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**United Nations  
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**Intergovernmental negotiating committee  
to prepare a global legally binding instrument  
on mercury  
Seventh session**

Dead Sea, Jordan, 10–15 March 2016  
Item 3 (b) of the provisional agenda\*

**Work to prepare for the entry into force of the Minamata  
Convention on Mercury and for the first meeting of the  
Conference of the Parties to the Convention: matters  
required by the Convention to be decided upon by the  
Conference of the Parties at its first meeting**

**Report on proposals on how the Executive Director of the  
United Nations Environment Programme will perform the  
functions of the permanent secretariat for the Minamata  
Convention on Mercury**

**Note by the secretariat**

1. In paragraph 9 of the resolution on arrangements in the interim period, adopted within the Final Act (UNEP(DTIE)/Hg/CONF/4, annex I), the Conference of Plenipotentiaries on the Minamata Convention on Mercury, held in Kumamoto, Japan, on 10 and 11 October 2013, requested “the Executive Director to present and the Committee to consider, before the first meeting of the Conference of the Parties, a report on proposals on how he or she will perform the functions of the permanent secretariat for the Convention, including an analysis of options that, inter alia, addresses effectiveness, cost-benefit, different locations for the secretariat, merging the secretariat with the secretariat 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 and utilizing the interim secretariat”.

2. At its sixth session, held in Bangkok on 3–7 November 2014, the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury requested the interim secretariat to invite offers by Governments interested in hosting the permanent secretariat of the Minamata Convention and to compile and analyse any such offers for consideration by the committee at its seventh session. An offer has been received from the Government of Switzerland to physically host the secretariat in Geneva. The offer provides financial support to the Convention in the case of an integrated secretariat with the secretariat of the Basel, Rotterdam and Stockholm conventions. The offer as received is set out in document UNEP(DTIE)/Hg/INC.7/INF/5 and an analysis is provided in document UNEP(DTIE)/Hg/INC.7/16.

\* UNEP(DTIE)/Hg/INC.7/1.

3. As requested by the Conference of Plenipotentiaries, the Executive Director of the United Nations Environment Programme (UNEP), through the interim secretariat and in close consultation with the secretariat of the Basel, Rotterdam and Stockholm conventions, has prepared for consideration by the intergovernmental negotiating committee a report on proposals on how the Executive Director will perform the functions of the permanent secretariat of the Convention.
4. The report is set out in the annex to the present note. The committee may wish to consider the report and forward the outcome of its deliberations to the Conference of the Parties at its first meeting.

## Annex

### **Report on proposals on how the Executive Director of the United Nations Environment Programme will perform the functions of the permanent secretariat for the Minamata Convention on Mercury**

#### **A. Background**

1. The Minamata Convention on Mercury was adopted and opened for signature at the Conference of Plenipotentiaries, held in Kumamoto, Japan, on 10 October 2013. Throughout the negotiating process, the work of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury has been supported by secretariat services provided by the United Nations Environment Programme (UNEP), through its Chemicals and Waste Branch within the Division of Technology, Industry and Economics. Upon entry into force, the functions of the permanent secretariat for the Minamata Convention on Mercury will be performed by the Executive Director of UNEP, as set out in paragraph 3 of article 24 of the Convention, unless the Conference of the Parties decides, by a three-fourths majority of the parties present and voting, to entrust the secretariat functions to one or more other international organizations.

2. At the Conference of Plenipotentiaries, further consideration was given to how the Executive Director of UNEP could perform the functions of the permanent secretariat for the Convention. Through the Final Act, Governments requested the Executive Director to present and the committee to consider, before the first meeting of the Conference of the Parties, a report on proposals on how he or she will perform the functions of the permanent secretariat for the Convention, including an analysis of options that, inter alia, addresses effectiveness, cost-benefit, different locations for the secretariat, merging the secretariat with the secretariat 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 and utilizing the interim secretariat.

#### **B. Functions of the secretariat**

3. The functions of the secretariat are set out in article 24 of the Convention as follows:

(a) To make arrangements for meetings of the Conference of the Parties and its subsidiary bodies and to provide them with services as required;

(b) To facilitate assistance to parties, particularly developing country parties and parties with economies in transition, on request, in the implementation of the Convention;

(c) To coordinate, as appropriate, with the secretariats of relevant international bodies, particularly other chemicals and waste conventions;

(d) To assist parties in the exchange of information related to the implementation of the Convention;

(e) To prepare and make available to the parties periodic reports based on information received pursuant to articles 15 and 21 and other available information;

(f) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(g) To perform the other secretariat functions specified in the Convention and such other functions as may be determined by the Conference of the Parties.

4. In the interim period since the adoption of the Convention and as requested in paragraph 11 of the resolution on arrangements in the interim period, the functions of the secretariat have continued to be delivered by the interim secretariat of the Minamata Convention, building on its work and through staff based in the Chemicals and Waste Branch of the Division of Technology, Industry and Economics. The work of the interim secretariat has included many of the functions of the secretariat that are set out in article 24 of the Convention, and is contained in an approved project document within the UNEP programme of work. A detailed description of the activities and staffing of the interim secretariat is provided in appendix 1 to the present document, as well as in the progress reports

on the work of the interim secretariat prepared for the sixth and seventh sessions of the intergovernmental negotiating committee.<sup>1</sup>

5. In considering the work of the future permanent secretariat under each function set out in article 24, the anticipated requirements of the Convention are used as a basis. Information on the delivery of those functions, with a statement considering the personnel requirements of the permanent secretariat, is set out below. Staffing requirements to undertake the core tasks of the permanent secretariat are seen as independent of the mode of delivery of the activities.

