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

Geneva, 19–23 November 2018

Item 5 (e) (ii) of the provisional agenda\*

**Matters for consideration or action by the Conference  
of the Parties: operation of the financial mechanism:  
Specific International Programme to Support  
Capacity-Building and Technical Assistance**

**Overall report on the Specific International Programme to  
Support Capacity-Building and Technical Assistance**

**Note by the secretariat**

**I. Introduction**

1. In paragraph 5 of article 13, on the financial resources and mechanism, the Minamata Convention on Mercury defines a mechanism for the provision of adequate, predictable and timely financial resources to support developing-country parties and parties with economies in transition in implementing their obligations under the Convention. According to the Convention, the mechanism should include the Global Environment Facility Trust Fund and a specific international programme to support capacity-building and technical assistance. The present note sets out the overall report on the second entity of the financial mechanism,<sup>1</sup> namely the Specific International Programme to Support Capacity-Building and Technical Assistance.

2. In decision MC-1/6 on the Specific International Programme, the Conference of the Parties to the Minamata Convention decided that the hosting institution referred to in paragraph 9 of article 13 of the Convention<sup>2</sup> was to be provided by the United Nations Environment Programme and approved the necessary hosting arrangements, guidance on the operations of and duration of the Specific International Programme and the terms of reference of the Programme as set out in the annexes to the decision. The Conference of the Parties also requested the Executive Director of the United Nations Environment Programme to establish a trust fund for the programme and to implement the governance arrangements set out in the annexes to the decision.

\* UNEP/MC/COP.2/1.

<sup>1</sup> UNEP/MC/COP.2/8 outlines matters relating to the first entity of the financial mechanism, namely the Global Environment Facility Trust Fund.

<sup>2</sup> Article 13, paragraph 9 reads: “For the purposes of this Convention, the Programme referred to in paragraph 6 (b) will be operated under the guidance of and be accountable to the Conference of Parties. The Conference of Parties shall, at its first meeting, decide on the hosting institution for the Programme, which shall be an existing entity, and provide guidance to it, including on its duration. All Parties and other relevant stakeholders are invited to provide financial resources to the Programme, on a voluntary basis.”

3. It is to be noted that annex I to decision MC-1/6, setting out the hosting arrangements, guidance on the operations of and duration of the Specific International Programme, was adopted with brackets in paragraph 6, which refers to the eligibility of non-parties for funding. The bracketed text presents two options: one states that non-parties are not eligible to apply for funding but can participate in some activities undertaken by the Specific International Programme upon invitation by a party, on a case-by-case basis, while the other states that signatories to the Convention are eligible for funding provided they are taking meaningful steps towards becoming a party. A set of brackets also remains in annex II to the decision, which contains the terms of reference of the Specific International Programme. Here the brackets are in paragraph 1, which relates to whether the Governing Board of the Specific International Programme is to consist of 10 members “from” or “nominated by” parties. Paragraph 6 of annex I and paragraph 1 of annex II to decision MC-1/6 are reproduced in annex I to the present note for the consideration of the Conference of the Parties at its second meeting.

4. The present report on the Specific International Programme is set out in five sections: section I is this introduction; section II contains information on the establishment and status of the Specific Trust Fund for the Specific International Programme; section III sets out the governance arrangements for the Specific International Programme; section IV outlines the work of the Governing Board and the Specific International Programme to date and gives an overview of the first round of applications to the Specific International Programme; and section V relates to the review of the financial mechanism mandated by article 13 of the Convention. The present document also contains annexes setting out the text remaining in brackets as per paragraph 3 above (annex I), the rules of procedure adopted by the Governing Board (annex II) and an overview of the applications received by 31 August 2018, which was the deadline for the first round of applications to the Specific International Programme (annex III).

## **II. The Specific Trust Fund for the Specific International Programme**

5. In the annex to decision MC-1/10, on the financial rules for the Conference of the Parties to the Minamata Convention on Mercury, its subsidiary bodies and the secretariat of the Convention, paragraph 4 of rule 4 specifies that the Executive Director of the United Nations Environment Programme is to establish a specific trust fund for the Specific International Programme. Further, in decision MC-1/6, paragraph 3, the Conference of the Parties requested the Executive Director to establish such a fund.

6. Accordingly, following the first meeting of the Conference of Parties, the Executive Director established the Specific Trust Fund. As per paragraph 9 of annex I of decision MC-1/6 and paragraph 6 of rule 5 of the financial rules (decision MC-1/10), contributions to the Specific International Programme are encouraged from a broad range of sources. This includes all parties to the Minamata Convention with the capacity to contribute, as well as other relevant stakeholders, including Governments, the private sector, foundations, non-governmental organizations, intergovernmental organizations, academia and other types of civil society actors.

