



United Nations Environment Programme

Conference of the Parties to the Minamata Convention on Mercury

First meeting

Geneva, 24–29 September 2017

Item 5 (a) (iv) of the provisional agenda*

**Matters for action by the Conference of the Parties at its
first meeting: matters stipulated under the Convention:
the measures to give effect to the arrangements for the
financial mechanism referred to in article 13**

Specific international programme to support capacity-building and technical assistance

Note by the secretariat

1. The Minamata Convention on Mercury defines, in paragraph 5 of article 13, a mechanism for the provision of adequate, predictable and timely financial resources. The mechanism is to support developing country parties and parties with economies in transition in implementing their obligations under the Convention. Paragraph 10 of article 13 provides that at the first meeting of the Conference of the Parties, the Conference and the entities comprising the mechanism are to agree upon arrangements to give effect to the operation of the mechanism.
2. Under paragraph 6 of article 13 of the Convention, the mechanism is to include two components: the Global Environment Facility (GEF) Trust Fund and a specific international programme to support capacity-building and technical assistance. Information about the first component is set out in the note by the secretariat on guidance to GEF (UNEP/MC/COP.1/8). Information about the second component is set out in the present note. A draft decision to give effect to the operation of the mechanism covering both components is annexed to both notes.
3. Under paragraph 9 of article 13 of the Minamata Convention, the specific international programme component of the financial mechanism is to be operated under the guidance of the Conference of the Parties and is to be accountable to it. Furthermore, at its first meeting, the Conference is to decide on the hosting institution for the programme, which is to be an existing entity, and provide guidance to it, including on its duration. All parties and other relevant stakeholders are to be invited to provide financial resources to the programme on a voluntary basis.
4. In paragraph 6 of its resolution on financial arrangements (UNEP(DTIE)/Hg/CONF/4, annex I), the Conference of Plenipotentiaries of the Minamata Convention requested the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury to develop, for consideration by the Conference of the Parties at its first meeting, a proposal for the hosting institution for the specific international programme, including any necessary arrangements with the hosting institution, as well as guidance on the operation and duration of that programme.
5. At its sixth session, held in Bangkok from 3 to 7 November 2014, the intergovernmental negotiating committee established an ad hoc working group of experts on financing to conduct further

* UNEP/MC/COP.1/1.

work in the intersessional period. The mandate of the group was to provide input to the committee at its seventh session for the implementation of the decision of the Conference of Plenipotentiaries. The committee elected Ms. Gillian Guthrie (Jamaica) and Mr. Greg Filyk (Canada) to serve as co-chairs of the working group and requested them to present the group's input to the committee at its seventh session. The working group met intersessionally in São Paulo, Brazil, from 26 to 29 October 2015 at the invitation of the Government of Brazil and with the financial support of the Government of Germany. Eighteen experts designated by the five United Nations regional groupings attended the meeting, with support provided by the Chair of the committee and by the interim secretariat of the Convention. The secretariat of GEF participated as an observer. The outcome of the meeting was presented to the committee at its seventh session in the form of a co-chairs' report (UNEP(DTIE)/Hg/INC.7/9), which was to serve as the basis for a proposal on the hosting institution and on the draft guidance document on the specific international programme. Furthermore, the working group invited the Executive Director of the United Nations Environment Programme (UNEP) to prepare an information document, for use by the committee at its seventh session, on the options and related governance arrangements under UNEP as the possible host institution for the specific international programme (UNEP(DTIE)/Hg/INC.7/INF/6).

6. Building on the report of the co-chairs and the information document prepared by the Executive Director, the intergovernmental negotiating committee at its seventh session further considered the development of a proposal for the specific international programme (see UNEP(DTIE)/Hg/INC.7/22/Rev.1). It also developed and approved a draft decision, to be considered for adoption by the Conference of the Parties at its first meeting, that would designate UNEP as the institution hosting the specific international programme. An appendix to the draft decision set out details of the hosting arrangements, along with guidance on the scope, operations, resources and duration of the specific international programme and on eligibility for resources under the financial mechanism. Some text was enclosed in square brackets to indicate points on which no agreement had been reached and which would have to be decided by the Conference of the Parties at its first meeting. Those included the question of what part of UNEP would perform the host functions, the duration of the programme and the type of governing body that the programme would have.