**1. To make arrangements for meetings of the Conference of the Parties and its subsidiary bodies and to provide them with services as required**

6. While the details are not yet elaborated, it is anticipated that parties will request an annual meeting of the Conference for the first few meetings to enable rapid adoption of guidance that was not adopted at the first meeting of the Conference. Experience with the Basel, Rotterdam and Stockholm conventions would indicate that it is likely that the first three meetings of the Conference of the Parties will be held on an annual basis and that parties may then decide to move to a two-year cycle. However, parties may determine that less frequent meetings of the Conference may be appropriate, depending on the work to be undertaken. Some meetings of the Conference of the Parties may include a high-level segment.

7. In addition, the Conference of the Parties at its first meeting will identify the membership of the implementation and compliance committee, which will meet intersessionally, and will need to elaborate its rules of procedure and commence its work. The committee is considered somewhat small (15 members). At the first meeting of the Conference of the Parties, additional subsidiary bodies of the Convention could be established for which secretariat services will be required.

8. The generic arrangements to be undertaken by the secretariat for the Conference of the Parties and its subsidiary bodies include the issuing of invitation letters to parties and observers, including countries, intergovernmental organizations and non-governmental organizations; compilation of the list of participants; possibly negotiating a legal instrument with the country hosting the meeting if the meeting is held outside a United Nations headquarters venue, such as Geneva, Nairobi or Bangkok; arrangements for travel and payment of daily subsistence allowances for sponsored participants from developing countries and countries with economies in transition, including facilitating visas and mobilizing resources in order to be able to support travel; booking of conference facilities, including all logistical arrangements, such as the provision of security, set-up of conference rooms, requests for suitable technology to support the meeting, side events and exhibition, media and outreach; and arrangements at the local level, including in non-headquarters duty stations (identification of suitable hotels). On a technical level, the secretariat is responsible for the preparation of all meeting documents, including liaison and coordination with relevant actors, and working with Conference Services to ensure that edited and translated documents are available in a timely manner. For high-level meetings, there may be special arrangements to support the attendance of senior representatives (such as ministers), including formal requests for travel and arrangements to facilitate access to the venue.

**2. To facilitate assistance to parties, particularly developing country parties and parties with economies in transition, on request, in the implementation of this Convention**

9. Capacity-building and technical assistance work will be required to support parties in their efforts to achieve full implementation of the Convention and to support non-parties in achieving early implementation and ratification. This work is expected to be more focused on needs identified through work on the Minamata Initial Assessments undertaken under the Global Environment Facility (GEF).

10. Work may be requested from the secretariat on all obligations under the Convention, including providing assistance with regard to supply and trade in mercury in relation to article 3 of the Convention, as well as trade in mercury-added products in relation to article 4 of the Convention.

11. Parties may also require assistance in the development and maintenance of inventories, including those needed to identify stocks of mercury (article 3), sources of supply of mercury (article 3), the manufacture of mercury-added products (article 4), facilities that use mercury or mercury compounds in manufacturing processes (article 5), artisanal and small-scale gold mining (article 7), emissions (article 8), releases (article 9), management of mercury wastes (article 11) and contaminated sites (article 12).

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<sup>1</sup> Available in documents UNEP(DTIE)/Hg/INC.6/22, UNEP(DTIE)/Hg/INC.6/22/Corr.1, UNEP(DTIE)/Hg/INC.6/INF/7 and UNEP(DTIE)/Hg/INC.7/21.

12. Parties may also require assistance in their obligations to control, and where feasible reduce, emissions of mercury from sources listed in Annex D to the Convention as required in article 8, as well as releases from identified sources as required in article 9. They may also require assistance in developing suitable interim storage for mercury intended for a use allowed to a party under the Convention, as well as in the environmentally sound management of mercury wastes.

13. Assistance may also be required to facilitate relevant work under article 17 (information exchange), article 18 (public information, awareness and education) and article 19 (research, development and monitoring). Collaborative work with the World Health Organization may be required to assist in the implementation of article 16 (health aspects).

14. The above areas of activities will be facilitated by the secretariat, in partnership with relevant actors, including, inter alia, UNEP regional offices and the Basel and Stockholm regional centres, as well as GEF and its implementing agencies, including the United Nations Development Programme, UNEP and the United Nations Industrial Development Organization. Other international agencies involved in the work include the World Health Organization, the International Labour Organization, the World Customs Organization and the World Trade Organization. As relevant, work may be facilitated by cooperation with the secretariat of the Basel, Rotterdam and Stockholm conventions, and technical cooperation may be established with the UNEP Global Mercury Partnership and the United Nations Institute for Training and Research.

### **3. To coordinate, as appropriate, with the secretariats of relevant international bodies, particularly other chemicals and waste conventions**

15. Coordination of activities has been integral to much of the work of the secretariat during the negotiating process and to that of the interim secretariat of the Minamata Convention. Such coordination is expected to be extended, particularly in the delivery of aspects of the financial mechanism following entry into force.

16. Such coordination of activities includes but is not limited to activities on capacity-building and technical assistance in cooperation with the secretariat of the Basel, Rotterdam and Stockholm conventions, as well as other relevant secretariats of international bodies. Efforts will also be made with the Basel, Rotterdam and Stockholm convention secretariat to ensure coordination in other activities, such as the planning of meetings and development of calendars, to ensure maximum efficiency in the delivery of activities, as well as to avoid any overlap or challenges for attendance at relevant meetings. Coordination will also take place in relation to the work of the implementation and compliance committee.

17. Coordination is also required with other secretariats, such as the GEF secretariat, in developing workplans and implementing the guidance provided by the Conference of the Parties to GEF.

### **4. To assist parties in the exchange of information related to the implementation of this Convention**

18. Information exchange will require the establishment and maintenance of a formal structure, which will be necessary for parties to meet their obligations under the Convention. In particular during its establishment phase, such information exchange platform is likely to require the allocation of resources.

