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MINAMATA
CONVENTION
ON MERCURY

**Conference of the Parties to the
Minamata Convention on Mercury
Fourth meeting**

Online, 1–5 November 2021*

Item 4(i) of the provisional agenda**

**Matters for consideration or action by the
Conference of the Parties: effectiveness evaluation**

A framework for the first Effectiveness Evaluation of the Minamata Convention on Mercury

Submission by the Government of Norway and Canada

Note by the Secretariat

The annex to the present note sets out a submission by the Governments of Norway and Canada on a framework for the first effectiveness evaluation of the Minamata Convention on Mercury. The submission is reproduced as received. The present note, including its annex, has not been formally edited.

* The resumed fourth meeting of the Conference of the Parties to the Minamata Convention on Mercury is to convene in person in Bali, Indonesia, and is tentatively scheduled for the first quarter of 2022.

** UNEP/MC/COP.4/1.

Annex

Conference Room Paper on a Framework for the first Effectiveness Evaluation of the Minamata Convention on Mercury

Proposal by the Governments of Norway and Canada

In this Conference Room Paper (CRP), Norway and Canada propose a path forward to establish a framework for the first effectiveness evaluation of the Minamata Convention on Mercury. This CRP presents a draft decision and proposed framework which includes: an effectiveness evaluation structure, process, and timeline; terms of reference for the Effectiveness Evaluation Committee, and; terms of reference for a Scientific Advisory Group on Effectiveness Evaluation.

Following the outcome on effectiveness evaluation at the third meeting of the Conference of the Parties (COP3), Norway and Canada launched an initiative to further intersessional progress on the framework. This initiative was borne of the proponents' mutual concern that further delays could result in the COP not meeting the treaty commitment to undertake the effectiveness evaluation beginning no later than 2023. Norway and Canada focused their work on items that remained unresolved from COP3 to avoid duplication with the work of the Secretariat, as mandated in decision MC-3/10. The work did not reopen items that were agreed upon at COP3 or at previous COPs.

From 2020-2021, Norway and Canada conducted a facilitative process of engagement with interested Parties and regions to identify remaining items and then find solutions and compromises. During this process, Norway and Canada presented a series of options for each item, built on the views of interested Parties and regions, to seek a possible path forward.

This resulting proposal is based on the COP3 CRP20 as proposed by the contact group on effectiveness evaluation and presented on the last day of COP3, and the input of the interested Parties and regions since COP3. This proposal also takes into account decision MC-3/10, and, in particular, the Secretariat's work on indicators and the draft guidance on monitoring.

Norway and Canada wish to thank Parties and regions for their collaboration and important contributions to this work. They hope that this CRP will be acceptable to Parties as the basis of negotiations at COP4.

Appendix: Draft decision MC-4/ [--]: Framework for the first effectiveness evaluation of the Minamata Convention on Mercury

The Conference of the Parties,

Aiming to understand the linkages between policy actions and implementation driven by the Minamata Convention, changes in mercury emissions and releases, and observed levels of mercury in humans and the environment,

Recalling the report¹ on the proposed framework for the effectiveness evaluation and monitoring arrangements under the Minamata Convention, and the complementary information developed by the ad hoc technical expert group on the basis of the mandates set out in decisions MC-1/9² and MC-2/10³,

Acknowledging the indicators outlined in Annex 1 to decision MC-3/10⁴ and the views on these indicators submitted by Parties during the intersessional period following the third meeting of the Conference of the Parties and compiled by the Secretariat in advance of the fourth meeting of the Conference of the Parties (UNEP/MC/COP.4/18/add.1 and UNEP/MC/COP.4/INF/11).

