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Conference of the Parties to the
Minamata Convention on Mercury
Second meeting
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Decision adopted by the second Conference of the Parties to the Minamata Convention on Mercury

MC-2/4: Rules of procedure for the Implementation and Compliance Committee of the Minamata Convention on Mercury

The Conference of the Parties,

Recalling paragraph 5 of article 15 of the Minamata Convention on Mercury,

Having considered the report of the Implementation and Compliance Committee,¹

Noting with appreciation the work undertaken by the Committee,

Decides to approve the rules of procedure for the Implementation and Compliance Committee as set out in the annex to the present decision.

Annex to decision MC-2/4

Rules of procedure for the Implementation and Compliance Committee of the Minamata Convention on Mercury

I. Introduction

Rule 1

The present rules of procedure shall apply to the Implementation and Compliance Committee of the Minamata Convention on Mercury.

Rule 2

For the purposes 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;

¹ UNEP/MC/COP.2/11, annex I.

- (c) “Conference of the Parties” means the Conference of the Parties established by article 23 of the Convention;
- (d) “Committee” means the Implementation and Compliance Committee established pursuant to paragraph 1 of article 15 of the Convention;
- (e) “Meeting” means any meeting of the Committee convened in accordance with rules 8 and 9;
- (f) “Chair” and “Vice-Chair” mean, respectively, the Chair and Vice-Chair of the Committee elected in accordance with paragraph 1 of rule 4;
- (g) “Member” means a member of the Committee elected or a replacement nominated in accordance with rule 3;
- (h) “Secretariat” means the secretariat established by paragraph 1 of article 24 of the Convention;
- (i) “Members present and voting” means members present at the meeting in which voting takes place and casting an affirmative or negative vote. Members abstaining from voting shall be considered as not voting. For in-person meetings, “present” means physically present. For meetings through electronic means, “present” means participation through teleconference, videoconference or other electronic means as decided.

II. Membership

Rule 3

1. The Committee shall consist of 15 members, nominated by parties and elected by the Conference of the Parties, with due consideration for equitable geographical representation based on the five United Nations regional groups.
2. The members of the Committee shall have competence in a field relevant to the Convention, and the membership shall reflect an appropriate balance of expertise.
3. The first members of the Committee shall serve from the end of the first ordinary meeting of the Conference of the Parties until the end of the third ordinary meeting of the Conference of the Parties. At its third ordinary meeting, the Conference of the Parties shall re-elect 10 members from among the first members of the Committee for one term, and elect 5 new members for two terms. The Conference of the Parties shall, at each ordinary meeting thereafter, elect for two terms new members to replace those members whose period of office is about to expire.
4. The term of a member shall start following the end of the ordinary meeting of the Conference of the Parties at which the member is elected and end at the end of the next ordinary meeting of the Conference of the Parties. A term is the period from the end of one ordinary meeting of the Conference of the Parties until the end of the next ordinary meeting of the Conference of the Parties.
5. A member shall not serve for more than two consecutive terms.
6. If a member of the Committee resigns or is otherwise unable to complete the assigned term of office or to perform his or her functions, the party which nominated that member shall name another person to replace the said member for the remainder of his or her term.

III. Officers

Rule 4

1. During each in-person meeting of the Committee, a Chair and a Vice-Chair, who shall act as Rapporteur, shall be elected from among the members present at the meeting, with due consideration to equitable geographical representation based on the five United Nations regional groups.
2. These officers shall commence their term of office at the closure of the meeting at which they are elected and remain in office until the closure of the following meeting of the Committee.
3. The offices of the Chair and the Vice-Chair shall normally be subject to rotation among the United Nations regional groups.

Rule 5

1. In addition to exercising the powers conferred upon the Chair elsewhere by the present rules, the Chair shall declare the opening and closing of the meeting, preside at the meeting, ensure the observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The Chair shall rule on points of order and, subject to the present rules, shall have complete control of the proceedings and over the maintenance of order at the meeting.

2. The Chair may propose to the Committee the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each speaker may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

3. The Chair, in the exercise of the functions of that office, remains under the authority of the Committee.

Rule 6

1. The Chair, if temporarily absent from a meeting or any part thereof, shall designate the Vice-Chair to act as Chair.

2. A Vice-Chair acting as Chair shall have the powers and duties of the Chair.

Rule 7

If the Chair or the Vice-Chair resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, the Committee shall, at its subsequent meeting, elect a new Chair or Vice-Chair from among the members of the Committee.