19. More concretely, the secretariat is requested under article 17 to facilitate cooperation in the exchange of information on a number of issues, as well as with relevant organizations, including the secretariats of multilateral environmental organizations and other international initiatives, in addition to information from parties. That information will include information from intergovernmental and non-governmental organizations with expertise in the area of mercury, and from national and international institutions with such expertise. Information exchange as it relates to article 17 covers the following:

- (a) Scientific, technical, economic and legal information concerning mercury and mercury compounds, including toxicological, ecotoxicological and safety information;
- (b) Information on the reduction or elimination of the production, use, trade, emissions and releases of mercury and mercury compounds;
- (c) Information on technically and economically viable alternatives to:
  - (i) Mercury-added products;
  - (ii) Manufacturing processes in which mercury or mercury compounds are used; and

- (iii) Activities and process that emit or release mercury or mercury compounds.

including information on the health and environmental risks and economic and social costs and benefits of such alternatives; and

(d) Epidemiological information concerning health impacts associated with exposure to mercury and mercury compounds, in close cooperation with the World Health Organization and other relevant organizations, as appropriate.

20. In addition, other provisions of the Convention will require the secretariat to facilitate the exchange of information, such as provisions under the following articles:

- (a) Article 3, which requires the secretariat to maintain a public register of notifications of consent;
- (b) Article 4, which requires the secretariat, on the basis of information provided by parties, to collect and maintain information on mercury-added products and their alternatives, and to make such information publicly available, as well as information provided by a party on mercury-added products not covered by any known use of mercury-added products prior to the date of entry into force of the Convention for it and any other relevant information submitted by parties.
- (c) Article 5, which requires the secretariat, on the basis of information provided by parties, to collect and maintain information on mercury-added products and their alternatives, and to make such information publicly available, as well as information provided by a party on the number and types of facilities within its territory that use mercury or mercury compounds for processes listed in Annex B and the estimated annual amount of mercury or mercury compounds used in those facilities and any other relevant information submitted by parties;
- (d) Article 6, which requires the secretariat to maintain a register of exemptions.

21. Finally, the assistance of the secretariat may also be felt necessary in other areas where the exchange of information is called for, for instance under article 5, where parties are encouraged to exchange information on relevant new technological developments, economically and technically feasible mercury-free alternatives, and possible measures and techniques to reduce and where feasible to eliminate the use of mercury and mercury compounds in, and emissions and releases of mercury and mercury compounds from, the manufacturing processes listed in Annex B or under article 18.

**5. To prepare and make available to the parties periodic reports based on information received pursuant to articles 15 and 21 and other available information**

22. The work to prepare and make available to the parties periodic reports based on information received pursuant to articles 15 and 21 and other available information is likely to involve outreach and communication with parties, including reminders in relation to reporting requirements, the circulation of the format for reporting and the provision of advice on completing the reports. As it is intended, as presented and discussed by the committee at its sixth session, to maintain electronic reporting to the extent possible, activities to set up the online structure, as well as ongoing maintenance of the structure, would be required. Following the receipt of reports from parties, the secretariat would need to confirm the completeness of the reports, and follow up with the submitting party should any information not be provided. The development of periodic reports to the parties will require the compilation and analysis of submitted information.

**6. To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions**

23. The administrative and contractual arrangements that will be required for the performance of the functions of the secretariat will be influenced to some extent by the location of the secretariat, in addition to the following, inter alia:

- (a) Development of agreements related to the provision of suitable office facilities for the secretariat;
- (b) Establishment of the administrative arrangements associated with the administration of the trust fund for the receipt of assessed voluntary contributions, and of the trust fund for the receipt of voluntary contributions, including arrangements for the use of any programme support costs charged to support the activities of the secretariat;

(c) Arrangements for suitable staffing of the secretariat, including, as appropriate, the development of job descriptions in line with the agreed budget and the recruitment of suitably qualified staff into such positions;

(d) Arrangements for the provision of suitable information technology infrastructure and ongoing support;

(e) Any contractual arrangements with partners that may be required for holding meetings or delivering activities through such partners to support any activities undertaken by the secretariat.

**7. To perform the other secretariat functions specified in the Convention and such other functions as may be determined by the Conference of the Parties**

24. In relation to other secretariat functions, it is anticipated that the Conference of the Parties at its first meeting will adopt the technical guidance on air emissions required by the Convention. Other than updating this guidance as needed, or developing guidance on new sectors that may be added to Annex D to the Convention, limited further work is anticipated. The Convention identifies that the Conference of the Parties will, as soon as practicable, adopt guidance on best available techniques and best environmental practice for releases and the methodology for preparing inventories of releases. As parties are only obligated to identify their relevant point sources of releases within three years after the date of entry into force, the work on developing guidance on releases may not commence within the period of the annual meetings of the Conference. Other guidance required under the Convention, such as in relation to supply, storage, waste and contaminated sites may require further work, particularly in the initial phase after the first meeting of the Conference of the Parties.

**C. Factors considered in developing proposals for delivery of the secretariat**

25. In the Final Act, Governments highlighted the following issues to consider within the report of the Executive Director on how to perform the functions of the permanent secretariat of the Convention:

- (i) Effectiveness;
- (ii) Cost-benefit;
- (iii) Different locations for the secretariat;
- (iv) Merging the secretariat with the secretariat 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; and
- (v) Utilizing the interim secretariat.

26. An analysis of the effectiveness of the secretariat will take into consideration its ability, in a variety of scenarios, to respond to the needs of parties in line with the Convention text and to deliver its functions as per article 24. The effectiveness analysis will also take into consideration relevant cooperation and coordination with other actors in the chemicals and waste cluster.

27. In terms of cost-benefit, consideration will be given to the monetary implications of each of the scenarios with a focus on staff costs, as well as an emphasis on the potential benefits.