7. Further, as per paragraph 12 of annex I of decision MC-1/6, the Specific International Programme will be open to receive voluntary contributions for a period of 10 years from the establishment of its trust fund. The Conference of the Parties may decide to extend this period, not exceeding an additional seven years, taking into account the review process of the financial mechanism provided for in paragraph 11 of article 13 of the Minamata Convention. The Specific Trust Fund was thus established with an initial expiry date of 31 December 2028.

8. As at 31 August 2018, pledges to the Specific International Programme amounted to \$1,281,448. Contributions were pledged by Austria, Denmark, Germany, the Netherlands, Norway, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

**Contributions and pledges received for 2018, as at 31 August 2018**

(in United States dollars)

<i>Donor</i>	<i>Total amount pledged/contributed</i>
Austria	46 950
Denmark	31 765
Germany	101 175
Netherlands	29 079
Norway	500 000
Sweden	328 440
United Kingdom	144 039
United States	100 000
<b>Total contributions and pledges</b>	<b>\$1 281 448</b>

9. In addition to the above, a contribution of 1 million Swiss francs for the Specific International Programme has been received from Switzerland. The Swiss contribution is conditional on a satisfactory solution regarding the arrangement of the Minamata Secretariat agreed to by the Conference of the Parties.

10. Contributions to the Specific International Programme are to be allocated to country-led projects selected by the Governing Board that improve the capacity of developing countries and countries with economies in transition to implement their obligations under the Minamata Convention. Contributions to the Specific Trust Fund must also cover all costs associated with the meetings and the work of the Governing Board and costs related to the operation of the programme, as established in annex II to decision MC-1/6.

11. Annex I to decision MC-1/6 also provides for the Executive Director of the United Nations Environment Programme to deliver administrative support to the Specific International Programme, through the allocation of human and other resources, through the secretariat of the Minamata Convention.<sup>3</sup> Annex II to the decision indicates that the secretariat will provide one position for the technical assistance and capacity-building activities of the secretariat and the activities of the Specific International Programme, to be covered by the General Trust Fund, taking into account that the staffing requirements of the Specific International Programme will be reviewed. All support for the activities of the programme and its Governing Board for 2018 has been provided by the current limited secretariat staff.

### III. Governance arrangements for the Specific International Programme

12. Annex I of decision MC-1/6 provides for the establishment of a governing board of the Specific International Programme to oversee and implement the guidance of the Conference of the Parties, including decision-making on projects and project management.

13. Annex II of decision MC-1/6, which sets out the terms of reference of the Specific International Programme, stipulates in paragraph 1 that the Governing Board is to consist of 10 members and that each of the five United Nations regions is to nominate two members through its Bureau representatives. As is mentioned above, paragraph 1 states: "The Governing Board ... shall consist of 10 members [from] [nominated by] parties." The call for nominations to the Governing Board through the respective Bureau members was broadly disseminated by the Secretariat following the first meeting of the Conference of the Parties. Given the current brackets, the current members of the Governing Board are all parties to the Minamata Convention pending the resolution of this matter.

14. The members of the Governing Board are:

- (a) For the African States: Sam Adu-Kumi (Ghana) and Abdallah Younous Adoum (Chad)
- (b) For the Asia-Pacific States: Prasert Tapaneeyangkul (Thailand) and W. T. B. Dissanayake (Sri Lanka)
- (c) For the Central and Eastern European States: Kaupo Heinma (Estonia) and Anahit Aleksandyn (Armenia)

<sup>3</sup> Without prejudging the decision on the hosting of the Minamata Convention secretariat.

(d) For the Latin American and Caribbean States: Florencia Grimalt (Argentina) and Nero Cunha Ferreira (Brazil)

(e) For the Western European and other States: Reginald Hernaus (Netherlands) and Atle Fretheim (Norway)

15. According to the terms of reference of the Specific International Programme, the first members of the Governing Board will serve until the third meeting of the Conference of the Parties. Thereafter, the members are to be nominated every two years by regional groups and their membership is to be confirmed by the Conference of the Parties.

16. Furthermore, the terms of reference of the Specific International Programme provide that the Governing Board is to have two co-chairs, elected from among the members of the Board and reflecting the composition of the Board and the purpose of the Programme. The Governing Board will take its decisions by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision is to be taken by a three-quarter majority of its members present and voting.

17. The terms of reference also stipulate a number of other matters related to the Governing Board, including: that the Board is to adopt its rules of procedure and present these to the Conference of the Parties at its second meeting for its information; that the Board will in principle meet once a year to approve project applications and review progress under the Programme; and that the Board will take operational decisions regarding the functioning of the Specific International Programme.