Recognizing the remaining areas of work needed to put in place the framework and arrangements for evaluating the effectiveness of the Convention and to conduct its first evaluation, as laid out in UNEP/MC/COP.4/18,

Welcoming the monitoring activities already in place and the efforts of Parties and others to support the provision of mercury monitoring data and their availability in the future,

Agreeing to use the Guidance on Monitoring of Mercury and Mercury Compounds to support the Effectiveness Evaluation of the Minamata Convention (UNEP/MC/COP.4/18/add.2 and UNEP/MC/COP.4/INF/12) and to provide itself with available, 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,

Recognizing the range of scientific and technical expertise from multiple disciplines necessary to inform the effectiveness evaluation,

Highlighting the need for an inclusive and transparent process that provides Parties with the opportunities to provide data and information, and to review and comment on draft plans and products,

1. *Agrees* to begin the first effectiveness evaluation at the fourth meeting of the Conference of the Parties and conclude it at their sixth meeting;
2. *Decides* to adopt the framework for the effectiveness evaluation of the Minamata Convention comprised of the following elements: process, reports, and timeline, as outlined in Annex 1 to this decision;
3. *Establishes* the Effectiveness Evaluation Committee and requests it to prepare the report for the first effectiveness evaluation in line with its terms of reference, as outlined in Annex 2 to this decision;
4. *Establishes* a Scientific Advisory Group on Effectiveness Evaluation to work in line with its terms of reference, as outlined in Annex 3 to this decision;
5. *Requests* the Secretariat to support the work on the effectiveness evaluation, to continue to collect relevant information made available to the effectiveness evaluation, and secure services to develop the reports requested by the Conference of the Parties;
6. *Encourages* Parties to undertake, continue, or expand upon their efforts to provide support for capacity building, technical assistance and technology transfer under Article 14, and research, development and monitoring under Article 19, considering the geographic and scientific data gaps identified for the effectiveness evaluation of the Convention.

¹ UNEP/MC/COP.3/14 - Report of the ad hoc technical expert group for effectiveness evaluation: proposed framework

² UNEP/MC/COP.1/29 - Report of the COP to the Minamata Convention on Mercury on the work of its first meeting

³ UNEP/MC/COP.2/19 - Report of the COP to the Minamata Convention on Mercury on the work of its second meeting

⁴ UNEP/MC/COP.3/23 - Report of the COP to the Minamata Convention on Mercury on the work of its third meeting

