

# **Minamata Convention: Decisions related to dental amalgam across vulnerable populations**

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22 May 2025



# Overview of the Minamata Convention

- A global treaty to protect human health and the environment from anthropogenic emissions and releases of mercury.
- Adopted in 2013 and entered into force in 2017.
- Covers the entire life cycle of mercury including mining, trade, products, emissions, and waste.

# How is Dental Amalgam treated under the MC?

- Dental amalgam (filling material used to fill cavities & containing Hg) – no phase out date
- Subject to phase-down strategies under the Minamata Convention.

# Historical perspectives

- We have really come closer – seeing the history of amalgam in the Convention.
- From the start, it is an African proposal .... to have it listed as products destined for phase out.
- Because it did not happen then, we had a separate part in the products Annex with a mix of measures for phase down
- Initially loose, but eventually, mandatory
- At COP 4 – we added new provisions concerning dental amalgam restricting for use in children under 15, pregnant women, and breastfeeding women.
- At COP 5 – we proposed:
  - phase out dates
  - Additional measures
  - Reporting

UNITED  
NATIONS



MC

UNEP/MC/COP.4/Dec.3

Distr.: General  
6 July 2022  
Original: English



Conference of the Parties to the  
Minamata Convention on Mercury  
Fourth meeting  
Online, 1–5 November 2021 and Bali, Indonesia,  
21–25 March 2022

**Decision adopted by the fourth meeting of the Conference of the Parties to the Minamata Convention on Mercury**

**MC-4/3: Review and amendment of annexes A and B to the Minamata Convention on Mercury**

UNITED  
NATIONS



UNEP/MC/COP.5/Dec.4

Distr.: General  
23 November 2023  
Original: English



Conference of the Parties to the  
Minamata Convention on Mercury  
Fifth meeting  
Geneva, 30 October–3 November 2023

**Decisions adopted by the Conference of the Parties to the Minamata Convention on Mercury at its fifth meeting**

**MC-5/4: Amendments to annexes A and B and the feasibility of mercury-free alternatives for manufacturing processes listed in annex B**

# COP4 decisions

In addition, Parties shall:

- (i) Exclude or not allow, by taking measures as appropriate, the use of mercury in bulk form by dental practitioners;
- (ii) Exclude or not allow, by taking measures as appropriate, or recommend against the use of dental amalgam for the dental treatment of deciduous teeth, of patients under 15 years and of pregnant and breastfeeding women, except when considered necessary by the dental practitioner based on the needs of the patient.

In addition, Parties that have not yet phased out dental amalgam shall:

- (i) Submit to the secretariat a national action plan or a report based on available information with respect to progress they have made or are making to phase down or phase out dental amalgam every four years as part of national reporting.

- Bulk use disallowed
- Protection of vulnerable population from exposure to Hg

# Legal & practical implications

- **"Exclude or not allow...":**  
This is a strong formulation, suggesting a **ban or legal prohibition**.
- **"...by taking measures as appropriate...":**  
- diplomatic compromise, the action is according to their capacities and domestic circumstances.
- **"As appropriate"** gives Parties discretion to assess and determine what measures suit their national context (e.g., legislative bans, guidance, or professional codes).
- **"or recommend against...":**  
recommendation is sort of an **advisory** in nature, but it has to be done.
  - Governments has to take measures to recommend against the use of amalgam
- **"except when considered necessary by the dental practitioner...":**
  - ~ clinical exception
  - ~ gives discretion to individual dentists based on **patient-specific** circumstances.
  - ~ but should be **factual**

# Legal & practical implications

This **provision** on dental amalgam use (e.g., in vulnerable populations) must be interpreted **in light of the new COP-5 decision** that:

- *Requires Parties that have not phased out dental amalgam to **submit national action plans or reports** every 4 years under the MC.*
- This reporting mechanism **adds pressure and accountability.**
- **No global enforcement body** exists to police environmental treaties. Instead, **transparency and peer scrutiny** are the main tools.

Treaties function through:

- reporting,
- effectiveness evaluation,
- COP review,
- Public disclosure – sort of naming & shaming for non-compliance

# Summary

- So, while the mandatory provision ("exclude or not allow...") comes with flexibility, **COP-5 strengthens it by requiring regular reporting** on what exactly is being done.

This means:

- Countries can't ignore the amalgam provision.
- They must **publicly account for their choices** (whether they restrict amalgam/ recommend against it).
- The **pressure to take real measures increases**, especially for those receiving support or wanting to be seen as leaders in environmental health.



# Increased normative shift

- Even without a binding ban, these steps signal a **“norm cascade”**:
  - **First**: voluntary guidance (COP-1 to COP-3)
  - **Then**: partial restrictions (COP-4)
  - **Now**: reporting and near-term expectations (COP-5)
  - **Next**: potential **binding phase-out by COP-6 or COP-7**
- This is how international law **transitions from soft to hard obligations**.

# Increased normative shift

- **The 2030 phase-out date**, though bracketed, signals strong international intent.
- **Reporting obligations (COP-5)** now enhance transparency and increase pressure on Parties.
- **A global ban on amalgam** is on the horizon!
- Countries must begin serious **domestic preparations** for a world without dental amalgam.

Thank you!

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