#### **IV. The work of the Governing Board and the Specific International Programme after the first meeting of the Conference of the Parties**

18. The first meeting of the Governing Board of the Specific International Programme took place in Geneva on 15 and 16 May 2018. At that meeting, Mr. Sam Adu-Kumi of Ghana and Mr. Reginald Hernaus of the Netherlands were elected as Co-Chairs of the Governing Board for the first term.

##### **1. Rules of procedure**

19. At its first meeting, the Conference of Parties, through the terms of reference for the Specific International Programme (para. 3 of annex II to decision MC-1/6), requested the secretariat to prepare draft rules of procedure for consideration and adoption by the Governing Board, with the adopted rules of procedure to be presented to the Conference of Parties at its second meeting for its information.

20. At its first meeting, the Governing Board considered the draft rules of procedure prepared by the secretariat. The draft rules of procedure followed the guidance on the operation of the Specific International Programme and the terms of reference adopted for the Specific International Programme, as set out in the annexes to decision MC-1/6, and where necessary suggested text drawn from the rules of other grant-making programmes, such as the Special Programme to support institutional strengthening at the national level for implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, the Minamata Convention and the Strategic Approach to International Chemicals Management. Furthermore, as the draft rules of procedure were based on the text of decision MC-1/6, they included the bracketed text on the eligibility of non-parties or signatories to apply for funding and on the Governing Board membership.

21. The Board members exchanged views on a number of procedural and substantive issues, such as the exact term of the members, the procedure to replace a member, the participation of observers and how to manage the issue of potential conflict of interest when a Board member may have been involved in the preparation of an application.

22. After its deliberations, the Governing Board adopted the rules of procedure. The rules of procedure as adopted are set out in annex II to the present note for the information of the Conference of the Parties. The rules of procedure still contain bracketed text in rule 2, on the definition of “signatory”, one placeholder in rule 3, regarding the term of the Board members, and a pair of bracketed texts in rule 9, on the timing of the election of co-chairs, on which the Board will take a decision at its next meeting. [Following the resolution by the Conference of the Parties of the remaining square brackets in the text presented in the annexes to decision MC-1/6, the Governing Board will revisit the bracketed text in rule 2, on the inclusion of the definition of “signatory”, and in rule 3, on whether the members are nominated from among or nominated by the parties.](#)

## 2. Application, screening and appraisal process for the Specific International Programme, including criteria

23. As per annex I of decision MC-1/6, the Governing Board is to oversee the Specific International Programme, implement the guidance of the Conference of the Parties and decide on projects and project management. As per annex II of the same decision, the Governing Board is to approve applications for funding and endorse, as appropriate, criteria and procedures for application, assessment, reporting and evaluation.

24. To facilitate the work of the Governing Board in its consideration of how to operationalize the application, screening and appraisal process for the Specific International Programme, the secretariat prepared a number of documents for the first meeting of the Governing Board, including:

- (a) A proposed application form
- (b) A proposed budget format
- (c) A proposed set of comprehensive guidelines to assist applicants in the preparation of applications.

25. The draft documents prepared drew from the application process used for the Special Programme. The Special Programme model was selected to build on the experiences gained from three rounds of applications to the Special Programme and to respond to the request by potential applicant countries to minimize divergence from known application templates and procedures.

26. In addition to considering the proposed application documents, the Governing Board also deliberated on the eligibility of applicants, the size and duration of the projects, the role of national focal points to the Minamata Convention, the schedule of the first round of applications, the issue of co-financing and the criteria for assessing the applications.

27. The Governing Board decided that given the brackets on eligibility, only applications from parties could be considered for the first round of funding. The Board further decided that only applications for projects between \$50,000 and \$250,000 would be invited for the first round of funding and that the maximum duration of projects should be three years. Regarding the role of the national focal points, the Governing Board agreed that they should be given the role of formally endorsing the applications and facilitating in-country communications on the Specific International Programme. Regarding the schedule of the first round, the Board agreed that early operationalization would contribute to raising the profile of the programme and thus that the first projects selected by the Governing Board should be known by the second meeting of the Conference of the Parties. On the issue of co-financing, as annex I to decision MC-1/6 referred to financial and in-kind resources but otherwise made no mention of co-financing, the Governing Board agreed that applicants could be encouraged to identify cash and in-kind co-financing but that the indication of co-financing would not be a prerequisite for project eligibility.

