



**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****Giving effect to article 22: effectiveness evaluation****Note by the secretariat****I. Introduction**

1. Paragraph 1 of article 22 of the Minamata Convention on Mercury stipulates that the Conference of the Parties is to 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.
2. Paragraph 2 of the same article stipulates that the Conference of the Parties, at its first meeting, is to 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 compound observed in biotic media and vulnerable populations.
3. Paragraph 3 of article 22 stipulates that the evaluation is to be conducted on the basis of available scientific, environmental, technical, financial and economic information, including reports and other monitoring information provided in line with the arrangements for obtaining comparable monitoring information (pursuant to paragraph 2); reports submitted by the parties in line with the reporting requirements set out in article 21 (pertaining to national reporting); information and recommendations provided pursuant to article 15 (pertaining to the implementation and compliance committee); and reports and other relevant information on the operation of the financial assistance, technology transfer and capacity-building arrangements put in place under the Convention.
4. At its first meeting, the Conference of the Parties considered document UNEP/MC/COP.1/12, on the establishment of arrangements in regard to effectiveness evaluation as referred to in paragraph 2 of article 22, and, in decision MC-1/9, recognized the urgent need for an effectiveness evaluation framework that included a strategic, cost-effective approach that provided appropriate and sufficient data. The Conference of the Parties also adopted terms of reference for an ad hoc group of experts on the arrangements for providing the Conference of the Parties with comparable monitoring data and elements of an effectiveness evaluation framework.
5. At its second meeting, the Conference of the Parties considered a note by the secretariat on the report on the outline, plan and elements of the effectiveness evaluation framework (UNEP/MC/COP.2/13), which included the ad hoc expert group's recommendations on arrangements

* 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.

in relation to monitoring and on elements of an effectiveness evaluation framework. In decision MC-2/10, the Conference of the Parties reaffirmed that the effectiveness evaluation was to assess the overall effectiveness of the Convention at the global level based on the objective of the Convention. It also extended the terms of reference of the ad hoc expert group and requested the group to develop the terms of reference for global monitoring arrangements. In addition, based on the amended terms of reference for the group, the Conference of the Parties requested the expert group to report to it at its third meeting on the progress made in refining the evaluation framework for the Convention, including in describing the effectiveness evaluation framework, proposing a methodology and schedule for the evaluation and preparing the draft terms of reference for the effectiveness evaluation committee.

6. At its third meeting, the Conference of the Parties considered the report of the ad hoc technical expert group for effectiveness evaluation (UNEP/MC/COP.3/14), which included a description of the proposed effectiveness evaluation framework, including policy questions aimed at allowing consideration of whether the existing measures would achieve the objective of the Convention; a set of indicators developed based on an article-by-article review, for assessing progress and impact of the measures; and proposed reports that the effectiveness evaluation committee would use to formulate findings/recommendations for the consideration of the Conference of the Parties in its evaluation of the effectiveness of the Convention. The report also included technical information on monitoring and a proposal on monitoring arrangements pursuant to paragraph 2 of article 22. In decision MC-3/10, the Conference of the Parties welcomed the report and the efforts made to advance the work on evaluation of the effectiveness of the Convention. It further invited parties to submit their views on the indicators and requested the secretariat to compile those views in advance of the fourth meeting. It also 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 and two of the reports provided for in the framework, namely the article 21 synthesis report and the trade, supply and demand report (which includes mercury waste flows and stocks).

7. Section II of the present note provides an overview of the intersessional work done following the third meeting of the Conference of the Parties and in advance of its fourth meeting, as requested in decision MC-3/10. It should be read in conjunction with documents UNEP/MC/COP.4/18/Add.1 and UNEP/MC/COP.4/INF/11, on indicators, and documents UNEP/MC/COP.4/18/Add.2 and UNEP/MC/COP.4/INF/12, on the draft guidance on monitoring.

8. Section III provides an overview of all the work done since the first meeting of the Conference of the Parties, as well as the remaining areas of work needed for the Conference of the Parties to put in place the framework and arrangements for evaluating the effectiveness of the Convention and to conduct its first evaluation, pursuant to paragraphs 1 to 3 of article 22.

II. Overview of intersessional work done following the third meeting of the Conference of the Parties and in advance of its fourth meeting

9. As is indicated above, in decision MC-3/10, the Conference of the Parties agreed on three areas of work to be carried out following its third meeting and in advance of its fourth meeting: indicators, guidance on monitoring, and reports provided for in the effectiveness evaluation framework.