Annex 1

Framework for the effectiveness evaluation of the Minamata Convention

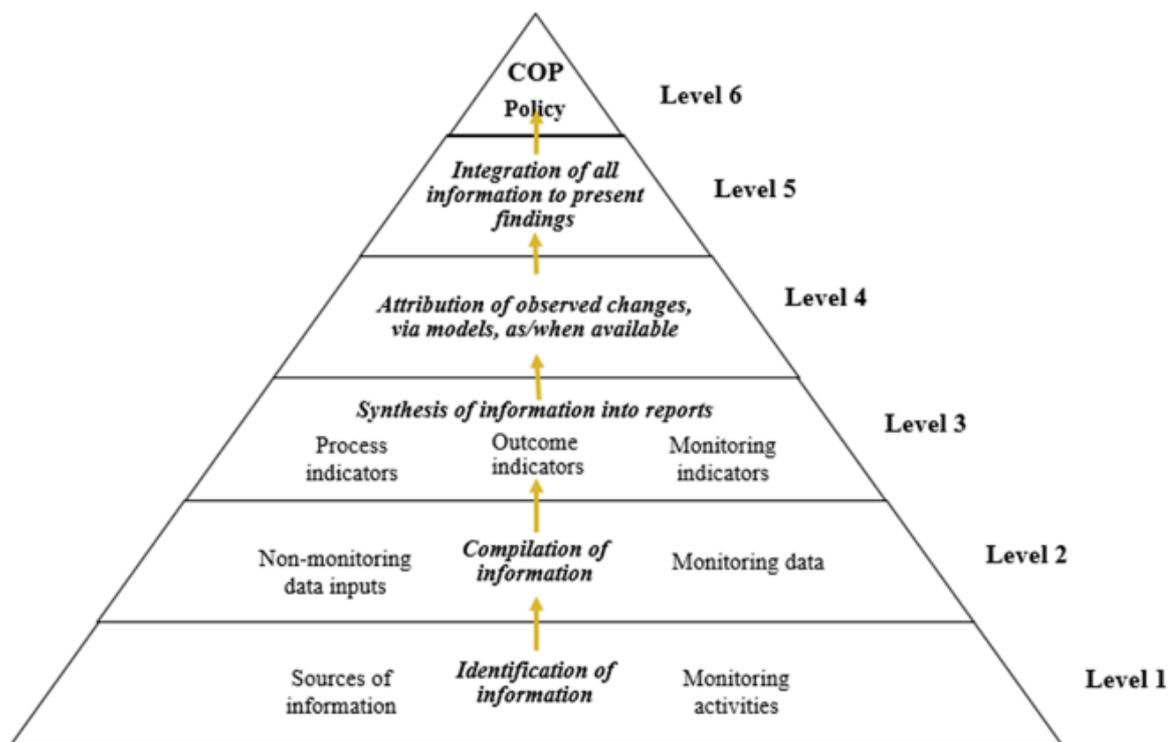
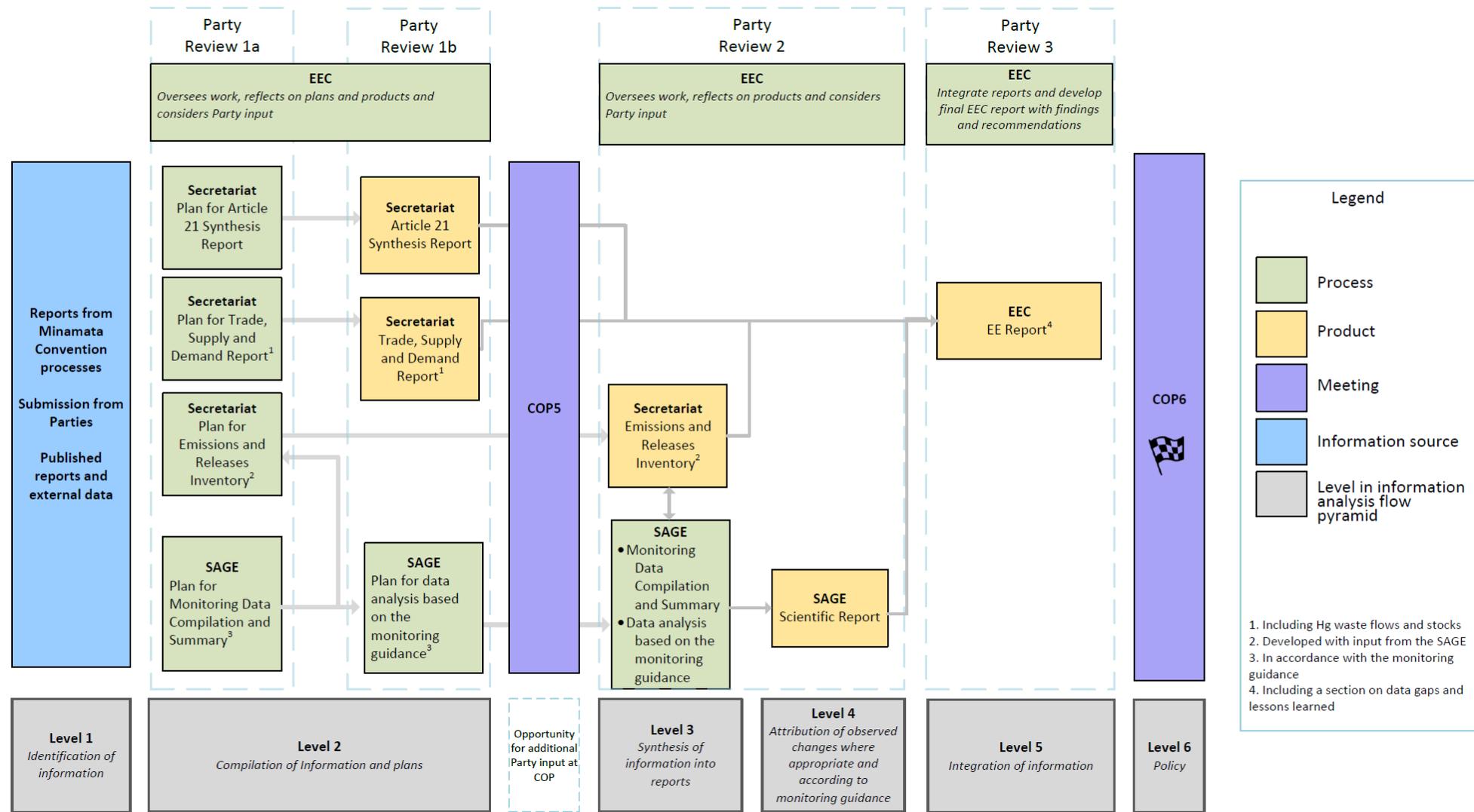


