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

Geneva, 19–23 November 2018  
Item 3 of the provisional agenda\*

**Rules of procedure for the Conference of the Parties**

**Rules of procedure for the Conference of the Parties to the  
Minamata Convention on Mercury**

**Note by the secretariat**

1. At its first meeting, the Conference of the Parties to the Minamata Convention on Mercury adopted, in decision MC-1/1, the rules of procedure, with the exception of the second sentence of paragraph 1 of rule 45 and paragraph 3 of rule 45.
2. The secretariat presents, for the consideration of the second meeting of the Conference of the Parties, the text of rule 45 as presented in decision MC-1/1. This text is set out in annex I to the present note. The bracketed text remaining in rule 45 relates, in paragraph 1, to the option to take a decision on matters of substance by means of voting, should all efforts to reach consensus fail. The bracketed text in paragraph 3 relates to the mechanism used to decide whether a matter before the Conference should be considered a matter of substance or a matter of procedure.
3. A draft decision providing for the adoption of this outstanding rule is set out in annex II to the present note.

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

4. The Conference may wish to consider and adopt the outstanding rule.

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

## **Annex I**

### **Rule 45 of the rules of procedure for the Conference of the Parties to the Minamata Convention on Mercury**

#### **Rule 45**

1. The parties shall make every effort to reach agreement on all matters of substance by consensus. [If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority of the parties present and voting, unless otherwise provided by the Convention, by the financial rules referred to in paragraph 4 of article 23 of the Convention or by the present rules of procedure.]

2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority of the parties present and voting.

[3. If the question arises of whether a matter is of a procedural or a substantive nature, [this matter shall be considered as a matter of substance.] [the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately [and the President's ruling shall stand unless overruled by a majority of the parties present and voting.]] [and the matter shall be treated as substantive unless determined to be procedural by a two-thirds majority of the parties present and voting.]]

4. If, on matters other than elections, a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

## Annex II

### **Draft decision MC-2/[XX]: Rules of procedure**

*The Conference of the Parties,*

*Recalling* paragraph 4 of Article 23 of the Minamata Convention on Mercury,

*Having* resolved outstanding issues pertaining to rule 45,

*Decides* to adopt rule 45 of the rules of procedure for the Conference of the Parties as set out in the annex to the present decision.

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