A. Indicators

10. In paragraph 1 of decision MC-3/10, the Conference of the Parties invited parties to submit views on the proposed indicators set out in annex I to the decision and requested the secretariat to compile those views in advance of the fourth meeting of the Conference of the Parties.

11. Annex I to the decision listed the proposed indicators for evaluating the effectiveness of the Minamata Convention, by article. A total of 58 indicators were proposed, identified as process indicators (44), outcome indicators (12) and monitoring indicators (2, with a further 7 cross-referenced). A number of indicators were grouped into clusters as follows: supply (articles 3, 10 and 11), demand (articles 4, 5 and 7), pressure (articles 8, 9 and 12), support (articles 13 and 14) and information and research (articles 17, 18 and 19). Overall, the proposed indicators under the supply, demand and pressure clusters referred to control measures of the Convention, while the proposed indicators under the support and the information and research clusters refer to the overall enabling/supportive context for national and international action.

12. To support parties in submitting their views on the proposed indicators and allow for the compilation of those views in advance of the fourth meeting, the secretariat developed a plan for the intersessional work on indicators, in consultation with the Bureau. Parties were then notified of the plan of work, which entailed a number of steps. First, the secretariat convened an information session in September 2020 on the proposed indicators. Parties were then invited to submit their initial views and responses to the secretariat by 30 November 2020. Eleven parties submitted their initial views,¹ which were made available to parties in an online workspace. In February 2021, the secretariat facilitated an exchange session on the initial views submitted. The exchange session took place in two parts over three days, with parties presenting their initial views on 2 February 2021 and discussing their submissions on 4 February 2021. At the conclusion of that exchange session, the parties requested the secretariat to provide for an additional exchange session and to prepare a compilation of the initial views in preparation for the additional session to facilitate parties' consideration of the proposed indicators. The additional session was held on 4 March 2021. Following these exchange sessions, which allowed the views and responses submitted to be clarified and additional questions to be addressed, parties were invited to submit their views on the proposed indicators to the secretariat by 31 March 2021 to enable the secretariat to compile them in advance of the fourth meeting. Ten parties submitted views following the exchange sessions.² Thirty-two parties participated in the first exchange session (and 2 non-parties as observers) and 30 in the additional exchange session (and 1 non-party as an observer).

13. The secretariat's compilation of the views submitted by parties on the proposed indicators is summarized in document UNEP/MC/COP.4/18/Add.1 and set out in full in document UNEP/MC/COP.4/INF/11.

B. Advancing the work on drafting guidance on monitoring to maintain harmonized, comparable information on mercury levels in the environment

14. As a second area of work, the Conference of the Parties, in paragraph 2 (a) of decision MC-3/10, requested the secretariat to advance the work on effectiveness evaluation by securing services for drafting guidance on monitoring to maintain harmonized, comparable information on mercury levels in the environment, taking into account the draft structure set out in a note on background information on mercury monitoring (UNEP/MC/COP.3/INF/15). To that end, the secretariat prepared a road map for developing the draft guidance, in consultation with the Bureau. Parties were then notified of the road map, which included a number of steps. First, the secretariat developed a draft annotated outline of the guidance on monitoring and held information sessions in June 2020 to discuss the development of the guidance. Subsequently, parties and stakeholders were invited to identify experts to contribute to the drafting of the guidance. In parallel, three expert consultants were engaged by the secretariat to draft chapters on monitoring mercury in air, biota and humans. A first online meeting was held among the experts in September 2020 to finalize the annotated outline. Thereafter, five thematic meetings were held, from October to December, to present and discuss an early draft of the guidance. Contributing experts provided input on the draft and five additional thematic meetings were held in March 2021 to consider the input received from experts. The secretariat posted the first draft of the guidance for comments from 15 April to 31 May 2021. A meeting of contributing experts was held in June 2021 and a second draft was posted on the Convention website and circulated to the contributing experts for comments from 15 to 31 July. The secretariat then finalized the draft guidance document for consideration by the Conference of the Parties at its fourth meeting, taking into consideration the comments received on the second draft.

15. The executive summary of the draft guidance on monitoring is set out in document UNEP/MC/COP.4/18/Add.2 and the draft guidance itself is set out in document UNEP/MC/COP.4/INF/12.

C. Advancing the drafting of the reports provided for in the framework

16. As a third area of work, the Conference of the Parties requested the secretariat to advance the work on two of the reports provided for in the effectiveness evaluation framework in annex II to

¹ Parties that submitted initial views: Canada, European Union, Iran (Islamic Republic of), Japan, Kuwait, Mexico, Norway, Oman, Qatar, United Republic of Tanzania, United States of America.