28. Different locations for the secretariat are analysed only in the proposals related to utilizing the interim secretariat of the Minamata Convention. Possible locations have been selected based primarily on two factors. The first is the opportunity presented by the location for cooperation and coordination on a substantive level with other parts of UNEP or other organizations that are directly involved in activities relating to the implementation of the Minamata Convention. The benefits of such additional synergies are reflected on a qualitative basis. The second factor is the opportunity for administrative and operational support, and the relative costs of such support within the location.

29. In considering merging the secretariat of the Minamata Convention with the secretariat of the Basel, Rotterdam and Stockholm conventions, consideration has been given to two options, namely, a complete merger into the current structure of the secretariat of the Basel, Rotterdam and Stockholm conventions, or a merger into the secretariat of the Basel, Rotterdam and Stockholm conventions by creating, in the interim, a fourth branch under a joint Executive Secretary commencing with a partial integration and moving towards full integration.

30. In considering utilizing the interim secretariat, consideration has been given to maintaining its current structure, with its own Executive Secretary. Different locations for the secretariat are considered under this option, with some assessment of the relative costs of each location, based on standard salary costs in different duty stations.

31. Under all options, administrative support to the secretariat of the Minamata Convention is assumed to be provided through programme support costs, which are provided to UNEP as the administrative service provider to the Convention. Programme support costs are collected with regard to all expenditures made for Convention activities; therefore, administrative support costs are not specifically highlighted in the analysis of each option below. For each option, administrative work would be required to develop the new trust fund and budget structure within the UNEP financial system.

32. Finally, it should be noted that an offer has been received from the Government of Switzerland to physically host the secretariat, in accordance with the request from the intergovernmental negotiating committee at its sixth session. The offer provides financial support to the Convention in the case of an integrated secretariat with the secretariat of the Basel, Rotterdam and Stockholm conventions. The offer as received is presented in document UNEP(DTIE)/Hg/INC.7/INF/5 and the analysis is provided in document UNEP(DTIE)/Hg/INC.7/16.

## **D. Proposals for performing the functions of the permanent secretariat**

33. In line with the Final Act, the proposals for performing the functions of the permanent secretariat are presented as either merging the secretariat of the Minamata Convention with the secretariat of the Basel, Rotterdam and Stockholm conventions or by utilizing the interim secretariat of the Minamata Convention.

### **1. Merging with the secretariat of the Basel, Rotterdam and Stockholm conventions**

34. In 2012, the secretariats of the Basel and Stockholm conventions, as well as the UNEP part of the Rotterdam Convention secretariat,<sup>2</sup> moved from three separate secretariats with a programmatic structure to a single secretariat with a matrix structure serving the three conventions. At the 2015 meetings of the conferences of the parties, it was agreed that a review of the synergies arrangements and of the matrix management structure of the secretariat would be carried out. The results of the review and any follow-up actions are to be presented and considered at their 2017 meetings.

35. Since the merging of the secretariats of the Basel, Rotterdam and Stockholm conventions, the conferences of the parties to those conventions have approved indicative staffing tables for costing purposes, authorizing the Executive Secretary to determine the staffing levels, numbers and structure of the secretariat in a flexible manner within the overall cost of staff indicated in the various budget decisions. The sharing of the staff costs in the general trust fund is agreed to by the three conferences of the parties in their respective budget decisions.

36. A merger of the secretariat of the Minamata Convention with the secretariat of the Basel, Rotterdam and Stockholm conventions would require agreement by the conferences of the parties to the Basel, Rotterdam and Stockholm conventions, on the understanding that the Executive Secretary would then be mandated to make required adjustments to the structure and staffing of the secretariat.

37. Under the proposal for performing the functions of the permanent secretariat through a merger with the secretariat of the Basel, Rotterdam and Stockholm conventions, two possible options are presented, namely, in option 1 (a) a full merger utilizing the current structure of the secretariat of the Basel, Rotterdam and Stockholm conventions and in option 1 (b) a merger into the secretariat of the Basel, Rotterdam and Stockholm conventions by creating, in the interim, a fourth branch.

#### **Option 1 (a): Merger into the secretariat of the Basel, Rotterdam and Stockholm conventions utilizing its current structure**

Location: Geneva

#### **Structure**

38. Under this option, the secretariat of the Minamata Convention would be fully integrated into the current structure of the secretariat of the Basel, Rotterdam and Stockholm conventions. The functions to be performed by the Minamata secretariat and related staff positions would be divided

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<sup>2</sup> The secretariat of the Rotterdam Convention is co-administered by UNEP in Geneva and the Food and Agriculture Organization of the United Nations in Rome.

among the three substantive branches of the secretariat of the Basel, Rotterdam and Stockholm conventions (the Conventions Operations Branch, the Technical Assistance Branch and the Scientific Support Branch), as well as through the Executive Office of the secretariat of the Basel, Rotterdam and Stockholm conventions. The functions of the secretariat of the Minamata Convention would be delivered within this structure. The current structure of the secretariat of the Basel, Rotterdam and Stockholm conventions is set out in appendix 2 to the present report.

### **Staffing**

39. Under this option, the functions of the secretariat of the Minamata Convention would be incorporated in the merged secretariat and the sharing of time and related costs of all posts in the merged secretariat would be determined and approved by the conferences of the parties to the four conventions. For example, it could be envisaged that the Minamata Convention pay for 20 per cent of the post of the Executive Secretary and of the Deputy Executive Secretary, as well as 20 per cent of the remaining posts currently budgeted in the general trust funds of the three conventions. The percentage for the Minamata Convention staff posts has been determined at 20 per cent, taking into account the expected level of activity of the respective conventions.

