

The Secretariat's overview of the provisions of the Minamata Convention and the guidance by the COP on evaluation of the effectiveness of the Convention

This document provides an overview of the provisions of the Minamata Convention on Mercury and the guidance by the Conference of the Parties on the evaluation of the effectiveness of the Convention. It has been prepared by the Secretariat with the aim to guide preparatory work on the first effectiveness evaluation in the intersessional period by the Fourth Meeting of the Conference of the Parties (COP-4) which is to take place on 31 October-5 November 2021, in Bali, Indonesia.

The guidance stems from the articles of the Convention, the COP-3 decision MC-3/10: *Arrangements for the first effectiveness evaluation of the Minamata Convention on Mercury* (attached to this document) and previous decisions by the COP.

The obligation for the Conference of the Parties to evaluate the effectiveness of the Convention is described in Article 22 of the Convention. The Article specifies, among others, the timing of the first evaluation and it puts in place an obligation to establish arrangements for the provision of comparable monitoring data.

Article 22 states that the COP shall evaluate the effectiveness of the Convention, beginning no later than six years after the date of entry into force of the Convention and periodically thereafter at intervals to be decided by it. Pursuant to paragraph 2 of Article 22, the COP1 initiated, in Decision MC-1/9, the establishment of arrangements for providing itself with comparable monitoring data on the presence and movement of mercury and mercury compounds in the environment as well as trends in levels of mercury and mercury compounds observed in biotic media and vulnerable populations.

In addition to reports and monitoring information to be provided to the COP, as required in paragraph 2 of Article 22, The evaluation shall be conducted on the basis of available scientific, environmental, technical, financial and economic information, including: (a) reports and other monitoring information provided to the COP pursuant to paragraph 2 of Article 22; (b) reports submitted pursuant to Article 21; (c) information and recommendations provided pursuant to Article 15, and (d) reports and other relevant information on the operation of the financial assistance, technology transfer and capacity-building arrangements put in place under this Convention.

These articles provide the legal basis and overall guidance for the Parties and the Secretariat to continue the work for the first effectiveness evaluation in the run-up to COP-4.

It is worth noting that decision MC-3/10 concerns the first effectiveness evaluation.

The below table with the overview also includes additional information by the Secretariat that Parties may wish to consider or take note of.

Table. Overview of the existing provisions and guidance on the effectiveness evaluation of the Minamata Convention (the first two columns in the table) and additional information.

Provisions of the Convention and the guidance by the COP		Additional information from the Secretariat
Article 22. Effectiveness evaluation	Relevant COP outcomes and other articles of the Convention	
<i>1. The Conference of the Parties shall evaluate the effectiveness of this Convention, beginning no later than six years after the date of entry into force of the Convention and periodically thereafter at intervals to be decided by it.</i>	<p>Decision MC-3/10: <i>Arrangements for the first effectiveness evaluation of the Minamata Convention on Mercury</i> sets out work that will contribute to the first effectiveness evaluation.</p> <p>In the Decision, the COP welcomed the report on the proposed framework for the effectiveness evaluation and monitoring arrangements under the Minamata Convention (UNEP/MC/COP.3/14 and add.1), and the complementing information developed by the <i>ad hoc</i> technical expert group on the basis of the mandates set out in Decisions MC-1/9 and MC-2/10 (UNEP/MC/COP.3/INF/15).</p>	<p>As the Convention entered into force in 2017, the COP shall evaluate the effectiveness of this Convention beginning no later than in 2023 and periodically thereafter at intervals to be decided by it.</p> <p>The report on the proposed framework for the effectiveness evaluation and monitoring arrangements (UNEP/MC/COP.3/14) includes the following four policy questions:</p> <ol style="list-style-type: none"> 1. Have the parties taken actions to implement the Minamata Convention? 2. Have the actions taken resulted in changes in mercury supply, use, emissions and releases into the environment? 3. Have those changes resulted in changes in levels of mercury in the environment, biotic media and vulnerable populations that can be attributed to the Minamata Convention? 4. To what extent are existing measures under the Minamata Convention meeting the objective of protecting human health and the environment from mercury? <p>The last question is an overarching question, building on information for questions 1-3.</p>