² Parties that submitted views after the exchange sessions: Argentina, Canada, China, Colombia, European Union, Japan, Norway, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America.

decision MC-3/10, namely the article 21 synthesis report and the report on trade, supply and demand, which was to include mercury waste flows and stocks.

17. The article 21 synthesis report synthesizes the information provided in the short national reports submitted pursuant to article 21 by December 2019 and the full national reports due by 31 December 2021. The short national reports address four questions (for the reporting period 16 August 2017 to 31 December 2019), while the full reporting format comprises forty-three questions (for the reporting period 16 August 2017 to 31 December 2021). The secretariat prepared a report to the Implementation and Compliance Committee on the responses received in the short reports (see the meeting report of the Implementation and Compliance Committee, set out in document UNEP/MC/COP.4/15), as well as a report to the Conference of the Parties for the reporting period 16 August 2017 to 31 December 2019 (UNEP/MC/COP.4/16). Once the full reports due by 31 December 2021 have been received, the secretariat will prepare its report on the responses to all the questions and, on that basis and on the basis of the information reported to the Conference of the Parties at its fourth meeting, will prepare the article 21 synthesis report for consideration by the Conference of the Parties at its fifth meeting.

18. The trade, supply and demand report (which includes mercury waste flows and stocks) is to provide the Conference of the Parties with information pertaining to articles 3, 4, 5, 7, 10 and 11 and is being developed for consideration by the Conference of the Parties at its fifth meeting. To date, the secretariat has contracted services for a review of the existing methodologies and data sources, including the identification of data gaps and uncertainties. The report will rely on and be augmented by relevant information in the full article 21 reports to be submitted in December 2021.

III. Overview of work done since the first meeting and remaining areas of work needed for the Conference of the Parties to put in place the framework and arrangements for evaluating the effectiveness of the Convention and to conduct its first evaluation

19. Since the first meeting of the Conference of the Parties, the Conference of the Parties, the parties, the ad hoc technical expert group and the secretariat have undertaken work in various areas to give effect to article 22 on effectiveness evaluation. The table starting on page 5 provides an overview of those areas of work and indicates the work that remains to be done.

20. Following the third meeting of the Conference of the Parties, some parties initiated informal consultations on items that remained unresolved at the third meeting and were not part of the work provided for in decision MC-3/10.

IV. Suggested action by the Conference of the Parties

21. In the light of the requirement under article 22, paragraph 1, of the Convention that the Conference of the Parties evaluate the effectiveness of the Convention beginning no later than six years after the date of entry into force of the Convention, and based on the work done since its first meeting, the Conference of the Parties may, at its fourth meeting, wish to:

- (a) Consider the information contained in the present note;
- (b) Consider beginning the first evaluation of the effectiveness of the Convention;
- (c) Set the meeting at which it will conclude the first evaluation of the effectiveness of the Convention;
- (d) Consider establishing an effectiveness evaluation committee tasked with preparing a report on the effectiveness of the Convention and overseeing scientific and technical work in that regard;
- (e) Consider the indicators for evaluating the effectiveness of the Convention based on the work done so far;
- (f) Consider the draft guidance on monitoring prepared based on the work done so far;
- (g) Consider the periodicity of effectiveness evaluations;
- (h) Consider requesting the secretariat to continue supporting the effectiveness evaluation process by continuing to collect information relevant to the effectiveness evaluation and to develop the reports requested by the Conference of the Parties.

