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

Geneva, 30 October–3 November 2023

Item 4 (k) of the provisional agenda\*

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

## **First effectiveness evaluation of the Minamata Convention on Mercury (article 22)**

### **Note by the secretariat**

#### **I. Introduction**

1. In decision MC-4/11, the Conference of the Parties agreed to begin the first effectiveness evaluation of the Minamata Convention on Mercury.
2. The decision was the outcome of work done by parties and stakeholders since the first meeting of the Conference of the Parties to establish the arrangements for such an evaluation, including arrangements to provide the Conference of the Parties with comparable monitoring data on the presence and movement of mercury and mercury compounds in the environment as well as on trends in levels of mercury and mercury compounds observed in biotic media and vulnerable populations (article 22, para. 2).
3. In the same decision, the Conference of the Parties established the Open-Ended Scientific Group to work in accordance with its terms of reference, as set out in annex II to the decision.
4. The Conference of the Parties also acknowledged the work done on indicators since its third meeting and requested the secretariat to support an intersessional process to refine the list of indicators to be used in the effectiveness evaluation process, with a view to providing a final list of indicators for consideration and possible adoption by the Conference of the Parties at its fifth meeting.
5. The Conference of the Parties also decided to continue consideration of two matters at its fifth meeting, namely:
  - (a) The timeline of the first effectiveness evaluation;
  - (b) The terms of reference of the effectiveness evaluation group, for which all elements had been agreed on, with the exception of the group's membership.
6. Section II of the present note provides an overview of the intersessional work done following the fourth meeting of the Conference of the Parties.

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\* UNEP/MC/COP.5/1.

7. Section III sets out the proposed action for the Conference of the Parties to complete its work on giving full effect to the first effectiveness evaluation, and annex I provides a draft decision for consideration by the Conference of the Parties.

8. The note also includes, in annex II, the terms of reference for the Effectiveness Evaluation Group that were produced by the contact group on effectiveness evaluation at the fourth meeting of the Conference of the Parties. All the elements of the terms of reference have been agreed on, with the exception of the membership of the Effectiveness Evaluation Group.

## **II. Overview of work done during the intersessional period between the fourth and fifth meetings of the Conference of the Parties**

### **A. Open-ended Scientific Group**

9. In paragraph 4 of decision MC-4/11, the Conference of the Parties established the Open-ended Scientific Group. According to its mandate, the Open-ended Scientific Group will prepare a scientific report to be composed of the following elements, built in a two-stage process: the plan for the monitoring data compilation and summary and the plan for data analysis consistent with the monitoring guidance<sup>1</sup> (stage 1); and the monitoring data compilation and summary and the data analysis addressing the guiding questions outlined in the monitoring guidance (stage 2).

10. The mandate of the Open-ended Scientific Group also specifies that it will, among other things, (a) provide an analysis of data gaps, including the identification of existing gaps as well as potential scientific actions to address identified gaps in information and knowledge related to monitoring, and lessons learned; (b) develop, with the support of the secretariat, a plan and a summary of available emissions and releases data, including available emissions and releases data from national inventories, and estimates of emissions and releases data not available from national inventories; (c) assess the data and coordinate the analysis to be included in the scientific report, taking into consideration the monitoring guidance and its guiding questions, as well as differences in scientific capacities, national circumstances, environmental conditions and demographic characteristics across parties and regions; (d) make the documents available for review by parties; and (e) respond to comments by parties and integrate responses into plans and final products for review by the Effectiveness Evaluation Group and submission to the Conference of the Parties six months in advance of its meeting.

11. At the time of writing, the Open-ended Scientific Group had met eight times online since June 2022 and once face to face, from 27 to 31 March 2023, in Geneva.

12. The full progress report of the Open-ended Scientific Group is set out in the annex to document UNEP/MC/COP.5/16/Add.2. Additional information on the work of the Group will be provided in document UNEP/MC/COP.5/INF/37.

### **B. Indicators**

13. At its third meeting, the Conference of the Parties, in paragraph 1 of decision MC-3/10, 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. 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.

14. At its fourth meeting, the Conference of the Parties, in paragraph 7 of decision MC-4/11, requested the secretariat to support an intersessional process to refine the list of indicators to be used in the effectiveness evaluation process, with a view to providing a final list of indicators for consideration and possible adoption by the Conference of the Parties at its fifth meeting.