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Article 22. Effectiveness evaluation	Relevant COP outcomes and other articles of the Convention	
<p>2. <i>To facilitate the evaluation, the Conference of the Parties shall, at its first meeting, initiate the establishment of arrangements for providing itself with comparable monitoring data on the presence and movement of mercury and mercury compounds in the environment as well as trends in levels of mercury and mercury compounds observed in biotic media and vulnerable populations.</i></p>	<p>COP-1, in its Decision MC-1/9 <i>Establishment of arrangements in regard to effectiveness evaluation</i> initiated the work on the establishment of the arrangements, which was continued by COP-2 (Decision MC-2/10) and COP-3 (Decision MC-3/10).</p> <p>COP-2, in its Decision MC-2/10: <i>Effectiveness Evaluation</i> reaffirmed that the evaluation is to assess the overall effectiveness of the Convention at the global level based on the objective of the Minamata Convention on mercury (article 1) and requested the <i>ad hoc</i> technical expert group to continue its work for consideration by COP-3.</p> <p>COP-3, in its Decision MC-3/10: <i>Arrangements for the first effectiveness evaluation of the Minamata Convention on Mercury</i>, requested the Secretariat to advance the work by securing services for drafting guidance on monitoring to maintain harmonized, comparable information on mercury levels in the environment, taking into consideration the draft structure set out in the note on technical information on mercury monitoring (UNEP/MC/COP.3/INF/15).</p>	<p>Based on paragraph 2 of Article 22 of the Convention, and referred to in paragraph 3 a), the effectiveness evaluation is to be informed by comparable monitoring data.</p> <p>One definition of comparable data is included Annex 1 (footnote 8) to Decision MC-2/10 "Data are comparable when collected using identical methodologies. Data may also be made comparable by using standardized and known scientific methodologies".</p> <p>Comparable monitoring data, once analyzed and organized into monitoring indicators, can serve the proposed policy question 3 and 4 above.</p> <p>Arrangements for the provision of comparable monitoring data to facilitate the effectiveness evaluation are to be established by the COP.</p> <p>Work began to map existing and available data (UNEP/MC/COP.3/INF/15) that could be used for the first effectiveness evaluation as referred to in paragraph 2.</p> <p>COP-3 requested the Secretariat to advance the work by securing services for drafting monitoring guidance (Decision MC-3/10).</p> <p>COP-3 invited parties to submit views on the proposed indicators set out in annex I to Decision MC-3/10 and requested the Secretariat to compile those views in advance of COP-4.</p>

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<i>3. The evaluation shall be conducted on the basis of available scientific, environmental, technical, financial and economic information, including:</i>	<p>COP-1, in its Decision MC-1/9 recognised the urgent need for a framework for the effectiveness evaluation that includes a strategic, cost-effective approach that provides appropriate and sufficient data.</p> <p>COP-3 requested the Secretariat to advance the work by securing services for drafting a report on trade, supply and demand, which includes mercury waste flows and stocks (Decision MC-3/13).</p>	<p>Based on Decision MC-3/10, a report on trade, supply and demand, which includes mercury waste flows and stocks will be prepared.</p> <p>The report would serve in part the proposed policy question 2.</p> <p>COP-3 invited parties to submit views on the proposed indicators set out in annex I to Decision MC-3/10 and requested the Secretariat to compile those views in advance of COP-4. The proposed indicators include supply cluster indicators and demand cluster indicators.</p> <p>New or additional scientific, environmental, technical, financial and economic information can become available for the use in the first effectiveness evaluation.</p>
<i>(a) Reports and other monitoring information provided to the Conference of the Parties pursuant to paragraph 2;</i>	COP-2, in its Decision MC-2/10 requested specific work to further consider monitoring (in Annex 1 to the decision) for consideration by COP-3 (Report of the ad hoc technical expert group for effectiveness evaluation: Appendix 1: Technical information on monitoring UNEP/MC/COP.3/14/add1 and Background information on mercury monitoring UNEP/MC/COP.3/INF/15).	See Paragraph 2 of Article 22.

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<i>(b) Reports submitted pursuant to Article 21;</i>	<p>According to Article 21, <i>each Party shall report to the Conference of the Parties, through the Secretariat, on the measures it has taken to implement the provisions of this Convention and on effectiveness of such measures and the possible challenges in meeting the objectives of the Convention.</i></p> <p>According to Article 23, <i>the Conference of the Parties shall keep under continuous review and evaluation the implementation of the Convention (...), and according to paragraph 5c, it shall regularly review all information made available to it and to the Secretariat pursuant to Article 21.</i></p> <p>The first biannual short reports pursuant to Article 21 were due by 31 December 2019 and the first full reports are due by 31 December 2021, according to the adopted format (Decision MC-1/8).</p> <p>COP-3 requested draft guidance for the full national reporting format to be prepared by the Secretariat, to support the full reporting process (Decision MC-3/13).</p> <p>COP-3 requested the Article 21 synthesis report to be prepared by the Secretariat, for the purposes of the first effectiveness evaluation (Decision MC-3/13).</p>	<p>Reports submitted pursuant to Article 21 hold information towards proposed policy questions 1 and 2.</p> <p>Based on Decision MC-3/10, the Secretariat is requested to draft an Article 21 synthesis report for the purposes of the first effectiveness evaluation.</p> <p>Majority of the proposed indicators in annex I to decision MC-3/10 would aggregate information received from Article 21 reporting.</p>
<i>(c) Information and recommendations provided pursuant to Article 15; and</i>	<p>According to Article 15, the Committee shall promote implementation of, and review compliance with, all provisions of this Convention. The Committee shall examine both individual and systematic issues of implementation and compliance and make recommendations, as appropriate, to the Conference of the Parties.</p>	<p>The first effectiveness evaluation can draw upon information and other recommendations which may be submitted pursuant to Article 15 by the time of the first effectiveness evaluation.</p>
<i>(d) Reports and other relevant information on the operation of the financial assistance, technology transfer and capacity-building arrangements put in place under this Convention.</i>		<p>COP-3 invited parties to submit views on the proposed indicators set out in annex I to decision MC-3/10 and requested the Secretariat to compile those views in advance of COP-4.</p> <p>The first effectiveness evaluation can draw upon reports and other relevant information as agreed by the COP.</p>