Areas of work to give effect to article 22

<i>Framework and arrangements</i>	<i>Convention text or decision of the Conference of the Parties</i>	<i>Notes and progress made</i>	<i>Remaining areas of work</i>
First effectiveness evaluation cycle	Paragraph 1 of article 22 of the Convention stipulates that the Conference of the Parties is to evaluate the effectiveness of the Convention, beginning no later than six years after the date of entry into force of the Convention.	As the Convention entered into force on 16 August 2017, six years later is 15 August 2023.	Conference of the Parties: The Conference of the Parties is to decide to begin the first effectiveness evaluation, and further at which meeting it wishes to receive the reports that it requires in order to conduct and conclude on the first effectiveness evaluation.
Elements of an effectiveness evaluation framework	<p>In decision MC-1/9, the Conference of the Parties tasked the expert group with developing elements of an effectiveness evaluation framework. This included: (i) identifying the steps required to undertake an effectiveness evaluation; (ii) suggesting a process flow (schedule) for the effectiveness evaluation planning; (iii) identifying arrangements for conducting the effectiveness evaluation; (iv) drafting terms of reference for the committee developing the first effectiveness evaluation; and (v) assessing potential approaches to the development of performance indicators.</p> <p>In decision MC-2/10, the Conference of the Parties further tasked the expert group with providing a description of the effectiveness evaluation framework and with working further on the process and outcome indicators using the objective of the Minamata Convention, including identifying which recommended indicators required monitoring data, in particular in relation to the control measures.</p>	<p>UNEP/MC/COP.3/14 contained the report of the expert group on the elements of an effectiveness evaluation framework, prepared in response to decisions MC-1/9 and MC-2/10. The report included: (i) a description of the proposed framework including policy questions; (ii) process, outcome and monitoring indicators based on an article-by-article analysis and with reference to the national reporting format; (iii) a schedule for the effectiveness evaluation; and (iv) draft terms of reference for the effectiveness evaluation committee.</p> <p>In decision MC-3/10, the Conference of the Parties welcomed the proposed framework for the effectiveness evaluation and included the proposed information and analysis flow (figure 1) and institutional arrangements (figure 2) for the framework in annex II to the decision.</p> <p>In decision MC-3/10, the Conference of the Parties invited parties to submit views on the indicators set out in annex I to the decision in advance of its fourth meeting.</p>	<p>Conference of the Parties: The Conference of the Parties is to conclude on the elements of the effectiveness evaluation framework, including the mandate and terms of reference of the effectiveness evaluation committee; the approach on the indicators (see note below); and the steps and schedule of the effectiveness evaluation.</p> <p>Note: Document UNEP/MC/COP.4/18/INF/11 contains the compilation of parties' views on the indicators.</p>

<i>Framework and arrangements</i>	<i>Convention text or decision of the Conference of the Parties</i>	<i>Notes and progress made</i>	<i>Remaining areas of work</i>
Monitoring information and arrangements	<p>Paragraph 2 of article 22 stipulates that, to facilitate the evaluation, the Conference of the Parties is to 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.</p> <p>In decision MC-1/9, the Conference of the Parties tasked the expert group with developing monitoring arrangements. This included an outline of the types of data that could be comparable on a global basis and a draft plan that integrated comparable results for future monitoring (including identification of available modelling capabilities to assess changes in global mercury levels across and within different media).</p> <p>In decision MC-2/10, the Conference of the Parties further tasked the expert group to: (i) identify effective categories of available,^a comparable^b monitoring data; (ii) identify useful monitoring data in air, water, biota and humans; (iii) identify the potential and limitations of the data identified; (iv) identify major gaps that could affect the usability of available data and outline options or recommendations to enhance the comparability and completeness of the information; and (v) identify opportunities for future enhancements to monitoring.</p>	<p>Document UNEP/MC/COP.3/14 contained the report of the expert group on monitoring arrangements, prepared in response to decisions MC-1/9 and MC-2/10. The report included appendices setting out technical information on monitoring (UNEP/MC/COP.4/14/Add.1), proposed global monitoring arrangements and draft terms of reference for a monitoring group.</p> <p>In decision MC-3/10, the Conference of the Parties welcomed the complementing information developed by the expert group and 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 background information on mercury monitoring (UNEP/MC/COP.3/INF/15.).</p>	<p>Conference of the Parties: The Conference of the Parties is to conclude on the arrangements for providing itself with comparable monitoring data, including an expert scientific modality for developing reports 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, for the effectiveness evaluation.</p> <p>Note: Document UNEP/MC/COP.4/18/Add.2 sets out the draft guidance on monitoring.</p>