Figure 1: Information and analysis flow, as shown in Decision MC-3/10 (included as context for Figure 2)



Abbreviations: COP, Conference of the Parties; EEC, Effectiveness Evaluation Committee; SAGE: Scientific Advisory Group on Effectiveness Evaluation

Annex 2

Terms of reference for the Effectiveness Evaluation Committee

A. Mandate

1. The Effectiveness Evaluation Committee (hereinafter, the “Committee”) will be responsible for and oversee the development of the effectiveness evaluation (EE) report, as requested by the Conference of the Parties (COP). The Committee will integrate information and knowledge collected and synthesized during the process into a final report to the COP.
2. The mandate for the Committee concludes with the presentation of a final report to the Sixth Conference of the Parties (COP6).

B. Tasks

3. In order to complete the final report, the Committee will carry out the following activities:
 - a) Oversee the effectiveness evaluation process, including those components developed by the Secretariat and the Scientific Advisory Group on Effectiveness Evaluation (SAGE), and the transparent presentation and analysis of data made available to the effectiveness evaluation.
 - b) Prepare a draft and a final effectiveness evaluation report based on the following reports and data sources: Article 21 Synthesis Report; Trade, Supply and Demand report; Emissions and Releases Inventory; Scientific Report; and, other relevant information sources made available to the effectiveness evaluation process.
 - c) Reflect on the draft components developed by the Secretariat, including the plans and final reports on Article 21 Synthesis; Trade, Supply and Demand; and, in accordance with input and advice from the SAGE, the Emissions and Releases Inventory.
 - d) Reflect on the draft components developed by the SAGE, including the Plan for Monitoring Data Compilation and Summary; the Monitoring Data Compilation and Summary, the Plan for Data Analysis⁵; the Data Analysis⁵; and, the Scientific Report.
4. In carrying out the tasks in paragraph 3, the Committee may delegate work to the SAGE, the Secretariat, and other groups to meet the Committee’s obligations, within allocated resources. The Committee will engage with the relevant groups and take into considerations their recommendations and input.
5. The Committee will invite the Secretariat, SAGE and other relevant groups to work, as appropriate, based on direction received from the COP to continue to develop and implement the necessary tasks to further the work of the effectiveness evaluation.
6. As part of its report to the sixth meeting of the Conference of the Parties, the Committee will provide an overview of lessons learned during the first effectiveness evaluation cycle for consideration in subsequent cycles, including recommendations on any modifications to indicators, data sources, reports or the overall framework.

C. Membership

7. The members of the Committee will be appointed on the basis of equitable geographical distribution, taking into account the need for gender balance and various types of expertise.
8. The Committee will consist of 19 participants from Parties, as follows:

⁵ Based on the Monitoring Guidance, UNEP/MC/COP.4/18/add.2 and UNEP/MC/COP.4/INF/12

- a) Three (3) representatives from Parties nominated by each of the five UN regions;
- b) Co-chairs (2) of the Scientific Advisory Group on Effectiveness Evaluation;
- c) Chair and Vice- Chair (2) of the Implementation and Compliance Committee.