40. As a consequence, the functions of the Executive Secretary, Deputy Executive Secretary and Branch Chiefs, as well as many functions supporting more than one convention, such as meetings coordination, legal and governance, technical assistance and capacity-building, scientific support, outreach and public awareness, information management and technology, administration, finance, human resources and resource mobilization could be sourced from existing staff, with cost-sharing by the Minamata Convention.

41. In terms of additional staff to the secretariat of the Basel, Rotterdam and Stockholm conventions and based on analysis, the following new positions are expected to be required for programmatic support to the Minamata Convention work: one P-4 (scientific), one P-3 (technical assistance), one P-3 (meeting coordination) and two General Service posts. These posts imply additional costs to parties to the four conventions, but would also be covered by the cost-sharing arrangement under the four conventions, i.e. the Minamata Convention would be expected to cover the agreed percentage of these posts.

### **Analysis**

42. The Minamata Convention would be integrated into the matrix-based management approach applied by the secretariat of the Basel, Rotterdam and Stockholm conventions and would benefit from working in an integrated manner while the legal autonomy of each of the conventions and related programmes of work was maintained. It would also benefit from the structure of the secretariat clustered in three areas (scientific, technical assistance and conventions operations), as well as the administrative and other services offered by the Executive Office in areas such as administration, finance, human resources and resource mobilization. The Minamata Convention would be integrated into the secretariat of the Basel, Rotterdam and Stockholm conventions, which has been running since 2012 and is accustomed to operating diverse multilateral environmental agreements in the chemicals and waste cluster.

43. Under this option, the number of additional staff required to serve the Minamata Convention is limited, as the costs of the existing staff of the secretariat of the Basel, Rotterdam and Stockholm conventions will be shared across the four conventions. This will result in overall cost savings for the parties to the four conventions. The cost savings generated by this option may need to be partially reinvested to strengthen the new merged secretariat of the four conventions, while another part may be used to contribute to overall staff costs under the four conventions. Based on the staffing requirements described above and the estimated savings generated by cost-sharing, the total staff costs for this option are estimated at \$2,268,270.

44. The positions within the interim secretariat currently cover a variety of tasks, with staff involved in meetings management, document preparation, scientific and technical issues, awareness-raising and capacity-building. Relocating functions from the interim secretariat into the specific branches of the secretariat of the Basel, Rotterdam and Stockholm conventions may require the realignment of roles to match the Basel, Rotterdam and Stockholm structure and job reclassification of the positions, similar to the adjustments that took place during the merger of the secretariat of the Basel, Rotterdam and Stockholm conventions. As with any change in an organizational structure, some sort of change management process, in accordance with United Nations rules, will need to be undertaken. Should staff move, in line with United Nations rules and regulations for human resources, from the interim secretariat to take up positions in the permanent secretariat, this option may result in some short-term disruptions to the working arrangements of the secretariat of the

Minamata Convention. Existing staff within the secretariat of the Basel, Rotterdam and Stockholm conventions will also need to integrate the Minamata work into their activities, building their expertise in the Minamata Convention as they take on additional roles.

45. The arrangements will increase cooperation and operational synergies in a number of areas, such as science and technical activities, capacity-building and technical assistance and policy, legal and governance activities. Increased opportunities will arise for joint activities, assisting countries in furthering their implementation of the Basel, Rotterdam and Stockholm conventions and putting in place their arrangements for the implementation of the Minamata Convention. Furthermore, this option offers opportunities for improved regional delivery through the coordinated use of the regional centres of the Basel and Stockholm conventions and the regional delivery aspects of the joint technical assistance programme.

**Option 1 (b): Merger into the secretariat of the Basel, Rotterdam and Stockholm conventions by creating, in the interim, a fourth branch**

Location: Geneva

**Structure**

46. The secretariat of the Minamata Convention would be merged with the secretariat of the Basel, Rotterdam and Stockholm conventions, as a new and separate branch (Minamata Branch), under the authority of a joint Executive Secretary of the Basel, Rotterdam and Stockholm conventions and the Minamata Convention. The new Minamata Branch would deliver the substantive activities related to the functions of the secretariat and draw on support and other functions from the Conventions Operation Branch, including legal (corporate and programmatic) functions, outreach and public awareness, information management and technology, meeting coordination and meeting support, as well as administrative, financial, human resources, resource mobilization and management support from the Executive Office. The Minamata Branch would work closely with the other branches on cooperative activities related to technical assistance, and scientific issues with contributions on relevant issues requested and received as appropriate. The model draws on the manner in which the initial merger of the secretariats of the Basel, Rotterdam and Stockholm conventions was carried out. The approach would be evaluated after a limited number of years with the aim of fully integrating the Minamata Convention into the current structure of the secretariat of the Basel, Rotterdam and Stockholm conventions, as presented in option 1 (a).

**Staffing**

47. The staffing structure under this option would be similar to the approach in option 1 (a). The functions of staff within the Executive Office and the Conventions Operation Branch could be sourced from existing Basel, Rotterdam and Stockholm staff, with cost-sharing by the Minamata Convention. For calculation purposes, these could be estimated to amount to 20 per cent of a D-2 post (Executive Secretary), 20 per cent of a D-1 post (Deputy Executive Secretary), 25 per cent of a P-5 post (Branch Chief, Conventions Operations Branch). This will result in overall cost savings for the parties to the Basel, Rotterdam and Stockholm conventions. In addition, in order to increase the capacity of the matrix structure to meet the needs of the Minamata Branch, the equivalent of 1.5 P-3 officers (to cover costs for functions such as legal, outreach and public awareness, information technology (IT) and information management) and one General Service post is necessary.

48. As the Minamata Branch would be responsible for carrying out capacity-building and technical assistance activities, as well as science activities, there would be a limited implementation role for the chiefs of the Technical Assistance and Scientific Support branches in the day-to-day work of the secretariat.