28. The Governing Board deliberated in considerable depth on the criteria that would guide the appraisal and approval of programme applications and agreed on the following criteria:

- (a) Measures are within the scope of the Specific International Programme and improve capacity to implement the obligations under the Minamata Convention.
- (b) Proposals contribute to the expected outcomes of the Specific International Programme.
- (c) Proposals are country-driven and support national priorities.
- (d) Project outcome(s) are sustainable over the medium and/or longer term.
- (e) Proposals include performance targets (project milestones that show progress towards completing the project outputs and achieving the overall project outcome) that measure the improvement in the capacity of developing-country parties and parties with economies in transition in implementing their obligations under the Convention.
- (f) There is evidence of political commitment by the institution or organization delivering the project.
- (g) There are participation and commitment by partners and other relevant actors, as applicable.
- (h) The country status of the applicant, including whether the applicant is a small island developing State or a least developed country, meets the established criteria.

- (i) The project complements existing arrangements, in particular the GEF, the Special Programme and other existing assistance frameworks, if relevant.
- (j) Duplication of projects in the same country is avoided.
- (k) The project builds appropriately on previous initiatives and projects and established mechanisms and draws on lessons learned.
- (l) The project involves sufficient engagement at the national level and, where applicable, in the regional context.
- (m) The project is consistent with the integrated approach to financing the sound management of chemicals and waste, as relevant to the implementation of the Convention.
- (n) The project responds adequately to gender considerations.
- (o) The project's outcome(s) contribute(s) to the Sustainable Development Goals and do(es) not generate adverse environmental or social effects in other areas.

29. Furthermore, the Governing Board noted that in the future, it may also be guided by the following additional criteria in its decision-making on applications:

- (a) Determination of cumulative allocations to a country, based on the contributions received and the needs expressed in the applications submitted within the Specific International Programme;
- (b) Consideration of reports of earlier projects funded by the Specific International Programme involving the applicant.

30. Based on the outcome of its deliberations on the application, screening and appraisal process, including the agreed criteria, the Governing Board agreed that the secretariat should complete the application forms and application guidance and ready all the materials for the launch of the first round of applications.

31. The Board also agreed that the secretariat should conduct the appraisal of the applications and consult with the secretariat of the Global Environment Facility (GEF) and the secretariat of the Special Programme to ensure complementarity and avoid duplication.

### **3. First round of applications to the Specific International Programme**

32. Immediately following the conclusion of the first meeting of the Governing Board, the secretariat finalized all materials for the launch of the first round of applications to the Specific International Programme.

33. The first round was launched on Tuesday, 5 June 2018, with a deadline for submission of applications by Friday, 31 August 2018, allowing 90 days for the preparation of submissions.

34. The announcement of the launch was prominently placed on the Minamata Convention website on 5 June 2018 and remained there for the duration of the open period. Prospective applicants were able to download the following guidelines and forms:

- (a) Application guidelines for the first round of applications to the Specific International Programme (see UNEP/MC/COP.2/INF/16);
- (b) Application form IA (project proposal summary);
- (c) Application form IB (project description);
- (d) Application form II (project budget).

35. The launch of the first round of applications was also widely publicized through an email broadcast by the secretariat that included the national focal points of the Minamata Convention, participants in the first meeting of the Conference of Parties, the national focal points of the United Nations Environment Programme, and regional officers dealing with the chemicals agenda, as well as through the special communications of the Executive Secretary. The announcement was also reiterated at the regular chemicals and waste briefings held in Geneva on 12 June 2018, at meetings of the Mercury Group of the Inter-Organization Programme for the Sound Management of Chemicals and at the Bureau meetings of the Basel, Rotterdam and Stockholm conventions to which the secretariat of the Minamata Convention was invited. Between June and August, the secretariat responded to numerous queries, mostly related to eligibility for the Specific International Programme.

36. By 31 August 2018, a total of 19 applications had been received from 18 parties. Information on the regions and economic status of countries from which applications were received is provided in annex III to the present note.

37. The secretariat is screening, reviewing and appraising these applications and consulting with the GEF secretariat and the secretariat of the Special Programme, as requested by the Governing Board.

38. The second meeting of the Governing Board is to be held in Oslo, at the invitation of the Norwegian Government, on 2 and 3 October 2018. At that meeting, the Governing Board will review the eligible applications and, based on the criteria it approved, select and approve applications subject to the availability of funds.

39. The outcome of the second meeting of the Governing Board will be transmitted to the Conference of Parties at its second meeting.

#### **4. Resource mobilization strategy for the Specific International Programme**

40. Paragraph 10 of annex I of decision MC-1/6 stipulates that the secretariat should develop a resource mobilization strategy in consultation with the Governing Board with a view to attracting a broad range of donors, building on lessons learned in other areas. It also indicates that the strategy should include approaches whose purpose is to leverage resources, including in-kind resources, from non-State actors. Paragraph 11 adds that other sources of resources for the Specific International Programme may be leveraged through coordination with other relevant programmes and initiatives, including (a) linkages with existing programmes and initiatives to seek co-benefits where possible, and (b) promoting and leveraging partnerships and collaboration as appropriate, building on lessons learned from other conventions.

