

United States Comments on the Draft Report on the Ad-hoc Group of Experts on Effectiveness Evaluation for the Minamata Convention on Mercury

The United States appreciates the efforts of the ad-hoc group of experts on effectiveness evaluation for the Minamata Convention on Mercury to provide Parties with some of the information requested in the mandate outlined in Annex II to decision MC-1/9. The United States recognizes that there is valuable information in the draft report especially on existing monitoring frameworks.

However, the draft report has a number of fundamental deficiencies that detract from its overall usefulness, including not meeting the mandate, a lack of focus on available data and its connection to effectiveness evaluation, and a lack of scientific evidence to support the ad hoc group's conclusions.

Our biggest concern with this draft report is the overarching tone and language insisting Parties take specific actions that pre-judge effectiveness evaluation policy decisions that are the purview of the Parties. Examples include the following statements:

“There is an expectation that there will be some long term commitment of Parties for continued funding to ensure sustainability of monitoring programs.” Pg. 12

“The expert group understood that, by mandating the group to draft a terms of reference for the committee developing the first effectiveness evaluation, COP has already implicitly decided to set up an effectiveness evaluation committee.” Pg. 28

The ad-hoc group is a working group under the Minamata Convention convened and directed by Parties as set out in decision MC-1/9. It is inappropriate for the ad-hoc group to assert, assume, insist upon, or otherwise direct the Parties of the Minamata Convention to undertake specific activities. The ad-hoc group should remove language that pre-judges the actions of the Parties, and reconsider its overall presentation of information in this report to recognize its role under the Convention.

The following sections lay out broad recommendations by the United States to improve the draft report. In addition, we have included detailed edits and specific technical suggestions in track changes in the report.

Meet the Mandate

The ad-hoc group should revise the draft report to better align with the scope of the mandate as set out in Annex II to decision MC-1/9. We note where the ad hoc group has not adhered to the mandate in the track changes document, and provide a few broad examples here:

- Lack of review of other multilateral environmental agreement effectiveness evaluations frameworks outside of the Stockholm Convention's
- Lack of a detailed assessment of how information from existing monitoring programs can be integrated into the effectiveness evaluation

- Proposing of performance indicators instead of assessing potential approaches to the development of performance indicators
- Proposing of a global monitoring plan when Article 22 states the effectiveness evaluation should use available data

Focus on available data

Article 22 paragraph 2 articulates that monitoring information should be used in service of conducting an effectiveness evaluation, and paragraph 3 notes that evaluation should be conducted based on available information. The Convention does not require Parties to conduct monitoring, nor does it call for the development of a monitoring report.

As the draft report notes on pg. 10, the Global Mercury Assessment (GMA) includes information on emissions to air, releases to land and water, biota and human exposure. We recommend the ad-hoc group outline how the GMA could be a source of available information in support of conducting an effectiveness evaluation. The ad-hoc group's recommendation to develop an independent monitoring report is duplicative of the activities already conducted to pull together the GMA. The United States also recommends that the draft report be revised to delineate currently available information from information that Parties or others may choose to develop, and better describe how the use and availability of monitoring information will change as the Convention is implemented.

Focus on relevance to effectiveness evaluation

The COP requested the ad hoc group to describe how monitoring data contributes to evaluating the effectiveness of the Convention. The United States recommends that the ad hoc group revise Table 3 (p. 15, also repeated in the recommendations on p. 17) to describe clearly the linkage between the available or potentially available monitoring data and the effectiveness of the Convention. The current list in Table 3 is indicative of implementation of the articles, rather than a specific connection to the effectiveness of the Convention. We urge the ad hoc group to present a narrower set of monitoring information that have clearly articulated linkages to the effectiveness of the Convention. The report should also indicate that localized monitoring information is not necessarily linked to the Convention effectiveness.

Provide Scientific Evidence

The United States requests the ad hoc group to provide scientific evidence for their assertions and judgements, including citations to scientific papers and reports. The draft report makes a number of assertions without clarifying how the ad hoc group reached their conclusions or providing scientific evidence to support their judgements, which reduces the Parties' ability to understand the context of their suggestions. For example, on p. 12 in section d. the ad hoc group claims that available sampling techniques met the criteria of cost-effectiveness, practicality, feasibility and sustainability, without providing information on the criteria they used. Furthermore, this section states that cost figures for sampling were not available, so it is hard to imagine how the ad hoc group assessed cost effectiveness.