49. In terms of additional staff to the current staffing arrangements under the secretariat of the Basel, Rotterdam and Stockholm conventions, this proposal would require the following new positions to fulfil functions in the separate Minamata Branch of the secretariat: one Minamata Convention branch chief (P-5), one P-4 post (scientific), one P-3 post (technical assistance), one P-3 post (capacity-building), one P-3 post (meeting coordination) and two General Service posts. Short-term in-kind support from the Basel, Rotterdam and Stockholm conventions could be made available to make up for possible shortfalls in staffing during the early phases of the integration process.

**Analysis**

50. The secretariat would benefit from the support provided and activities undertaken by the Conventions Operations Branch and the Executive Office.

51. In terms of staff costs, this option also implies a reduction of overall costs among the four conventions, as a few existing Basel, Rotterdam and Stockholm staff posts would be co-funded by the Minamata Convention. Such an option assumes that the Scientific Support Branch and the Technical Assistance Branch of the secretariat of the Basel, Rotterdam and Stockholm conventions collaborate closely with the Minamata Convention Branch in order to provide support to the latter. The option would be evaluated after some time, taking into consideration that it relies on the contribution of existing Basel, Rotterdam and Stockholm staff. Based on the staffing requirements described above, the total staff costs for such an option are estimated at \$2,309,031.

52. Should staff move from the interim secretariat to take up positions in the permanent secretariat, with this option, as with any change in organizational structure, some sort of change management process will need to be undertaken.

53. The arrangements may assist in elements of the cooperative approaches in science, as well as in capacity-building and technical assistance. Increased opportunities may arise for joint support activities, assisting countries in furthering their implementation of the Basel, Rotterdam and Stockholm conventions and putting in place their arrangements for the implementation of the Minamata Convention.

## 2. Utilizing the interim secretariat

54. Under the proposal for performing the functions of the permanent secretariat utilizing the interim secretariat, one core option is presented with different locations.

### Utilizing the interim secretariat

Location: to be determined based on analysis

55. The permanent secretariat of the Minamata Convention would replace the interim secretariat that has delivered the services of the secretariat during the interim period. Support that had previously been provided by other entities within UNEP (administrative support provided through the Chemicals and Waste Branch; legal support provided by the Division of Environmental Law and Conventions; IT support provided through the United Nations Office at Geneva; and support for meeting coordination/servicing and information management (particularly website management) provided through the secretariat of the Basel, Rotterdam and Stockholm conventions) would be performed by the staff of the permanent secretariat of the Minamata Convention. The advantages, challenges and costs of certain locations are presented in appendix 3 to the present report. Cooperative activities on technical assistance and scientific issues would be maintained in a manner similar to that of the interim secretariat, with contributions on relevant issues requested and included as appropriate. Depending on the location of the secretariat, some cooperative activities may be delivered remotely.

### Staffing

56. The secretariat would be headed by an Executive Secretary at the D-1 level, who would be supported by a coordinator at the P-5 level. Work on capacity-building and technical assistance would be carried out by one P-4 and one P-3 staff member. Work on science and policy would be carried out by one P-4 and one P-3 staff member, while coordination and preparation for conferences would be carried out by one P-3 staff member. A legal officer at the P-3 level would be recruited to work on legal guidance and general policy issues. Information management support and IT services will be provided by a staff member at the P-3 level. These staff members would be supported by three General Service staff members.

### Location

57. In considering this option, the secretariat has analysed a number of locations that may be suitable to physically host the permanent secretariat. In this consideration, two main factors have been considered: the first is the opportunity for operational synergies provided by the location, with a particular focus on the opportunity to establish close working relations with parts of UNEP, or with other organizations, who are engaged in activities relevant to the implementation of the Minamata Convention; the second factor considered was costs, with a focus on salaries as one of the biggest costs associated with delivering the secretariat.

58. In considering operational synergies, a number of locations were readily identified, including the following:

(a) Geneva: close cooperation with the Chemicals and Waste Branch (including, in particular, the UNEP Global Mercury Partnership), the UNEP Regional Office for Europe, the secretariat of the Basel, Rotterdam and Stockholm conventions, the secretariat of the Strategic Approach to International Chemicals Management, the World Health Organization, the International

Labour Organization, the United Nations Institute for Training and Research, the Economic Commission for Europe, the World Trade Organization, and other intergovernmental organizations and the permanent missions located in Geneva. In addition, the location provides the opportunity to receive joint briefings related to chemicals and waste issues. The availability of a rent-free conference venue and office space is also considered to be an advantage. The cost for this option is \$2,818,983;

(b) Nairobi: close cooperation with other areas of UNEP, in particular the Division of Environmental Law and Conventions and the Division of Communication and Public Information, the Regional Office for Africa, the Office for Operations, other intergovernmental organizations and permanent missions. The availability of a rent-free conference venue and office space is considered to be an advantage. The cost for this option is \$2,209,376;

(c) Vienna: close cooperation with the United Nations Industrial Development Organization, a key executing agency of the Global Environment Facility involved extensively in implementing activities related to the Minamata Convention, and the presence of permanent missions and suitable conference facilities is considered to be an advantage. The cost for this option is \$2,350,892;

(d) Washington, DC: close cooperation with the secretariat of the Global Environment Facility and provides the opportunity to work closely with the World Bank and the United Nations Development Programme, both of which are executing agencies of the Global Environment Facility involved in implementing activities related to the Minamata Convention. It also offers the opportunity to work with embassies, as well as with the Regional Office for North America. Available conference facilities are considered to be an advantage. The cost for this option is \$2,589,395;

(e) Osaka: close cooperation with the International Environmental Technology Centre, which is doing extensive work on waste, including mercury waste. The cost for this option is \$2,792,338.

