



Centre for Environment
Justice and Development



Closing the Gaps: Strengthening the Minamata Convention to Eliminate Mercury Use in Kenya's ASGM Sector

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Executive summary

Mercury use in Kenya's artisanal and small-scale gold mining (ASGM) sector continues to pose significant risks to human health and the environment, despite the absence of domestic mercury production and the existence of national legal prohibitions. Kenya imports mercury for industrial purposes; however, evidence demonstrates that some of these imports are diverted into informal gold value chains, linking licensed importers, local traders, and gold brokers.

Continued use of mercury in Kenya's ASGM sector is facilitated by weaknesses at national and global levels. At the national level, weak enforcement capacity, informal and decentralized nature of ASGM operations and the lack of viable alternatives have allowed diversion of mercury to the sector. These challenges are compounded by structural

gaps in the Minamata Convention, including the absence of a binding phase-out date for mercury use in ASGM and inadequate controls on global mercury trade.

Addressing these challenges requires coordinated action at national, regional, and global levels. Kenya should champion the inclusion of a phaseout date for mercury use in ASGM and the ending of global mercury trade under the Minamata Convention.

This policy brief highlights the challenges of controlling mercury use in the ASGM sector and draws attention to areas where improvements are needed to control the diversion of mercury into the sector.

Background

Kenya does not have any domestic mercury mines, but mercury is legally imported for industrial use. There are no official government statistics on mercury imports and exports; however, the UN Comtrade database revealed that various countries have exported mercury to Kenya¹.

Between 2018 and 2023, Kenya imported a total of 54,196 kg of mercury with an average of 9,033 Kg annually. The graph below shows the trade pattern of mercury importation over the last six years.

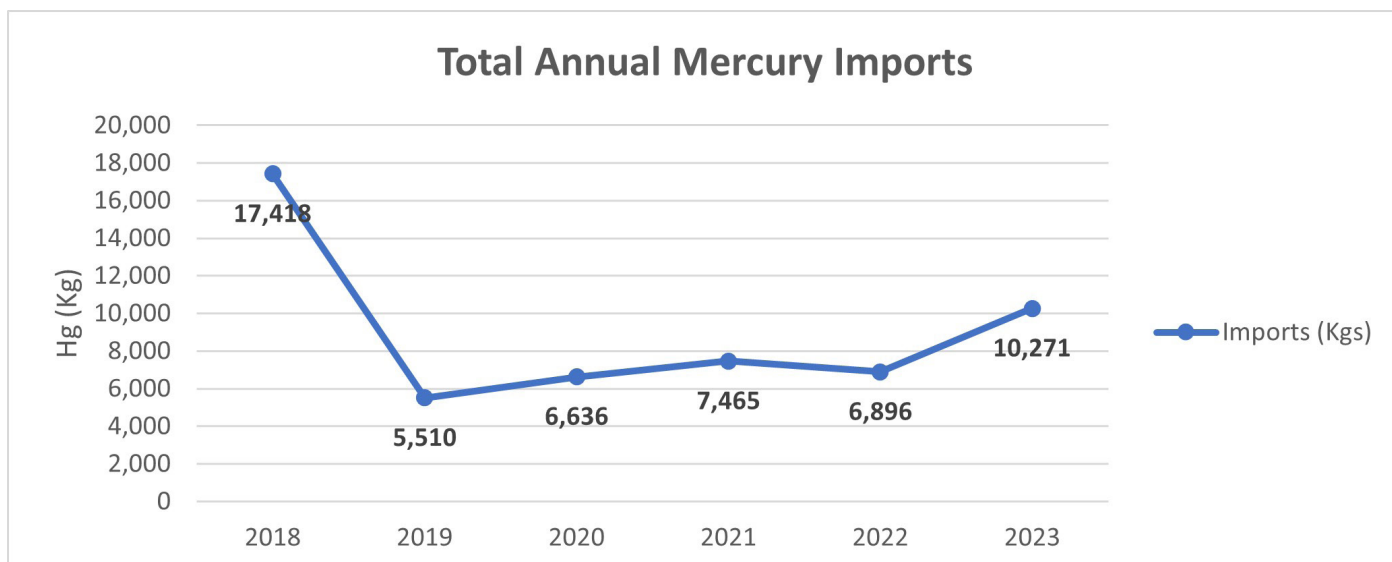


Table 1: The top five exporters of mercury to Kenya from 2018 to 2023 (Kgs)

Country	Mexico	India	Russian Federation	Türkiye	Kyrgyzstan
Mercury(kgs)	22,609	7,853	7,346	6,354	4,170

The top five exporters of mercury to Kenya over the last six years were Mexico (22,609 kg), India (7,853 kg), the Russian Federation (7,346kg), Türkiye (6,354kg), and Kyrgyzstan (4,170kg).

Studies conducted in Kenya and East Africa demonstrate that a significant quantity of imported mercury is diverted for use in ASGM in Kenya². The mercury trade is deeply embedded in the gold value chain, moving through “Upstream” (licensed importers in Nairobi) and “Downstream” (local merchants

and gold brokers) channels. According to the National Action Plan for Artisanal and Small-scale Gold Mining in Kenya, Kenya uses approximately 8.24 tons of mercury annually to produce 6.86 tons of gold from six mining counties in Kenya (Kakamega, Migori, Siaya, Nandi, Narok, and Vihiga)³. Table 2 indicates the annual mercury use by gold mining counties in Kenya’s ASGM sector.