9. The representatives nominated by the regions will have experience in evaluation, reporting and national implementation, or other expertise relevant to the evaluation.
10. Members of the Committee will serve objectively and provide their expertise in a neutral and impartial manner, stand to the evidence presented to the Committee, and act in the best interests of the Convention.
11. The members of the Committee shall serve for the duration of one Effectiveness Evaluation cycle as determined by the Conference of the Parties. A new committee will be reconstituted in accordance with the Effectiveness Evaluation framework timeline in the next cycle.
12. If a member is unable to complete their term of office, the region nominating that member will nominate another person to complete the term.

D. Invited experts and observers

13. The Secretariat in consultation with the Committee will invite two (2) internationally recognized experts in effectiveness evaluation as observers, with due consideration for the available expertise.
14. The Committee will invite up to five (5) experts from civil society, indigenous organizations, intergovernmental organizations, industry and the UNEP Global Mercury Partnership as observers. The participation of observers will be balanced among the abovementioned groups and by gender.
15. The Committee may invite additional observers on an ad hoc basis within reasonable limits.
16. Observers are expected to provide their technical expertise to help the Committee members interpret the information provided.

E. Officers

17. The Committee will elect two co-chairs from among its Party members, one from a developed and one from a developing country, to facilitate its work and meetings.

F. Procedural matters

18. The Committee will apply the rules of procedure of the Conference of the Parties, *mutatis mutandis*, unless otherwise provided in the present terms of reference.
19. The Committee may establish such arrangements as are necessary to facilitate its work, in line with the present terms of reference, including establishing sub-groups, subject to available resources. Any sub-groups will be subject to the direction and oversight of the Committee and will cease to exist upon completion of the assigned task. To reduce costs, the sub-groups will carry out their work electronically, including through virtual meeting platforms if required.
20. The Committee will seek to reach agreement by consensus. Should the members fail to reach consensus, the range of their views will be reflected in the relevant report to be submitted to the Conference of the Parties.

G. Secretariat

21. The Secretariat will provide administrative, logistical, programmatic and substantive support for the meetings and work of the Committee, with the assistance of services as necessary, subject to available resources.

H. Meetings

22. The Committee will work online and will hold up to two face-to-face meetings as needed, subject to available resources, to review the information available for the evaluation cycle

and to develop a report of its findings to the Conference of the Parties. The frequency of face-to-face Committee meetings may be amended as necessary based on the decisions of the Conference of the Parties.

23. Documents to be transmitted to the Conference of the Parties will be opened for comments from Parties. Documents will be finalized by the Committee at least four months before the meeting of the Conference of the Parties.

I. Language of meetings

24. The working language of the Committee will be English.

J. Budget

25. Financial support for travel and daily subsistence allowance should, subject to approval by the Conference of the Parties, be made available to Committee members and invited observers for participation in meetings of the Committee in accordance with United Nations rules and practice.

Annex 3

Terms of reference for the Scientific Advisory Group on Effectiveness Evaluation (SAGE)

A. Mandate

1. The Scientific Advisory Group on Effectiveness Evaluation (hereinafter, the “SAGE”) will provide the Conference of Parties (COP) with an expert scientific modality and carry out the tasks of identification, compilation and synthesis related to monitoring and analysis of environmental data to support the work of the Effectiveness Evaluation Committee (hereinafter, the “Committee”).
2. The SAGE will start its work following the fourth meeting of the Conference of the Parties and will conclude its term at the end of the first effectiveness evaluation cycle.

