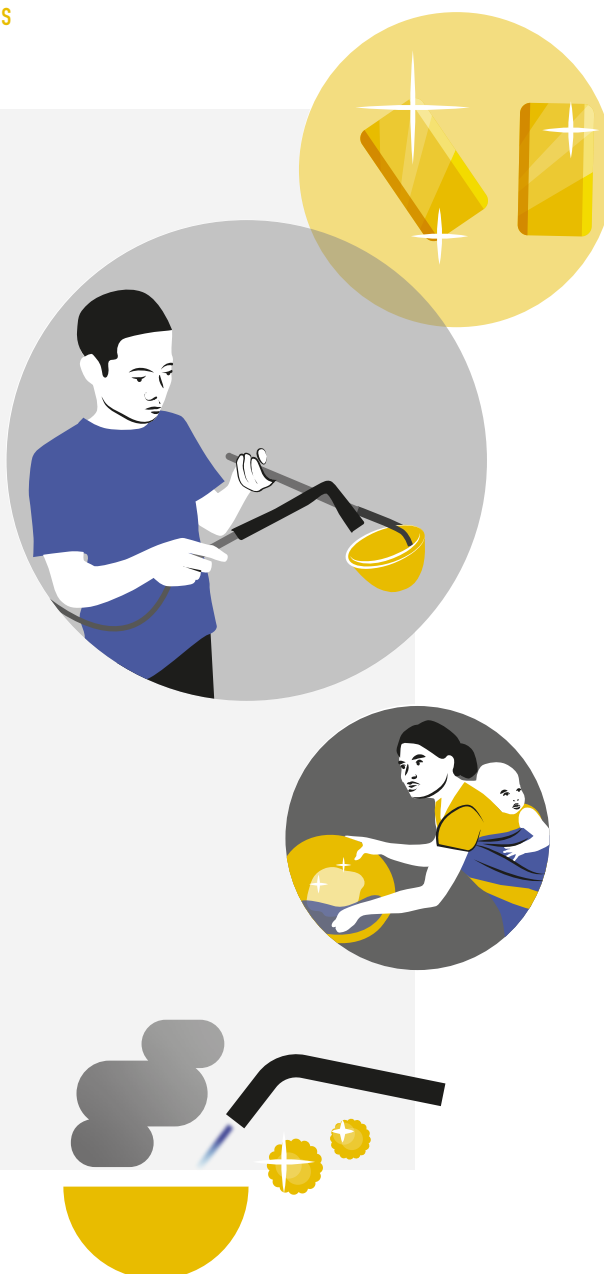
ARTISANAL AND SMALL-SCALE GOLD MINING (ASGM)

Artisanal and small-scale gold mining (ASGM) is the largest source of mercury emissions globally, and a pressing issue across Latin America and the Caribbean. This sector is often informal or illegal and present in rural or remote areas, directly impacting people in vulnerable situations as well as critical ecosystems, including biodiversity hotspots.

The Minamata Convention on Mercury requires countries with significant ASGM activity to develop National Action Plans to reduce or eliminate the use of mercury. It also regulates the trade of mercury and promotes environmentally sound practices.

The Escazú Agreement strengthens this process by ensuring access to information, participation in environmental decision-making, and access to justice. It also combats illegal activities through regional cooperation and information-sharing.

Together, these agreements enable countries in the region to advance a just, inclusive, and sustainable transition toward responsibly mined gold and reduced mercury pollution from artisanal and small-scale gold mining (ASGM).



Escazú Agreement
<https://www.cepal.org/en/escazuagreement>
secretaria.escazu@cepal.org
<https://observatoriop10.cepal.org/en>



Minamata Convention
<https://minamataconvention.org>
 MEA-MinamataSecretariat@un.org