



# QUICKSILVER FORUM

JAPAN'S MINAMATA LEGACY AND THE NEED TO BAN ITS Hg EXPORT

Vol.1 No.1 May 2010

## Japan and Mercury

As the First UNEP Intergovernmental Negotiating Committee convenes in June 2010 and embarks on a monumental task of controlling mercury globally, an understanding of how Japan, a country intimately linked to the issue of mercury poisoning, handled the demands of Minamata victims and how it behaves globally on the issue of mercury is paramount. Does Japan's past and current rhetoric stand up to its responsibilities to the victims and to the global community?

In 1932, Chisso Corporation opened an acetaldehyde plant in Minamata, a small coastal community in Kumamoto, Kyushu. Throughout its 36 years of operation, methylmercury-containing wastewater was freely discharged into the bay, causing serious, intergenerational cases of mercury poisoning in Minamata.

The Japanese government has taken steps to repair the blemish of Minamata over the years. The last primary mercury mining was closed in 1974, and all mercury-based chlor-alkali plants were closed by 1999. Japan has also been supportive of international actions on mercury.



## From 1932 to 2010 – The Minamata Struggle

- 1932: Chisso began operation of the Minamata acetaldehyde plant. Mercury-containing wastewater was dumped freely into Minamata Bay.
- 1950's: Residents of Minamata began exhibiting symptoms of an unknown disease.
- 1956: The disease was officially recognized as Minamata Disease, although the cause remained unidentified.
- 1968: The Japanese government acknowledged that methylmercury from Chisso's factory wastewater was the cause of Minamata Disease. Chisso closed the acetaldehyde plant. Victims sued Chisso.
- 1977: The government set criteria for the recognition of Minamata Disease. Victims who were not recognized due to these criteria raised lawsuits

against the government, Kumamoto Prefecture, and Chisso.

- 1987: The Kumamoto district court first recognized the responsibility of the Government and Kumamoto Prefecture as well as Chisso.
- 1995: The government offered a "final political solution" to address unrecognized victims, but did not acknowledge its responsibility.
- 2004: The Supreme Court of Japan denounced the inaction of the government and Kumamoto Prefecture regarding damage control.
- 2005: More unrecognized victims sued Government, Kumamoto Prefecture and Chisso.
- 2009: The Minamata Relief Law was passed. The controversial law was criticized by some groups for its inadequacies.
- 2010: The Kumamoto district court recommended a

settlement, which many of the victims accepted.

In order to end the half-a-century Minamata saga, Government decided based on the settlement to apply the relief to all unrecognized victims who are estimated to be more than 30,000.

## Criticism of the Minamata Relief Law

Majority of the victims accepted the law because of the aging victims who needed support quickly. Some groups, however, continued the struggle and still criticized the Relief law as:

*First*, it permits Chisso to split into two companies, a parent company for compensation and a subsidiary company for business, allowing it to escape from its obligations. When all victims under the law have been identified and compensated, the parent company Chisso will be dissolved, absolving them from any future responsibilities.

*Second*, the limited original criteria for recognition of the disease remain unchanged, although unrecognized victims are to be subject to the relief based on the law. Recognition is one of the most important factors for the essential solution.

*Third*, despite no comprehensive health study ever

being made by the government, the law still does not require it. Thus nobody will be able to understand the full true picture of the Minamata Disease, including victims who could not disclose their disease for fear of discrimination, victims who already died without being recognized, fetuses who died before delivery, and future victims, and it will vanish into the night forever.

*Fourth*, those victims who were born after November 1969 are not eligible for compensation despite possibility of the mercury pollution still being present after Chisso's closure in 1968.

Finally, the law stipulates that persons for relief are to be identified within 3 years. A time limit should not be provided for application for relief given the persistent nature of mercury and some victims who still cannot disclose their disease.

### **Look Who's Exporting Mercury**

Japan is the only country in Asia apart from Kyrgyzstan that exports mercury, derived mainly from nonferrous metal smelters and recycling of mercury-containing products.

The volume of Japan's mercury exports reached its peak in 2006, when 250 metric tons of mercury valued at over ¥500M was exported to Iran (81.4 tons), India (34.5 tons), Netherlands (17.3 tons) and the Philippines (12.9 tons), among others. From 2006 to 2009, Hong Kong, Netherlands, Myanmar, Korea, Vietnam and Indonesia consistently imported mercury from Japan.

Despite these regular exports, there is no traceable system to identify the final destination and actual use of the mercury. Japan continues to sell mercury in spite of its horrendous Minamata legacy. Difficulty in storage of surplus mercury seems to be one reason for Japan's mercury export.

### **Sushi, Anyone?**

According to the survey of mercury concentrations in fish published in 2004 by the Fisheries Agency of Japan, the concentration of 10 out of 19 items exceeded the allowable limits for total mercury and methylmercury set as 0.4 ppm and 0.3 ppm respectively.

The Ministry of Health, Labour and Welfare (MHLW) of Japan repeatedly highlights the benefits of eating fish and shellfish. It emphasizes that children and adults other than pregnant women are unlikely to have health risk from mercury by eating fish and shellfish. A 2003 study by the National Institute for Minamata Disease (NIMD) surveyed a total of 3,686 residents in Minamata, Kumamoto, Tottori, Wakayama and Chiba, which showed that the average total mercury concentration in hair was 2.55 µgrams/g for males, and 1.43 µg/g for females. The average hair mercury levels were highest in the samples from Chiba.

According to an NIMD study published in May 2010, based on the samples of about 30% of the total inhabitants of Taiji, a small whale-eating town in Wakayama Prefecture with a population of about 3,500, they have four times the national average mercury concentration in hair. Taiji gained worldwide attention and criticism after the release of the documentary film *The Cove*.



### **Recommendations**

Japanese and global NGO's are

calling on the Japanese government to take a firmer, more active stance against mercury:

- Acknowledge fault and take responsibility in caring for victims so long as they exist.
- Stop Exporting Mercury. Enact a mercury export ban.
- Store Japanese Mercury. Create secure long-term storage for Japan's mercury surplus.
- Show good leadership to realize the International Mercury Treaty.

In May 1, 2010, PM Hatoyama attended the 54<sup>th</sup> annual memorial service for Minamata. He expressed that Japan will actively participate in the international treaty and will propose to name the treaty "Minamata Treaty".

***If Japan truly intends to take leadership of the groundbreaking treaty, it cannot simply do so by name. Japan MUST FINALLY MATCH ITS RHETORIC WITH ITS ACTIONS and be accountable to ALL VICTIMS OF MINAMATA and to the global community to whom it sells its toxic surplus mercury.***

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