Table 2: Annual amount of mercury used in the ASGM sector in Kenya

County	Annual ASGM Gold Production (Kgs)	Amount of mercury (Kgs)
Migori	1,947.78	2,337.34
Siaya	523.98	628.78
Kakamega	1,406.46	1,687.75
Narok	1,520.40	1,824.48
Vihiga	1,385.04	1,662.05
Nandi	80.10	96.12
Total	6,863.76	8,236.5

Source: GOK, 2022

Impacts of mercury use in the ASGM sector in Kenya

Comprehensive, up-to-date data on the health and environmental impacts of mercury in Kenya remains limited by the absence of a national health and environmental monitoring program for at-risk populations and workers. Nevertheless, independent studies consistently document high

levels of exposure within the ASGM sector. Studies conducted on miners, water, sediments, soil, plants, and fish have found high levels of mercury, indicating a significant risk to human health and the environment. (See box one)

Box 1: Evidence of mercury exposure in Kenya

- A study conducted in ASGM hotspots in Migori County by CEJAD in 2017 revealed very high levels of mercury in the hair of women of childbearing age. Another study in Narok revealed health impacts ranging from dermal toxicity, gastrointestinal infections, renal toxicity and cases of central nervous system damage⁴.
- In the Kakamega gold belt, a study found high levels of mercury in their hair, urine and nails exceeding the allowable limit by the WHO among ASGM workers and the residents of ASGM villages⁵.
- A study conducted in Kakamega and Vihiga counties found high mercury levels in the soil, sediment and water sources within the ASGM villages⁶.
- An environmental evaluation study in Kakamega gold belt revealed that community drinking water sources and locally grown staple food crops in the studied ASGM villages had high mercury levels exceeding the FAO and WHO maximum allowable limits.
- In the Migori gold mining belt, a study conducted on levels of mercury in tissues of Nile tilapia revealed high levels of mercury, particularly in fish brain tissues⁷.

These elevated mercury levels are clinically linked to crippling neurological, renal, dermatological, and gastrointestinal disorders, with symptoms such as tremors frequently reported among the workforce. Women face disproportionate risks due to their direct role in amalgamation and mercury burning, which triggers critical concerns regarding maternal health and irreversible fetal developmental damage.

Ultimately, the impact of mercury in the ASGM sector extends beyond the individual; it is a persistent environmental threat that degrades biodiversity and fuels a public health crisis, necessitating immediate regulatory intervention through the proposed amendments to the Minamata Convention.

Challenges of Controlling Mercury Use in Kenya

The Minamata Convention on Mercury was adopted in 2013 to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds. Mercury use in artisanal and small-scale gold mining (ASGM) is specifically addressed under Article 7 of the Convention, which requires Parties with ASGM activities to take measures to reduce, and where feasible, eliminate the use of mercury and mercury compounds in mining and processing, as well as to reduce emissions and

releases to the environment⁸.

Kenya became a Party to the Minamata Convention on Mercury in September 2023, with the Convention entering into force in December 2023. Since ratification, Kenya has taken important steps to align its national legal and policy framework with the Convention's requirements. Kenya developed a National Action Plan (NAP) under the Convention, aimed at reducing and ultimately eliminating

mercury use in ASGM through measures including sector formalization, exposure reduction, protection of vulnerable populations, and promotion of mercury-free technologies. Notably, the Mining Act, CAP 306, prohibits the use of mercury in ASGM. In addition, complementary initiatives, such as the Planet GOLD Programme, further demonstrate Kenya's commitment to practical and scalable alternatives to mercury use in gold processing.

Despite these measures, mercury continues to be widely used in the ASGM sector in Kenya. This persistent use is largely attributed to weak enforcement capacity, the informal and decentralized nature of ASGM operations, limited resources for monitoring and compliance, and economic factors that make mercury cheap, accessible, and attractive to miners seeking quick returns.

These national challenges are compounded by structural weaknesses at the global level. The Minamata Convention does not establish a binding global phase-out date for mercury use in ASGM, and the continued global trade in mercury allows for diversion into the sector. This trade is facilitated by informal and decentralized networks of dealers and transporters, making control and traceability difficult. Kenya's experience illustrates that while strong national laws and policies are essential, they are insufficient on their own. Effective elimination of mercury use in ASGM requires strengthened global measures, including tighter controls on mercury trade and clearer international commitments to phase out mercury in the sector.

Policy recommendations

The following actions are recommended to control the diversion of mercury for use in the ASGM sector in Kenya.

- 01** Kenya should champion the inclusion of a phaseout period for mercury use in ASGM and the end of the global trade of mercury under the Minamata Convention.
- 02** Eliminate diversion of mercury to ASGM through improved customs screening, mandatory end-use and enforce the ban on mercury use in ASGM and improved interagency collaboration.
- 03** Enhance regional cooperation to address cross-border mercury trade and redistribution, particularly within the Great Lakes region.
- 04** Invest in ASGM transition strategies, including mercury-free gold extraction technologies and formalization of the sector.

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