IV. Meetings**Rule 8**

1. The secretariat, in consultation with the Chair, shall make appropriate arrangements for the meetings of the Committee. The Committee shall discuss the date of its subsequent meeting at the close of its meeting.

2. Meetings may take place through electronic or other means should the Committee consider that matters under discussion could be addressed in this manner.

Rule 9

Unless otherwise decided by the Committee, meetings of the Committee shall be held in person at least once during each intersessional period between ordinary meetings of the Conference of the Parties.

Rule 10

1. The secretariat shall notify all members of the dates and venue of each meeting at least 60 days before the meeting in question is due to commence.

2. The secretariat shall announce the date and venue of the next meeting of the Committee on the website of the Minamata Convention.

V. Observers**Rule 11**

The Committee may invite observers to its meetings, or segments thereof, if the matters under its consideration are directly relevant to such observers and if at least a majority of members so decide. Invitations to observers shall be extended by the secretariat upon request and on behalf of the Committee. The participation of observers shall be at their own expense.

Rule 12

Such observers may comprise any party, the United Nations, its specialized agencies, the International Atomic Energy Agency, any State not party to the Convention, any entity operating the mechanism referred to in paragraph 5 of article 13 of the Convention as well as any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and has been approved to attend meetings of the Conference of the Parties, or any individual with particular expertise relevant to matters under consideration.

Rule 13

The secretariat shall inform the Committee of any requests to attend the meeting received from observers as defined in rule 12 and shall extend invitations to these observers in accordance with rule 11. The secretariat shall notify those entitled to be observers pursuant to rule 12, of the date and venue of the next meeting by means of an announcement on the website of the Minamata Convention.

Rule 14

When the Committee is considering an issue on the basis of a specific submission relating to the compliance of an individual party, that party shall be invited to participate in the consideration of the issue by the Committee. Such sessions shall not be open to observers, unless otherwise agreed by the Committee and the party concerned.

Rule 15

Deliberations to prepare recommendations or voting on recommendations shall be closed to all observers.

VI. Agenda**Rule 16**

In agreement with the Chair, the secretariat shall prepare the provisional agenda of each meeting.

Rule 17

The provisional agenda of each meeting shall include, as appropriate:

- (a) Items arising from the functions of the Committee as specified in article 15 of the Convention, including any submission from a party with respect to its own compliance that is received at least eight weeks before the first day of the meeting;
- (b) Items the inclusion of which has been decided at a previous meeting;
- (c) Items referred to in rule 21 of the present rules of procedure;
- (d) The work programme of the Committee, as well as an item regarding the venue, date and duration of its next meeting;
- (e) Any item proposed by a member and received by the secretariat before the provisional agenda is circulated.

Rule 18

For each meeting, the provisional agenda, together with supporting documents, shall be issued in English and distributed by the secretariat to the members at least four weeks before the opening of the meeting.

Rule 19

The secretariat shall, in agreement with the Chair, include any item that is proposed by a member and has been received by the secretariat after the provisional agenda for a meeting has been produced, but before the opening of the meeting, in a supplementary provisional agenda.

Rule 20

When adopting the agenda for a meeting, the Committee may decide to add, delete, defer or amend items. Only items that are considered by the Committee to be urgent and important may be added to the agenda.

Rule 21

Any item of the agenda of a meeting the consideration of which has not been completed at the meeting shall be included automatically in the provisional agenda of the next meeting, unless otherwise decided by the Committee.

VII. Secretariat

Rule 22

1. The head of the secretariat, or the representative of the head of the secretariat, shall exercise the functions of that office in all meetings of the Committee.
2. The head of the secretariat shall arrange for the provision of staff and services required by the Committee, within available resources. The head of the secretariat shall manage and direct such staff and services and provide appropriate support and advice to the Chair and the Vice-Chair of the Committee.

Rule 23

In addition to the functions specified elsewhere in the present rules, the secretariat shall, in accordance with the present rules:

- (a) Arrange for interpretation at the meeting, as may be required under rule 39;
- (b) Collect, translate as may be required under rule 40, reproduce and distribute the documents of the meeting;
- (c) Distribute the official documents of the meeting;
- (d) Arrange for the custody and preservation of the documents of the meeting.