41. To begin the task of developing the strategy, the secretariat prepared a discussion paper for the first meeting of the Governing Board. The discussion paper was in four sections: the first detailed the provisions for the Specific International Programme, the second discussed the raising of resources for the Programme, the third outlined the conceptual elements constituting a resource mobilization strategy and the fourth, which was for core consideration by the Governing Board, set out 10 areas of further discussion needed within the Governing Board to shape the strategy.

42. Detailed discussion of the resource mobilization strategy was deferred, as the first meeting of the Governing Board was devoted to addressing the rules of procedure and matters required to allow the immediate launch of the first round of applications.

## **V. Review of the financial mechanism of the Minamata Convention on Mercury**

43. Paragraph 11 of article 13 of the Convention stipulates that the Conference of the Parties is to review, no later than at its third meeting, and thereafter on a regular basis, the level of funding and the guidance provided by the Conference of the Parties to the entities entrusted to operationalize the mechanism under the article. The review is also to consider the effectiveness of those entities and their ability to address the changing needs of developing-country parties and parties with economies in transition. Based on the review, the Conference of the Parties will then take appropriate action to improve the effectiveness of the financial mechanism.

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

44. The Conference of the Parties may wish to consider the outstanding paragraph concerning non-parties' eligibility for funding in annex I to decision MC-1/6 on the hosting arrangements, guidance on the operations of and duration of the Specific International Programme. The Conference may further wish to consider the outstanding matter in annex II to decision MC-1/6 on the terms of reference of the Specific International Programme, where paragraph 1 refers to the Governing Board consisting of 10 members "from" or "nominated by" parties.

45. In the light of the requirement in the Convention that the Conference of the Parties review the financial mechanism established under article 13 no later than at its third meeting, the Conference of the Parties may wish to identify at its second meeting how the Specific International Programme component of that review might be undertaken and the information required for such a review, and to request the Governing Board, the secretariat of the Minamata Convention and others, as necessary, to provide the information required for consideration of the matter at its third meeting.

## **Annex I**

### **Paragraph 6 of annex I to MC-1/6 setting out the hosting arrangements, guidance on the operations and duration of the Specific International Programme**

6. [Non-parties are not eligible to apply for funding but can participate in some activities undertaken by the specific international programme upon invitation by a party, on a case-by-case basis.]

[6. alt Signatories to the Convention are eligible for funding from the specific international programme for technical assistance and capacity-building activities, provided that any such signatory is taking meaningful steps towards becoming a party as evidenced by a letter from the relevant minister to the Executive Director of the United Nations Environment Programme.]

### **Paragraph 1 of the terms of reference of the Specific International Programme, as contained in annex II to MC-1/6 on the Specific International Programme**

1. The Governing Board of the specific international programme (hereinafter “SIP Governing Board”) shall consist of 10 members [from] [nominated by] parties. Each of the five United Nations regions shall nominate two members through their respective Bureau representatives.

## Annex II

### Rules of procedure of the Governing Board of the Specific International Programme of the Minamata Convention on Mercury

#### I. Objective

##### Rule 1

The present rules of procedure shall apply to the Governing Board of the Specific International Programme to support capacity-building and technical assistance of the Minamata Convention on Mercury.

#### II. Definitions

##### Rule 2

For the purpose of the present rules:

- (a) “Convention” means the Minamata Convention on Mercury, adopted at Kumamoto, Japan, on 10 October 2013.
- (b) “Party” means a party as defined in article 2 (g) of the Convention.
- (c) [“Signatory” means one of the States and regional economic integration organizations that signed the Minamata Convention on Mercury at Kumamoto, Japan, on 10 and 11 October 2013, and, thereafter, at United Nations Headquarters in New York until 9 October 2014.]
- (d) “Conference of the Parties” means the Conference of the Parties established by article 23 of the Convention.
- (e) “Regional economic integration organization” means an organization as defined in paragraph (j) of article 2 of the Convention.
- (f) “Programme” means the Specific International Programme to Support Capacity-building and Technical Assistance of the Minamata Convention on Mercury.
- (g) “Board” means the Governing Board of the Specific International Programme.
- (h) “Members” of the Governing Board of the Specific International Programme means the 10 members nominated through the respective Bureau representatives where each region shall nominate two members.
- (i) “Meeting” means meetings of the Governing Board of the Specific International Programme. Meetings can be face-to-face, and, if so decided by the Board, can be held through electronic means.
- (j) “Secretariat” means the secretariat established by paragraph 1 of article 24 of the Convention.
- (k) “Members present and voting” means members present at the meeting in which voting takes place. For face-to-face meetings, “present” means physically present. For meetings through electronic means, “present” means participation through teleconference, videoconference or other electronic means as decided. “Voting” means casting an affirmative or negative vote. Members abstaining from voting shall be considered as not voting.
- (l) “Co-Chairs” means the Co-Chairs of the Governing Board as elected in accordance with Rule 9.

