

Discussion Note

Technical Clarification and Implementation Challenges Related to Mercury Compound Trade

Contribution from Senegal

Background

In the context of Decision MC-6/2 and the ongoing work of the Open-ended Expert Group on Trade in Mercury Compounds, Senegal would like to share a number of reflections based on practical implementation experience under the Minamata Convention on Mercury.

These observations draw in particular from the implementation of the Specific International Programme (SIP) on Articles 3 and 4 conducted jointly by Senegal, Burkina Faso and Togo, as well as broader implementation experience related to mercury governance, customs monitoring, laboratory capacity-building and mercury-added products management.

General Perspective

In our view, the objective of the group should not primarily be to focus on identifying “which country is responsible,” but rather to examine what remains technically insufficiently clarified to support effective, realistic and balanced implementation of the Convention.

This distinction is important. A technical clarification approach may help to:

- reduce unnecessary political tensions;
 - avoid stigmatization of Parties;
 - facilitate more constructive cooperation;
 - strengthen practical implementation efforts;
 - and create space for developing countries to contribute through operational experience and implementation realities.
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Implementation Challenges Observed – With Concrete Illustrations

Through the implementation of the SIP project across Senegal, Burkina Faso and Togo, several practical challenges were observed. These are not necessarily linked to a lack of willingness by Parties, but often relate to technical ambiguities, complex customs classifications, limited traceability capacities, insufficient coordination between customs, environmental and trade systems, and important gaps between legal obligations and operational realities on the ground.

The following concrete cases illustrate these challenges:

1. Customs classification ambiguity – mercury-containing products vs. mercury compounds

In one documented shipment intercepted at Dakar port, a product labelled as “dental amalgam alloy” was declared under a non-restricted customs code (HS 3824.99). Laboratory analysis later confirmed the presence of mercury compounds exceeding 70% by weight. Customs

officers had no practical guidance to distinguish between exempted mercury-added products and restricted mercury compounds based on customs declaration alone.

2. Laboratory detection gap – mercury iodide

During the SIP project, a sample suspected to contain mercury iodide was sent to a national laboratory. The available equipment (atomic absorption spectrometry) could confirm total mercury but could not identify the specific compound. As a result, it was impossible to determine whether the substance fell under the trade restriction. This highlights a recurring issue: without compound-specific detection capabilities, enforcement becomes arbitrary.

3. Diversion risk in ASGM supply chains – mercury oxide

In West African gold shops, mercury oxide is sometimes sold alongside elemental mercury. Vendors and buyers do not always distinguish between them. In one field visit in eastern Senegal, a trader admitted receiving mercury oxide from a regional hub, declaring it as “industrial catalyst” to avoid scrutiny. The current traceability system did not flag this because the customs code for catalysts does not require mercury compound disclosure.

4. Cross-border information failure – Burkina Faso/Togo border

A truck carrying mercury compounds legally imported into Togo (with prior informed consent) crossed into Burkina Faso without any notification. The Burkinabe customs authority had no visibility on the shipment. This occurred because no real-time information-sharing mechanism exists between the two countries’ mercury focal points and customs systems.

Priority Technical Gaps (Hierarchized)

Based on Senegalese experience and the SIP project findings, the most pressing gaps are:

Priority	Gap	Why critical
1	Lack of compound-specific laboratory detection methods	Without this, enforcement is impossible
2	Inconsistent customs classification across Parties	Leads to legal but environmentally harmful trade
3	No real-time cross-border information exchange	Enables undetected diversion
4	Unclear definition boundaries (e.g., mixtures, used products)	Creates loopholes
5	Insufficient training for customs officers	Even good rules fail without practical guidance

Possible Areas for Technical Clarification – With Concrete Proposals

Based on the above observations, the expert group could bring significant added value by carefully examining the following areas, with specific deliverables in mind:

1. Technical definitions and categories of mercury compounds

- *Clarification needed:* Distinction between “compound,” “mixture,” “alloy,” and “used mercury-added product.”
- *Proposed deliverable:* A glossary with decision trees for customs officers.

2. Customs classification guidance

- *Clarification needed:* Which HS codes should trigger scrutiny for mercury compounds?
- *Proposed deliverable:* An illustrative customs guide with photos, common trade names, and risk indicators.

3. Traceability and reporting challenges

- *Clarification needed:* What minimum information should accompany transboundary shipments of mercury compounds?
- *Proposed deliverable:* A standardized companion form (beyond PIC) for mercury compounds.

4. Diversion risks

- *Clarification needed:* Most common diversion pathways (e.g., catalysts → ASGM, laboratory chemicals → artisanal mining).
- *Proposed deliverable:* A non-exhaustive typology of diversion scenarios.

5. Laboratory capacity benchmarks

- *Clarification needed:* What equipment/methods are minimally required to identify specific mercury compounds?
- *Proposed deliverable:* A tiered laboratory capacity checklist for developing countries.

Importance of a Pragmatic and Cooperative Approach

In this context, Senegal believes that the ongoing discussions should continue to prioritize constructive cooperation and practical implementation support.

Strengthening technical clarity may help the Convention progressively move from a primarily compliance-oriented discussion toward a more operational, cooperative and implementation-oriented framework.

Such an approach could represent a particularly meaningful contribution for developing countries and for the broader effectiveness of the Convention.

Senegal also considers that the discussion paper introduced by Canada provides a constructive and technically grounded basis for advancing the work of the group.

Related Implementation Initiatives

These reflections are also informed by ongoing and emerging implementation initiatives, including:

- the upcoming implementation of PlanetGOLD Senegal;
- regional efforts on mercury governance in West Africa;
- and the WHO-supported global dental amalgam phase-down programme implemented with Senegal, Uruguay and Thailand.

These initiatives further highlight the importance of improving understanding of mercury circulation pathways, governance mechanisms and implementation realities across sectors.

Conclusion and Proposed Next Steps for the Expert Group

Senegal remains fully committed to supporting an inclusive, balanced and solution-oriented process within the Open-ended Expert Group.

To translate the above reflections into practical outcomes, Senegal proposes that the expert group consider the following concrete next steps:

1. **By the next meeting:** Circulate a questionnaire to Parties requesting anonymized examples of customs/laboratory challenges with mercury compounds.
2. **By end of year:** Establish a small drafting group to produce a **technical guidance note** on customs classification and detection of mercury compounds.
3. **By mid-next year:** Develop a **priority capacity-building roadmap** for developing countries, focusing on the top three gaps identified above.

We look forward to working constructively with all Parties, experts and stakeholders to support practical and effective implementation of the Minamata Convention on Mercury.