59. In looking at related costs, the above duty stations were evaluated for the costs associated with each location (estimated salary costs are set out in appendix 3). Following an initial consideration of costs, Bangkok was added to the above list as an additional option, due to the low costs associated with the location, including the costs of holding meetings at the facilities of the Economic and Social Commission for Asia and the Pacific, the presence of a major UNEP office, including the Regional Office for Asia and the Pacific, and good transportation links. The cost for this option is \$2,212,201.

### **Analysis**

60. The secretariat would support its activities, including all aspects of administrative services, as well as legal, IT and information management support. The secretariat may be based in Geneva or in another duty station (while still being based within UNEP).

61. In considering alternative locations, a number of options were assessed on a preliminary basis for their potential to provide benefits through close cooperation with areas of UNEP or other organizations engaged in the delivery of activities relevant to the Minamata Convention, as well as their ability to deliver administrative and operational support to the secretariat in a cost-effective manner. Relocating the secretariat to a different duty station could imply more discontinuity of work and potential loss of organizational memory, depending on the percentage of current staff of the interim secretariat that would relocate to the new duty station. A different location would imply reduced opportunities for cooperation with the secretariat of the Basel, Rotterdam and Stockholm conventions on a daily working level, although a certain amount of cooperation and coordination could be maintained through electronic means.

## **E. Consideration of proposals by the parties**

62. In considering the above proposals for performing the secretariat, the committee may wish to balance the needs and requirements for secretariat effectiveness in the early period after entry into force, particularly in the period between the first and second meetings of the Conference of the Parties, with long-term opportunities for cooperation and cost-effective delivery. They may wish to consider the cost-effectiveness of the options, as well as other benefits that may arise from different locations.

## Appendix 1

### Structure and costs of the interim secretariat

1. In 2014, the United Nations Environment Programme (UNEP) approved a project covering the work of the interim secretariat, which included a detailed description of activities, as well as an overall budget for staff and activities. While some elements have changed since the approval of the project, it is a valid basis for a description of the needs of the interim secretariat and is used as a basis for the proposals presented in the present document.

#### Staffing

##### Core secretariat

2. In the project document, the “core” secretariat comprised one P-4 staff member, one P-3 staff member, one Junior Professional Officer (P-2) and two G-4 staff members, supervised by a P-5 staff member at 50 per cent of time. With the combination of a number of roles, the secretariat is now supervised by a D-1 staff member with 40 per cent of time dedicated to Minamata in lieu of a P-5 staff member. These staff members deliver the activities of the interim secretariat, with additional support from regional offices, other divisions within UNEP, the secretariat of the Basel, Rotterdam and Stockholm conventions and external experts where required.

##### Substantive support

3. In addition to the “core” secretariat, substantive support for work of the interim secretariat has been provided by staff in each of the UNEP regional offices, who were estimated to spend between 5 per cent and 15 per cent of their time on Minamata activities, based on the extensive programme of capacity-building and awareness-raising within the first two years of the project. Substantive support on legal issues was provided directly by the Division of Environmental Law and Conventions, with an estimated 5 per cent of its time based on supporting Minamata activities. As needed, substantive support from the Division of Communication and Public Information has been provided on a fee-for-service basis. Although it was not reflected in the staffing table of the project, it was factored into the budget as “printing and translation” costs.

##### Administrative support

4. Support for funds and contract management and personnel activities have been delivered either through the UNEP Chemicals and Waste Branch, which maintains one Fund Management Officer and one administrative assistant to manage finance and contracts, or through the UNEP administrative support centre based in International Environment House, which provides day-to-day personnel support and serves as a liaison with personnel management based in Nairobi. The costs for such administrative support are covered by the programme support costs that apply to the contributions to the trust fund for support of the secretariat, including support for activities. For most contributions, programme support costs are applied at 13 per cent of the contribution, although under certain agreements a lower support cost may be applied. The programme support costs also cover the overall administration of the trust fund and the financial services (such as receipt of contributions), which are provided through UNEP headquarters.

#### Activities

5. The interim secretariat has been responsible for all activities to support the early implementation and ratification of the Minamata Convention on Mercury, including the following:

- (a) Arrangements for the further sessions of the intergovernmental negotiating committee and relevant intersessional meetings;
- (b) Arrangements for the meeting of, and support for the intersessional work relating to, the group of technical experts established by the Conference of Plenipotentiaries;
- (c) Provision of technical assistance and awareness-raising activities to facilitate early implementation and ratification of the Convention.

6. To date, these activities have been delivered in a timely manner. The experience gained by the interim secretariat during the negotiations of the Minamata Convention has contributed to its ability to streamline activities and ensure efficient organization of meetings and other processes. The close relationship between the interim secretariat and the UNEP Global Mercury Partnership has facilitated work on technical aspects, while the opportunities to build on the experience of the Basel, Rotterdam

and Stockholm conventions and their secretariat have been utilized in substantive, technical, logistical and legal areas.

7. The work undertaken during 2014 and 2015 has been relatively intense, as the interim secretariat organized one meeting of the intergovernmental negotiating committee in November 2014, with 23 pre-meeting documents prepared, one meeting of the ad hoc expert group on financing established at the sixth session of the intergovernmental negotiating committee and three meetings of the Bureau, and it is undertaking preparations for the next meeting of the intergovernmental negotiating committee, to be held in March 2016, as well as regional preparatory meetings. Work has also included the development of major technical guidance required under the Convention, with four meetings of the group of technical experts, in addition to intersessional work by experts and by the secretariat. Capacity-building and technical assistance activities have also been a major focus, with 12 subregional workshops delivered between March 2014 and February 2015, and four regional workshops delivered in cooperation with the secretariat of the Basel, Rotterdam and Stockholm conventions in March and April 2015. In support of this work, the secretariat has developed a package of awareness-raising material and presentations that are being used to facilitate ongoing activities. The interim secretariat has also coordinated with the secretariat of the Global Environment Facility and the implementing agencies in the delivery of enabling activities. Limited country-based activities have been undertaken by the secretariat, as they were considered to be more appropriately carried out by the implementing agencies as part of their coordinated support activities.