#### III. Membership

##### Rule 3

1. The Board shall consist of 10 members [from] [nominated by] parties. Each of the five United Nations regions shall nominate two members through their respective Bureau representatives.

2. The first members of the Board shall be nominated no later than 31 December 2017 and will serve until the third meeting of the Conference of Parties to the Minamata Convention. Thereafter, the members shall be nominated every two years by regional groups and their membership

confirmed by the Conference of the Parties. To this end, the two nominations from each United Nations region should be submitted to the secretariat no later than the second last day of the meeting of the Conference of the Parties.

3. [PLACEHOLDER FOR A PROVISION ON TERM FOR MEMBERS – LINK ALSO TO RULE 9.3]

4. If necessary, a member may designate an alternative representative for a particular meeting of the Board. Written notification of the designation of the alternative representative shall be submitted to the secretariat before the start of the meeting in question.

5. If a member resigns or is otherwise unavailable to complete his or her term or perform the required functions, that member may be replaced for the remainder of the term. Written notification of the designation of the replacement member shall be submitted by the relevant Bureau members to the secretariat in due time to allow the replacement member to attend the next meeting of the Board.

## **IV. Observers**

### **Rule 4**

The Board may invite observers to its meeting, or segments thereof, except when the Board decides on applications. The secretariat will extend invitations to observers upon request and on behalf of the Board. Participation of observers will in principle be at their own expense.

## **V. Venue, dates and notice of meetings**

### **Rule 5**

1. The Board will in principle meet once a year to approve project applications and review progress under the programme on the basis of reports from the Minamata Convention secretariat, as well as other relevant information provided to them on implementation of the programme.

2. The secretariat shall make appropriate arrangements for meetings in consultation with the Co-Chairs.

### **Rule 6**

The secretariat shall notify all members of the venue and date of a meeting at least six weeks before it is due to commence. The secretariat shall also publish the meeting details on the website of the Minamata Convention.

## **VI. Agenda**

### **Rule 7**

1. The secretariat shall prepare a provisional agenda for each meeting in consultation with and under the guidance of the Co-Chairs. Any member may request the secretariat to include specific items in the provisional agenda.

2. The provisional agenda shall be communicated to members at least four weeks before the meeting is due to commence.

3. Between the date of communication of the provisional agenda and the date of adoption of the agenda by the Board, members may propose supplementary items for inclusion in the agenda, provided the items are of an important and urgent nature.

### **Rule 8**

At the beginning of each meeting, the Board shall adopt the agenda for the meeting on the basis of the provisional agenda and any supplementary items proposed in accordance with paragraph 3 of Rule 7.

## VII. Officers

### Rule 9

1. The Board will have two Co-Chairs, elected from among the members of the Board, reflecting the composition of the Board and the purpose of the programme.
2. The Board shall elect two Co-Chairs at the commencement of its first meeting.
3. The term of the Co-Chairs elected at the first meeting of the Board shall continue until the election of new Co-Chairs at [the commencement of a meeting to be held after the third meeting of the Conference of Parties to the Minamata Convention] [at the third Conference of the Parties]. Thereafter, the election of Co-Chairs shall take place at the first meeting of each new term of the Board members.

### Rule 10

1. In the absence of consensus, elections of the Co-Chairs shall be decided by secret ballot.
2. If, when a Co-Chair is to be elected, no candidate obtains a two-thirds majority of the votes cast by the members present and voting in the first ballot, a second ballot shall be held, restricted to the two candidates obtaining the largest number of votes, with the decision taken by simple majority. If in the second ballot the votes are equally divided, the Co-Chair shall be decided by drawing lots between the candidates.
3. In the case of a tie in the first ballot between three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results between more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set out in paragraphs 1 and 2.

### Rule 11

1. In addition to exercising the powers conferred upon them elsewhere in these rules, the Co-Chairs shall:
  - (a) Declare the opening and closure of each meeting;
  - (b) Preside at meetings of the Board;
  - (c) Ensure the observance of these rules;
  - (d) Request disclosure of any personal and/or financial conflict of interest;
  - (e) Accord the right to speak;
  - (f) Put questions to the vote and announce decisions;
  - (g) Rule on any points of order;
  - (h) Subject to these rules, have complete control over the proceedings and maintain order.
2. The Co-Chairs may also propose:
  - (a) The closure of the list of speakers;
  - (b) A limitation on the time to be allowed to speakers and on the number of times a participant may speak on an issue;
  - (c) The adjournment or closure of debate on an issue;
  - (d) The suspension or adjournment of a meeting.
3. During the intersessional period, the Co-Chairs shall assume the responsibility, with support of the secretariat, for the approval of project amendments, when necessary, and inform the members of the decision on the amendments.
4. The Co-Chairs, in the exercise of their functions, remain at all times under the authority of the Board.