15. Accordingly, based on the views received during the previous intersessional period, the secretariat prepared a refined list of draft indicators and held a [Minamata Online session](#) to introduce the list and seek comments. Parties and other stakeholders were also invited to submit written

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<sup>1</sup> The monitoring guidance is set out in document UNEP/MC/COP.4/INF/12, with an executive summary provided in document UNEP/MC/COP.4/18/Add.2.

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comments by 31 January 2023. Comments were received from 21 parties and two observer organizations.<sup>2</sup>

16. On the basis of the comments received, the secretariat developed a list of draft indicators to support, during the first effectiveness evaluation, an assessment of information contained in national reports pursuant to article 21 and other sources of information for tracking global progress towards the Convention's objective. The draft indicators are contained in document UNEP/MC/COP.5/16/Add.1 for consideration and possible adoption by the Conference of the Parties.

### **III. Suggested action by the Conference of the Parties**

17. In the light of the information contained in the present note and its two addenda, the Conference of the Parties, at its fifth meeting, may wish to adopt a decision along the lines of the draft decision contained in annex I.

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<sup>2</sup> From parties: Argentina, Cameroon, Canada, China, Colombia, the Comoros, Cyprus, Indonesia, Italy, Japan, Madagascar, Mauritius, Norway, Peru, Saudi Arabia, Sierra Leone, Sri Lanka, Switzerland, the Syrian Arab Republic, the United States of America and Zimbabwe. From observer organizations: the International Pollutants Elimination Network and the National Resources Defence Council. All submissions received are available at <https://owncloud.unog.ch/s/7cRILSe64KCXUpI>.

## Annex I

### **Draft decision MC-5/[--]: First effectiveness evaluation of the Minamata Convention on Mercury**

*The Conference of the Parties,*

*Acknowledging* the intersessional work done since the fourth meeting of the Conference of the Parties to begin the first effectiveness evaluation of the Minamata Convention on Mercury, according to the agreed framework, and pursuant to decision MC-4/11,

1. *Agrees* to consider the outcome of the first effectiveness evaluation of the Convention at its [---] meeting;
2. *Takes note* of the progress made by the Open-ended Scientific Group;
3. *Establishes* the Effectiveness Evaluation Group to work in accordance with its terms of reference;<sup>1</sup>
4. *Adopts* the indicators;<sup>2</sup>
5. *Requests* the secretariat to continue supporting the effectiveness evaluation process.

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<sup>1</sup> As currently set out in annex II to the present document. This footnote will be removed from the adopted decision as appropriate.

<sup>2</sup> As currently set out in annex I to document UNEP/MC/COP.5/16/Add.1. This footnote will be removed from the adopted decision as appropriate.

## Annex II

### Terms of reference of the Effectiveness Evaluation Group<sup>1</sup>

#### A. Mandate

1. The Effectiveness Evaluation Group will be responsible for and oversee the development of the effectiveness evaluation report, as requested by the Conference of the Parties to the Minamata Convention on Mercury. The Effectiveness Evaluation Group will integrate the information and knowledge collected and synthesized during the effectiveness evaluation process into a final report to the Conference of the Parties and present recommendations for improvement, lessons learned and best practices to the Conference of the Parties.
2. The mandate of the Effectiveness Evaluation Group will conclude with the presentation of the final effectiveness evaluation report to the Conference of the Parties.