## Budget

8. In the current approved project, an annual budget is elaborated for the interim secretariat, including staffing and activities. During the interim period, UNEP has provided staff to the interim secretariat, with one P-4 post and 40 per cent of a D-1 post provided through environment fund contributions. The costs of these positions would need to be added to the overall budget once the permanent secretariat is established.

9. The budget approved in the project document, presented in USD, is summarized below.

	<i>2014</i>	<i>2015</i>
Staff	380 000	510 000
Consultants/expert support	145 000	80 000
Staff travel	190 000	120 000
Intergovernmental negotiating committee support other than travel	482 500	457 500
Travel – bureau	35 000	35 000
Travel – intergovernmental negotiating committee	425 000	450 000
Travel and organization of the expert group	246 000	240 000
Travel – awareness-raising	690 000	400 000
Awareness-raising meeting	335 000	305 000
Communication	130 000	70 000
<b>Subtotal</b>	<b>3 058 500</b>	<b>2 667 500</b>
Programme support costs*	397 605	346 775
<b>Total</b>	<b>3 456 105</b>	<b>3 014 275</b>

\* Programme support costs are calculated based on a rate of 13 per cent. Some contributions were at a lower rate based on the contribution agreement.

## Appendix 2

### Structure of the secretariat of the Basel, Rotterdam and Stockholm conventions

Based on the functional organization chart of the secretariat of the Basel, Rotterdam and Stockholm conventions,<sup>1</sup> it consists of three main branches, headed by an Executive Secretary who is supported by an Executive Office. The three branches are the Convention Operations Branch, the Technical Assistance Branch and the Scientific Support Branch.

1. The Executive Office covers the following corporate activities:
  - (a) Leadership and executive direction;
  - (b) Management, oversight and monitoring;
  - (c) Synergies coordination;
  - (d) Administration (finance, budget, human resources);
  - (e) Resource mobilization;
  - (f) Coordination with the financial mechanism under the Stockholm Convention.
2. The Conventions Operations Branch is responsible for the following:
  - (a) Management of meetings of the conferences of the parties and subsidiary bodies;
  - (b) Legal and governance;
  - (c) Compliance;
  - (d) International cooperation with multilateral environmental agreements, intergovernmental organizations and non-governmental organizations;
  - (e) Cooperation on the Rotterdam Convention between UNEP and the Food and Agriculture Organization of the United Nations;
  - (f) Conference services;
  - (g) Knowledge/information management and public awareness;
  - (h) Information technology.
3. The Technical Assistance Branch is responsible for the following:
  - (a) Development and management of the technical assistance programme for the conventions;
  - (b) Needs assessments (including national implementation plans, national action plans, etc.);
  - (c) Capacity-building and training activities (including projects, workshops, webinars, online training, etc.);
  - (d) Partnerships;
  - (e) Regional centres.
4. The Scientific Support Branch is responsible for the following:
  - (a) Providing technical and scientific input;
  - (b) Supporting the scientific work of the conferences of the parties and their subsidiary bodies, including intersessional work;
  - (c) Developing technical documents, including guidelines and guidance;
  - (d) Managing the collection, review, assessment and evaluation of scientific and technical information;
  - (e) Drawing up national reports, notifications and exemptions.

<sup>1</sup> <http://synergies.pops.int/Secretariat/Structure/FunctionalOrganigram/tabid/2722/language/fr-CH/Default.aspx>.

## Appendix 3

### Assessment of selected locations for the secretariat of the Minamata Convention on Mercury

Location	Advantages	Costs in USD <sup>1</sup>
Geneva	Location close to the secretariat of the Basel, Rotterdam and Stockholm conventions, the Chemicals and Waste Branch, the secretariat of the Strategic Approach to International Chemicals Management, UNEP Global Mercury Project, the Regional Office for Europe, the World Health Organization, the International Labour Organization, the World Trade Organization, the United Nations Institute for Training and Research, the Economic Commission for Europe, other intergovernmental organizations and permanent missions (joint briefing on chemicals and waste issues)	Salaries: \$2,818,983 Office: provided rent-free under Swiss host country agreement
Nairobi	Location close to the Office of Operations, the Division of Environmental Law and Conventions, the Division of Communications and Public Information, the Ozone secretariat, the Regional Office for Africa and permanent missions	Salaries: \$2,209,376 Office: integration within UNEP structure rent-free Likely to require new office equipment
Washington	Location close to the Global Environment Facility, the World Bank, the Regional Office for North America and permanent missions	Salaries: \$2,589,395 Office: could be integrated within the Regional Office for North America. Costs to be determined Likely to require new office equipment
Osaka	Location close to the International Environmental Technology Centre	Salaries: \$2,795,338 Office: could be integrated with the International Environmental Technology Centre. Costs to be determined Would be likely to require new office equipment
Vienna	Location close to the United Nations Industrial Development Organization	Salaries: \$2,350,892 Office: could be integrated within UNEP office, possibly co-hosted with the interim secretariat of the Framework Convention on the Protection and Sustainable Development of the Carpathians. Costs to be confirmed Would be likely to require new office equipment
Bangkok	Established administrative structure, close to the UNEP Regional Office for Asia and the Pacific	Salaries: \$2,212,201 Office: could be integrated within the UNEP Regional Office for Asia and the Pacific

<sup>1</sup> Salary costs based on standard staff costs as for 2013, with a standard secretariat structure comparable for each location.