7. To assist the Conference of the Parties at its first meeting in finalizing its consideration of the specific international programme, the committee recommended that additional information be prepared by the interim secretariat for the first meeting of the Conference of the Parties on the options put forward for the governance arrangements (see UNEP/MC/COP.1/9/Add.1) including for each option, information about where the technical review function should be located, the financial implications, the legal implications (including the possible development of a memorandum of understanding between the United Nations Environment Programme as the hosting institution and the Conference of the Parties) and the time implications. This additional information prepared by the interim secretariat on governance arrangements for the specific international programme is set out in UNEP/MC/COP.1/9/Add.1. The guidance on the operations and duration of the programme, as adopted by the committee at its seventh session on a provisional basis with some text in square brackets, is set out in appendix II to the annex to the present note.

8. The arrangements to give effect to the financial mechanism are set out in a draft decision, which is annexed to both the present note and the note on guidance to GEF (UNEP/MC/COP.1/8), to be considered for adoption by the Conference of the Parties at its first meeting pursuant to paragraph 10 of article 13 of the Minamata Convention. The draft decision covers both components of the financial mechanism. The two notes are to be read together, in preparation for the finalization and adoption of the decision on the financial mechanism.

9. The first preambular paragraph of the draft decision recalls article 13 of the Convention and the establishment of the financial mechanism. The second and third preambular paragraphs give details about the GEF Trust Fund. The fourth preambular paragraph relates to the specific international programme. Paragraph 1 relates to the financial mechanism. Paragraphs 2 and 3 relate to the guidance provided by the Conference of the Parties to the GEF Council. Paragraphs 4–7 relate to the specific international programme. The first and last preambular paragraphs have been taken directly from the decision on the specific international programme approved by the committee for consideration and possible adoption by the Conference of the Parties at its first meeting.

10. The preambular and operative paragraphs of the draft decision related to the guidance to the GEF Council have been drafted by the interim secretariat. The operative paragraphs related to the specific international programme have been taken from the decision on the programme approved by the committee for consideration and adoption by the Conference of Parties at its first meeting.

11. The draft decision has two appendices. The first is referred to in paragraph 2 of the decision and provides guidance to the GEF Council. The second is referred to in paragraphs 5 and 7 and concerns the specific international programme.

Suggested action by the Conference of the Parties

12. The Conference of the Parties may wish to finalize the guidance on the operation and duration of the specific international programme and the guidance on the governance arrangements for the specific international programme, to be adopted as part of the overall decision on the arrangements for the financial mechanism to be adopted pursuant to article 13 of the Minamata Convention.

Annex

Draft decision MC-1/[XX]: Arrangements for the operation of the financial mechanism referred to in article 13 of the Minamata Convention on Mercury

Note: The identical draft decision is found in UNEP/MC/COP.1/8.

The Conference of the Parties,

Recalling article 13 of the Minamata Convention on Mercury, which defines a financial mechanism to support developing country parties and parties with economies in transition in implementing their obligations under the Convention, and recalling that that mechanism is to include the Global Environment Facility Trust Fund and a specific international programme to support capacity-building and technical assistance, (Note: the text of this paragraph is taken from the draft decision on the specific international programme approved at INC7 for consideration and possible adoption by the Conference of the Parties at its first meeting)

Recalling also paragraph 7 of article 13, which requires that the Global Environment Facility Trust Fund provide new, predictable, adequate and timely financial resources to meet costs in support of implementation of the Convention, that for the purposes of the Convention the Global Environment Facility Trust Fund be operated under the guidance of and be accountable to the Conference of the Parties, and that the Global Environment Facility provide resources to meet the agreed incremental costs of global environmental benefits and the agreed full costs of some enabling activities,

Recalling further that in paragraph 3 of its resolution on financial arrangements the Conference of Plenipotentiaries of the Minamata Convention on Mercury decided that the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury should develop, and adopt provisionally pending formal adoption by the Conference of the Parties at its first meeting, guidance to the Council of the Global Environment Facility on overall strategies, policies, programme priorities, eligibility for access to and utilization of financial resources and an indicative list of categories of activities eligible for support from the Global Environment Facility Trust Fund,

Recalling paragraph 6 of the resolution on financial arrangements of the Conference of Plenipotentiaries of the Minamata Convention on Mercury, in which the Conference decided that the intergovernmental negotiating committee should develop for consideration by the Conference of the Parties at its first meeting a proposal for the hosting institution for the specific international programme, including any necessary arrangements with the hosting institution, as well as guidance on the operation and duration of that programme, (Note: the text of this paragraph is taken from the draft decision on the specific international programme approved at INC7)