VIII. Conduct of business

Rule 24

The Chair shall not declare a session of the meeting of the Committee open or permit the debate to proceed unless at least one third of the members are present. The presence of two thirds of the members shall be required for any decision to be taken.

Rule 25

1. No one may address a meeting without having previously obtained the permission of the Chair. Subject to rules 26 and 27, the Chair shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall maintain a list of speakers. The Chair may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.

2. The Committee may, on a proposal from the Chair or from any member, limit the time allowed to each speaker and the number of times each speaker 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 Chair shall call the speaker to order without delay.

Rule 26

During the discussion of any matter, a member may at any time raise a point of order, on which the Chair shall immediately rule in accordance with the present rules. A member may appeal against the ruling of the Chair. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a 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 27

1. Subject to rule 26, the following motions shall have precedence in the order indicated below over all other proposals or motions:

- (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 under paragraphs 1 (a)–(d) of the present rule shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which the motion shall immediately be put to the vote.

IX. Voting**Rule 28**

Each member shall have one vote.

Rule 29

1. The Committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted and no consensus is reached, such recommendations shall as a last resort be adopted by a three-fourths majority vote of the members present and voting, based on a quorum of two-thirds of the members.

2. The Committee shall make every effort to reach consensus on matters relating to the conduct of its business. If no consensus is reached, such matters shall as a last resort be decided by a majority vote of the members present and voting, based on a quorum of two-thirds of the members.

Rule 30

If two or more proposals relate to the same question, the Committee, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 31

1. Any member may request that any part of a proposal or of an amendment to a proposal be voted on separately. The Chair shall allow the request unless a member objects. If an objection is made to the request for division, the Chair shall permit two members to speak, one in favour of and the other against the request, after which the motion shall immediately be put to the vote. The Chair may limit the time allowed to each speaker.

2. If the request referred to in paragraph 1 of the present rule is allowed or adopted, those parts of a proposal or of an amendment to a proposal that are approved shall then be put to a vote as a whole. If all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

Rule 32

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 33

If two or more amendments to a proposal are proposed, the Committee shall first vote on the amendment furthest removed in substance from the original proposal, then on the next amendment furthest removed therefrom, and so on, until all the amendments have been put to the vote. The Chair shall determine the order of voting on the amendments under the present rule.

Rule 34

Voting, except for elections, shall normally be by show of hands. If at any time, however, a member requests a secret ballot, that shall be the method of voting on the issue in question.

Rule 35

After the Chair has 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 Chair may permit the members to explain their votes, either before or after the voting. The Chair may limit the time to be allowed for such explanations. The Chair shall not permit the proposer of a proposal or of an amendment to a proposal to explain his or her vote on his or her own proposal or amendment, except if it has been amended.

X. Elections**Rule 36**

All elections shall be held by secret ballot.

Rule 37

1. If, when one person is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the members present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the Chair shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among 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 forth in paragraph 1 of the present rule.

XI. Languages**Rule 38**

The working language of the Committee shall be English.

Rule 39

1. Sessions of the meetings of the Committee at which the implementation and/or compliance of a particular party is being considered shall be interpreted from an official language of the United Nations other than English into English if so requested by that party.

2. A representative of a party may speak in a language other than English if the party provides for interpretation into English.

Rule 40

1. Official documents of the meetings shall be drawn up in English.

2. Submissions from parties as per paragraph 4 (a) of article 15 of the Convention shall be made in one of the six official languages of the United Nations. When submitted in one of the official languages of the United Nations other than English, the secretariat shall make arrangements for their translation into English before their distribution.

3. The secretariat shall also make arrangements for the translation into English of national reports, or sections thereof, submitted in one of the United Nations official languages other than English, prior to their distribution, when issues are to be considered by the Committee on the basis of national reports, in accordance with paragraph 4 (b) of article 15 of the Convention, or when such national reports or sections thereof are required for the consideration of an issue on the basis of requests from the Conference of the Parties, in accordance with paragraph 4 (c) of article 15 of the Convention.

XII. Amendments to the rules of procedure

Rule 41

The present rules of procedure may be amended with the approval of the Conference of the Parties. The Committee may submit to the Conference of the Parties for consideration and approval recommendations to amend the present rules of procedure.

XIII. Overriding authority of the Convention

Rule 42

In the event of any conflict between any provision of the present rules and any provision of the Convention, the Convention shall prevail.