#### B. Tasks

3. In order to complete the final effectiveness evaluation report, the Effectiveness Evaluation Group will carry out the following activities:
  - (a) Oversee the effectiveness evaluation process for the finalization of the effectiveness evaluation report, including those plans and reports, as outlined in annex I to decision MC-4/11;
  - (b) Prepare the final effectiveness evaluation report as outlined in annex I to decision MC-4/11. In preparing the report, the Effectiveness Evaluation Group will also refer to the list of indicators, without prejudice to their final adoption by the Conference of the Parties. The reports and the data submitted by parties for the effectiveness evaluation process will be the main sources of information for the effectiveness evaluation, as appropriate. Compiled data with best comparability, representativeness and sustainability should be used to produce the final effectiveness evaluation report;
  - (c) Reflect on, consider and submit to the Conference of the Parties, as appropriate, the plans and reports provided for in annex I to decision MC-4/11, including parties' comments on such plans and reports. Data submitted by parties should be addressed in the reports, and the reports should explain when sources of data other than party-submitted data are used.
4. In carrying out the tasks mentioned in paragraph 3, the Effectiveness Evaluation Group may delegate work to the Open-ended Scientific Group, the secretariat and other groups in order to meet its obligations within allocated resources. The Effectiveness Evaluation Group will engage with the relevant groups and take into consideration their recommendations and input.
5. The Effectiveness Evaluation Group will invite the secretariat, the Open-ended Scientific Group and other relevant groups to work, as appropriate and based on direction received from the Conference of the Parties, on continuing to develop and implement the tasks needed to further the work of the effectiveness evaluation.
6. In addition to its final effectiveness evaluation report to the Conference of the Parties, the Effectiveness Evaluation Group will provide, and submit to the Conference of the Parties, an overview of lessons learned during the first effectiveness evaluation cycle for consideration in subsequent cycles, including recommendations regarding modifications to indicators, monitoring guidance, data sources, reports or the overall framework.

#### C. Membership

7. The members of the Effectiveness Evaluation Group will be appointed on the basis of equitable geographical distribution, taking into account the need for gender balance and various types of expertise.

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<sup>1</sup> The terms of reference of the Effectiveness Evaluation Group, as set out in this annex, were the outcome of the contact group on effectiveness evaluation at the resumed fourth meeting of the Conference of the Parties. All elements of the terms of reference were agreed, with the exception of the membership of the Effectiveness Evaluation Group. This footnote is meant to provide information to support consideration by the Conference of the Parties at its fifth meeting and should not appear in the text of the adopted decision.

8. The Effectiveness Evaluation Group will consist of [15] [40] participants from parties, comprising [3] [8] representatives of parties from each of the five United Nations regions, nominated by the region.
9. The representatives nominated by the regions will have experience in the work carried out by the Effectiveness Evaluation Group.
10. Members of the Effectiveness Evaluation Group will serve objectively, provide their expertise in a neutral and impartial manner and act in the best interests of the Convention.
11. Members of the Effectiveness Evaluation Group will serve for the duration of one effectiveness evaluation cycle, as determined by the Conference of the Parties. A new group will be constituted in accordance with the effectiveness evaluation framework timeline of 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 Effectiveness Evaluation Group, will invite two internationally recognized United Nations experts in effectiveness evaluation as observers, with due consideration for the available expertise.
14. The co-chairs of the Open-ended Scientific Group and the Chair of the Implementation and Compliance Committee will be invited to participate as observers.
15. The Effectiveness Evaluation Group will invite up to five participants from developed and developing countries as observers, drawing from civil society, Indigenous organizations, local community organizations, intergovernmental organizations, industry and the Global Mercury Partnership. The participation of observers will be balanced among the above-mentioned groups and by gender.
16. The Effectiveness Evaluation Group may invite additional observers on an ad hoc basis, within reasonable limits.

#### **E. Officers**

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

#### **F. Procedural matters**

18. The Effectiveness Evaluation Group 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 Effectiveness Evaluation Group may establish such arrangements as are necessary to facilitate its work, in line with the present terms of reference, including establishing subgroups, within allocated resources. Any subgroups will be subject to the direction and oversight of the Effectiveness Evaluation Group and will cease to exist upon completion of the assigned task. The subgroups will carry out their work electronically where possible.
20. The Effectiveness Evaluation Group 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 Effectiveness Evaluation Group, with the assistance of services as necessary, subject to available resources.

#### **H. Meetings**

22. The Effectiveness Evaluation Group will work online and will hold up to two face-to-face meetings as needed, within allocated resources, to review the information available for the evaluation cycle and to develop a report of its findings for the Conference of the Parties. The frequency of face-to-face Effectiveness Evaluation Group meetings may be amended as necessary based on the decisions of the Conference of the Parties.

23. Draft documents to be transmitted to the Conference of the Parties will be opened for comments from parties. Draft documents will be finalized by the Effectiveness Evaluation Group at least four months before the next meeting of the Conference of the Parties.

**I. Language of meetings**

24. The working language of the Effectiveness Evaluation Group 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 Effectiveness Evaluation Group members and invited observers for participation in meetings of the Group, in accordance with United Nations rules and practices.

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