1. *Approves the arrangements to give effect to the operation of the two components comprising the financial mechanism;*
2. *Adopts the guidance to the Global Environment Facility on the overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources and on an indicative list of categories of activities eligible for support from the Global Environment Facility Trust Fund set out in appendix I to the present decision;*

3. *Requests that the guidance be transmitted to the Council of the Global Environment Facility;*

(Note: The text in the four operative paragraphs below is taken from the draft decision on the specific international programme approved at INC7)

4. *Decides that the hosting institution for the specific international programme to support capacity-building and technical assistance referred to in paragraph 9 of article 13 of the Minamata Convention on Mercury should be provided by the United Nations Environment Programme;*

5. *Approves the hosting arrangements, guidance on the operations of and duration of the specific international programme set out in appendix II to the present decision;*

6. *Requests the Executive Director of the United Nations Environment Programme to establish a trust fund for the specific international programme;*

7. *Requests* the Executive Director of the United Nations Environment Programme to implement the governance arrangements for the specific international programme set out in appendix II to the present decision.

Appendix I

Guidance to the Global Environment Facility on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources and on an indicative list of categories of activities that could receive support from the Global Environment Facility Trust Fund

Note: Appendix I to the present decision is set out as appendix I to the annex to document UNEP/MC/COP.1/8.

Appendix II

Hosting arrangements and guidance on the operations of and duration of the specific international programme

A. Governance arrangements for the specific international programme

1. The Executive Director of UNEP will deliver administrative support to the programme, through the allocation of human and other resources, through the [United Nations Environment Programme¹] [Secretariat of the Minamata Convention].
2. [To facilitate the hosting arrangements, a memorandum of understanding will be developed between the Conference of the Parties to the Convention and the United Nations Environment Programme, clearly defining, among other issues, the roles and responsibilities, cost-effective fees (administrative charges), accountability framework and reporting requirements.]

The Conference of the Parties will establish [an executive board] [a specific international programme committee], which will oversee and implement its guidance, including decision-making on projects and project management.

B. Guidance on the specific international programme

1. Scope

3. The specific international programme is to support capacity-building and technical assistance in accordance with paragraph 6 (b) of article 13.

2. Eligibility

4. Developing-country Parties and Parties with economies in transition are eligible for resources under the financial mechanism in accordance with paragraph 5 of article 13 of the Convention. The specific international programme should also take full account of the specific needs and special circumstances of Parties that are small island developing States and least developed countries in line with paragraph 4 of article 13.
5. 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. In presenting projects, eligible Parties may consider the participation of implementing and executing agencies or other actors, such as non-governmental organizations and the regional and subregional centres of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Stockholm Convention on Persistent Organic Pollutants.

3. Operations

7. The specific international programme will be guided in its operations as follows. It should:
 - (a) Be country-driven, taking into consideration national priorities, country ownership and the sustainable implementation of the obligations under the Convention;
 - (b) Ensure complementarity and avoid duplication with other existing arrangements to provide capacity-building and technical support, in particular the Global Environment Facility and 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, as well as other existing assistance frameworks;
 - (c) Build upon lessons learned and engage at the national and regional levels, including by encouraging South-South cooperation; and
 - (d) Be consistent with the integrated approach to financing the sound management of chemicals and waste, as relevant to the implementation of the Convention.

¹ UNEP Division of Technology, Industry and Economics, Chemicals and Waste Branch.

4. Resources

8. Resources for the specific international programme shall include financial and in-kind contributions and expertise. Contributions of resources 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;

9. A resource mobilization strategy for the specific international programme should be developed by the secretariat in consultation with the [executive board] [specific international programme committee] with a view to achieving the objective of the Convention and attracting a broad range of donors, building on lessons learned in other areas. It should include approaches whose purpose is to leverage resources, including in-kind resources, from non-State actors;

10. Other sources of resources for the specific international programme may be leveraged through its coordination with other relevant programmes and initiatives, including:

(a) Linkages with existing programmes and initiatives to seek co-benefits where possible;

(b) Promoting and leveraging partnerships and collaboration as appropriate, building on lessons learned from other conventions.

C. Duration

11. The specific international programme will be open to receive voluntary contributions and applications for support for [a fixed time period] [an unlimited period] [a period determined as part of the review of the financial mechanism in accordance with paragraph 11 of article 13].