B. Tasks

3. The SAGE will develop a scientific report which compiles, analyses and synthesizes comparable mercury monitoring data on changes in mercury concentrations in environmental media, biotic media and vulnerable human populations over time, and draws conclusions thereon for the consideration of the Committee.
4. The scientific report will be composed of the following elements, built in a two-stage process: (stage 1) the Plan for the Monitoring Data Compilation and Summary, and the plan for Data Analysis consistent with the Monitoring Guidance; (stage 2) the Monitoring Data Compilation and Summary, and the Data Analysis addressing the guiding questions outlined in the Monitoring Guidance.
5. In addition, the SAGE will provide an analysis of data gaps, including the identification of existing gaps as well as potential gaps in information and knowledge related to monitoring, and lessons learned to be submitted to the Committee.
6. The SAGE will provide input and advice to the Secretariat in developing the Emissions and Releases Inventory.
7. The SAGE will assess whether the data and analysis to be used in the scientific report is based on the monitoring guidance and its guiding questions as set out in UNEP/MC/COP.4/18/Add.2 and UNEP/MC/COP.4/INF/12.
8. The SAGE will provide the drafts of the documents listed in paragraph 4 to review by Parties and the Committee, and integrate responses into final products for review by the Committee and submission to the COP by the Committee.
9. The SAGE may also make recommendations to the Committee on updates or improvements to future versions of the monitoring guidance document beneficial for subsequent effectiveness evaluation cycles.
10. The SAGE may conduct other related duties as tasked by the Committee.

C. Membership

11. The members of the group will be appointed on the basis of equitable geographical distribution, taking into account the need for gender balance and different types of expertise.
12. Each of the five United Nations regions will nominate four (4) experts from Parties to represent them as members in the group. The members should have expertise in the core competencies identified in the Monitoring Guidance. Expertise may include: mercury monitoring in core media, existing monitoring networks on mercury, quality assurance of data, modelling environmental transport, trends and fate of mercury, and estimation of mercury emissions and releases.

13. The members of the group will not be eligible to become members of the Effectiveness Evaluation Committee with the exception of the SAGE co-chairs.
14. The SAGE will invite scientific and technical contributions from a roster of additional experts identified by parties, to work through electronic means and communication, as appropriate.
15. The SAGE will also invite the participation of up to ten (10) experts from among the following groups, as appropriate: civil society, indigenous organizations, intergovernmental organizations, research and academia, the Global Mercury Partnership, and existing monitoring networks. These experts will sit as observers, with a view to providing up-to-date information, scientific knowledge, indigenous knowledge and other relevant expertise. At least two (2) of these observers will be internationally recognized experts in modelling environmental transport, trends and fate of mercury.
16. The terms of office of the members will coincide with the effectiveness evaluation cycle determined by the Conference of the Parties. To provide continuity, the Conference of the Parties may renew the terms of office of the members once for subsequent evaluations. If a member is unable to complete their term of office, the region nominating that member will nominate another person to complete the term. If an observer is unable to complete their term, they shall notify the Secretariat who will, in consultation with the SAGE co-chairs, invite another observer from one of the groups listed in paragraph 13.

D. Officers

17. The group will elect two co-chairs from among its Party members, one from a developed and one from a developing country, to facilitate its work and meetings.

E. Procedural matters

18. The SAGE will apply the rules of procedure of the Conference of the Parties, *mutatis mutandis*, unless otherwise provided in the present terms of reference.
19. The SAGE may establish such arrangements as are necessary to facilitate its work, in line with the present terms of reference, including establishing sub-groups, subject to available resources.
20. Any sub-groups will be subject to the direction and oversight of the SAGE and will cease to exist upon completion of the assigned task. To reduce costs, the sub-groups will carry out their work electronically.

F. Secretariat

21. The Secretariat will provide administrative, logistical, programmatic and substantive support for the meetings and work of the SAGE, with the assistance services as necessary, subject to available resources.

G. Meetings

22. The group will primarily work online and meet face-to-face not exceeding two times (subject to available resources) during an effectiveness evaluation cycle to coordinate scientific activities on mercury and produce the scientific report for the Committee.

H. Language

23. English will be the working language of the group.
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