<i>Framework and arrangements</i>	<i>Convention text or decision of the Conference of the Parties</i>	<i>Notes and progress made</i>	<i>Remaining areas of work</i>
Article 21 national reports as a source of information	<p>Paragraph 3 of article 22 stipulates that the evaluation is to be conducted on the basis of available scientific, environmental, technical, financial and economic information, including reports submitted pursuant to article 21.</p> <p>In decision MC-1/8, the Conference of the Parties decided that article 21 national reports are to be submitted for 4 questions every two years (short reports) and for the full 43 questions every four years (full reports). The national reports cover articles 3–5, 7–14 and 16–19. The reporting format also includes sections for the party to capture the challenges encountered in meeting the obligations of the Convention, as well as the effectiveness of measures taken to implement the provisions of the Convention. The reporting format is to serve the purpose of the reporting obligation pursuant to article 21, as well as information collection required for article 22.</p>	<p>The first short reports were submitted in December 2019. Document UNEP/MC/COP.4/16 sets out the secretariat's report to the Conference of the Parties on the responses contained in the submitted reports.</p> <p>The first full reports are expected to be submitted by parties by the end of December 2021.</p> <p>In decision MC-3/10, the Conference of the Parties requested the secretariat to advance the work by securing services for drafting the article 21 synthesis report.</p>	Secretariat: Based on the analysis of the responses to the short reports (2019) and the full reports (2021), the secretariat is progressing in the development of the article 21 synthesis report. The report is being completed for the fifth meeting of the Conference of the Parties.
Available scientific, environmental, technical, financial and economic information	<p>Paragraph 3 of article 22 stipulates that the evaluation is to be conducted on the basis of available scientific, environmental, technical, financial and economic information.</p> <p>Figure 2 in annex II to decision MC-3/10, showing the institutional arrangements for the effectiveness evaluation framework, provides for a number of reports.</p>	<p>In accordance with paragraph 2 (b) of decision MC-3/10, the secretariat is advancing work on the trade, supply and demand report, which includes mercury waste flows and stocks, for consideration by the Conference of the Parties at its fifth meeting. The national reports due in December 2021 will provide input for the report.</p> <p>At its third meeting, the Conference of the Parties decided not to work on the emissions and releases report in advance of its fourth meeting. Emission and release inventory information could also be forthcoming through article 21 reporting.</p> <p>Article 8, paragraph 7, stipulates that parties must establish and maintain inventories of emissions from relevant sources.</p>	<p>Conference of the Parties: The Conference of the Parties is to decide to begin work on emissions and releases.</p> <p>Secretariat: The trade, supply and demand report, which includes mercury waste flows and stocks, is being completed for the fifth meeting of the Conference of the Parties.</p>

<i>Framework and arrangements</i>	<i>Convention text or decision of the Conference of the Parties</i>	<i>Notes and progress made</i>	<i>Remaining areas of work</i>
Information and recommendations provided by and through the Implementation and Compliance Committee pursuant to article 15.	Paragraph 3 of article 22 stipulates that the effectiveness evaluation is to be conducted on the basis of available scientific, environmental, technical, financial and economic information, including information and recommendations provided pursuant to article 15. Article 15 pertains to the Implementation and Compliance Committee, which is mandated to support implementation and compliance, including by examining individual and systemic issues. The Committee reports and makes recommendations to the Conference of the Parties. The Committee may consider issues on the basis of submissions from a party on its own compliance, article 21 national reports and requests by the Conference of the Parties.	The first short reports were submitted for December 2019 and were considered by the Implementation and Compliance Committee in June 2021. Document UNEP/MC/COP.4/15 sets out the Committee's report to the Conference of the Parties on the responses contained in the submitted reports. The first full reports will be considered by the Committee as part of its work programme for the period 2022–2023.	Note: At each meeting, the Conference of the Parties is to receive a report from the Implementation and Compliance Committee.
Reports and other relevant information pursuant to articles 13 and 14	Paragraph 3 of article 22 stipulates that the effectiveness evaluation is to be conducted on the basis of available scientific, environmental, technical, financial and economic information, including reports and other relevant information on the operation of the financial assistance, technology transfer and capacity-building arrangements put in place under the Convention. In accordance with article 13, the financial mechanism of the Convention consists of the Global Environment Facility trust fund and the Specific International Programme to Support Capacity-Building and Technical Assistance. The financial mechanism is to be reviewed periodically.	In addition to reports on the financial mechanism (i.e., the Global Environment Facility and the Specific International Programme) and the Conference of the Parties' periodic reviews of the financial mechanism, the effectiveness evaluation can be informed by submission from parties, including notifications, Minamata initial assessments, national action plans, national implementation plans and applications to the Specific International Programme. All such submissions are collected by the secretariat and made available on the Convention website.	Note: At each meeting, the Conference of the Parties is to receive reports on the Global Environment Facility and the Specific International Programme. The Conference of the Parties also conducts periodic reviews of the financial mechanism. It also receives secretariat reports on article 14, pertaining to capacity-building, technical assistance and technology transfer.
Periodicity of evaluation of the effectiveness of the Convention	Paragraph 1 of article 22 stipulates that the Conference of the Parties is to evaluate the effectiveness of the Convention periodically at intervals to be decided by it.	The timing of meetings of the Conference of the Parties, as well as the timing of receipt and analysis of national reports pursuant to article 21, would be among the elements to consider in regard to a decision on the periodicity of evaluation of the effectiveness of the Convention.	The Conference of the Parties is to agree on the periodicity of the following evaluations, this can be done by setting an interval or deciding another appropriate way forward per evaluation cycle.

^a Available data include both currently available data and data collected in the future.

^b Data are comparable when collected using identical methodologies. Data may also be made comparable by using standardized and known scientific methodologies.