### Rule 12

1. If a Co-Chair cannot preside at a segment of the meeting, the other Co-Chair shall fulfil his or her functions.

2. If a Co-Chair cannot preside over a meeting, the Board shall agree on a member to be appointed to fulfil his or her functions.

3. If a Co-Chair resigns or is otherwise unable to complete his or her term, the Board shall elect a replacement from among its members to complete the original two-year term.

## VIII. Secretariat

### Rule 13

1. The secretariat of the Minamata Convention shall provide secretariat services to the Specific International Programme and for the functioning of its Governing Board.

2. The secretariat shall receive applications to the Specific International Programme, screen project applications for completeness and eligibility and appraise applications for consideration and decision by the Board.

3. In the appraisal preparation process, the Secretariat shall consult with the Secretariat of the Global Environment Facility and the Secretariat of the Special Programme<sup>4</sup> to ensure complementarity and avoid duplication.

4. The secretariat shall make all the necessary arrangements for meetings of the Board, including the preparation and distribution of documents at least four weeks in advance of the meetings.

### Rule 14

The Secretariat shall further:

(a) Receive, reproduce and distribute other documents for the meetings of the Board;

(b) Prepare a report of each meeting and make it publicly available;

(c) Make information available on the Specific International Programme on the website of the Minamata Convention, with the exception of the applications received, the appraisals of the applications and other documents as decided by the Board;

(d) Arrange for the custody and preservation of the documents of each meeting in the archives of the secretariat;

(e) Perform such other tasks as the Board may require in relation to its functions.

### Rule 15

The secretariat shall report on its activities to the Board and through the Board to the Conference of the Parties. The secretariat will be accountable to the Executive Director of the United Nations Environment Programme for administrative and financial matters.

## IX. Conduct of business

### Rule 16

The Co-Chairs shall declare a session of the meeting open and permit debate to proceed when at least six members participating in the meeting are present, including members from each of the five United Nations regions. The same presence of members so participating shall be required for any decision to be taken.

### Rule 17

1. The Co-Chairs will grant permission to the members and observers to speak at a session of the meeting in the order in which they signify their desire to speak, taking into account that observers should normally speak after members unless otherwise decided by the Co-Chairs. The secretariat shall maintain a list of speakers. The Co-Chairs may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.

<sup>4</sup> "Special Programme" refers to the Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management.

2. The Board may, on a proposal<sup>5</sup> from the Co-Chairs or from any member, limit the time allowed to each speaker and the number of times each participant may speak on a question. Before a decision is taken, two members may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the Co-Chairs shall call the speaker to order without delay.

#### **Rule 18**

During the discussion of any matter, a member may at any time raise a point of order, which shall be decided immediately by the Co-Chairs in accordance with the present rules. A member may appeal the ruling of the Co-Chairs. The appeal shall be put to a vote immediately and the ruling shall stand unless overruled by a simple majority of the members present and voting. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

#### **Rule 19**

Any motion against the competence of the Board to discuss any matter or to adopt a proposal or an amendment to a proposal shall only be accepted if it is supported by a two-thirds majority before the matter is discussed or a vote is taken on the proposal or amendment in question.

#### **Rule 20**

1. Subject to Rule 18, the following motions shall have precedence over all other proposals or motions, in the following order:

- (a) To suspend the session;
- (b) To adjourn the session;
- (c) To adjourn the debate on the question under discussion;
- (d) To close the debate on the question under discussion.

2. Permission to speak on a motion falling within paragraph 1 (a) to (d) shall be granted to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to a vote.

#### **Rule 21**

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other representative.

#### **Rule 22**

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Board decides in favour of reconsideration by a two-thirds majority of the members present and voting. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to a vote.

#### **Rule 23**

1. In cases where a member of the Board is from a country that has submitted a project to the Board for its consideration, that member shall be excused from participating during the deliberations of and decision-making by the Board in relation to the project in question.

2. Members and possible observers at the meeting have an obligation to promptly disclose to the Board, at the commencement of the meeting, any potential personal and/or financial interest in any aspect of a project presented for discussion and approval by the Board. In such cases, the Board shall apply the same stipulation as in the paragraph above.

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<sup>5</sup> "Proposals", under the Conduct of Business section of these rules, refer to points of consideration and deliberation. The term "proposals" in the context of reference to the conduct of business does not refer to "project proposals".

## **X. Adoption of decisions**

### **Rule 24**

1. The Board will take its decisions by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall be taken by a three-quarters majority of its members present and voting.

2. The Board may decide on a matter of procedure by a majority vote of the members present and voting.

3. Where there is disagreement as to whether a matter to be voted on is a substantive or procedural matter, the matter shall be decided by a two-thirds majority of the members present and voting.

### **Rule 25**

Voting shall normally be by show of hands, except for the election of the Co-Chairs, which is governed by Rule 10. A roll-call vote shall be taken if one is requested by any member. It shall be taken in order as determined by lot drawn by the Co-Chairs.

### **Rule 26**

The vote of each member in a roll-call vote shall be recorded in the report of the meeting.

### **Rule 27**

After the Co-Chairs have announced the beginning of voting, no member shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The Co-Chairs may permit members to explain their votes, either before or after the voting, and may limit the time allowed for such explanations.

### **Rule 28**

Each member shall have one vote.

## **XI. Language**

### **Rule 29**

Meetings shall be held in English. Meeting documents and meeting reports will be in English only.

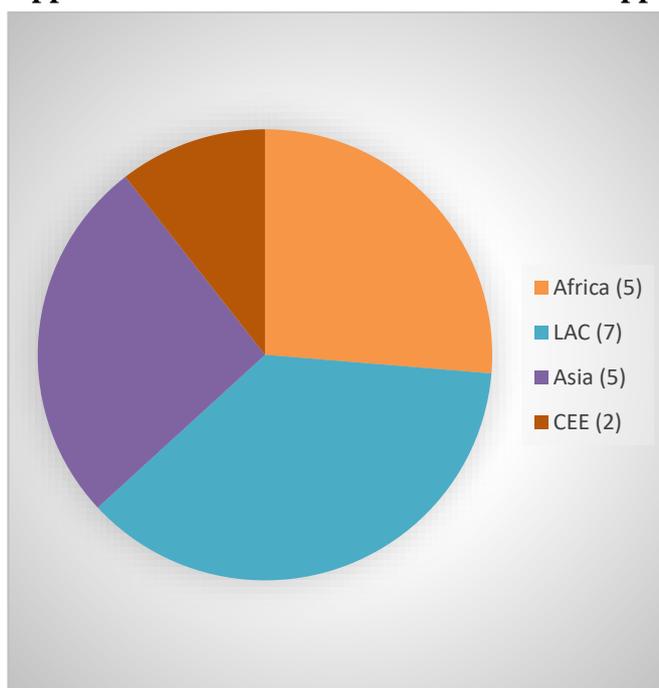
## **XII. Amendments to rules of procedure**

### **Rule 30**

Amendments to these rules of procedure shall be adopted in accordance with Rule 24.

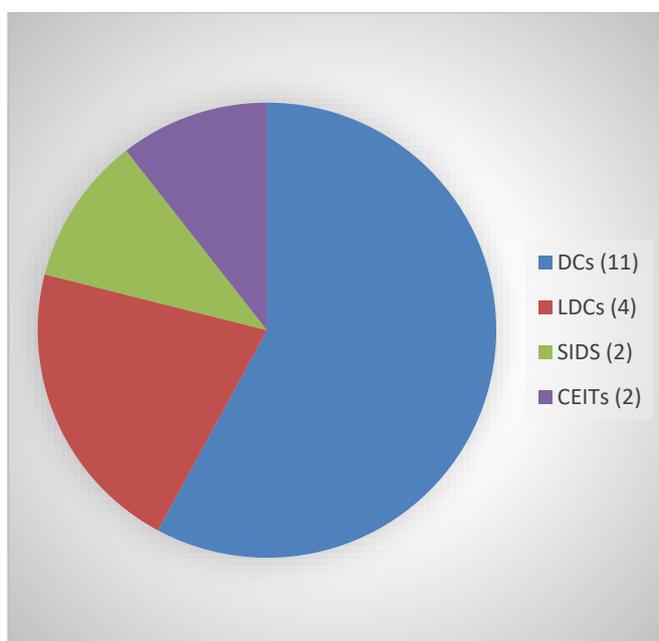
## Annex III

### Applications received for the first round of applications, by region



*Abbreviations:* Asia – Asia-Pacific; CEE – Central and Eastern Europe; LAC – Latin America and the Caribbean.

### Applications received for the first round of applications, by countries' economic status



*Abbreviations:* CEITs – countries with economies in transition; DCs – developing countries; LDCs – least developed countries; SIDS – small island developing States.