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**Eighth meeting of the Executive Board  
of the Special Programme**

Geneva, Switzerland  
15-17 February 2023

**RULES OF PROCEDURE FOR THE EXECUTIVE BOARD OF THE SPECIAL PROGRAMME**

*Note by the Secretariat*

1. At its first meeting the United Nations Environment Assembly of the United Nations Environment Programme adopted [resolution 1/5](#) on Chemicals and Waste.
  2. Paragraph 13 of Annex II of the same resolution stated that the Executive Board of the Special Programme would, as required, further develop its rules of procedure at its first meeting.
  3. The Executive Board of the Special Programme adopted its rules of procedure during its [first meeting](#), held in Geneva, Switzerland, from 2-3 February 2016.
  4. This document presents the rules of procedure for the Executive Board of the Special Programme, incorporating the amendments and additions decided by the Executive Board at its resumed sixth meeting, held online from 1-2 September 2021.
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## **RULES OF PROCEDURE FOR THE EXECUTIVE BOARD OF THE SPECIAL PROGRAMME**

The Terms of Reference for 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 are included in the Appendix and shall be read together with the Rules of the Procedure for the Executive Board.

### **I. Objective**

#### **Rule 1**

These rules of procedure shall apply to meetings of the Executive Board of 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.

### **II. Definitions**

#### **Rule 2**

For the purpose of these rules:

- (a) “Representative” means a representative of a recipient country (from among the regions or least developed country/small island developing State as stipulated in paragraph 10 of the terms of reference of the Executive Board) or a donor, who is designated member of the Executive Board;
- (b) “Meetings” means meetings of the Executive Board;
- (c) “Representatives present and voting”, for the purposes of decisions by a two-thirds majority, means representatives present and casting an affirmative or negative vote. Representatives who abstain from voting are considered as not voting for these purposes;
- (d) “Secretariat” means the secretariat of the Special Programme provided by the Executive Director of UNEP pursuant to paragraph 8 of resolution 1/5(II) of the United Nations Environment Assembly of UNEP;
- (e) “Instruments” means the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management;
- (f) “Implementing agency” means IOMC organisations and any other organisations involved in the implementation of projects under the Special Programme.

### **III. Representation**

#### **Rule 3<sup>1</sup>**

1. Each representative shall be designated in writing by the government of the recipient country or donor concerned as member of the Executive Board. Representatives shall normally serve for two years.

1bis To give effect to paragraph 1, the Secretariat will, with the support of UNEP’s Governance Affairs Office, issue a call for nominations at least six months before the end of the term of the Board.

1ter In the event that more than one nomination is submitted for any particular seat of a full Board member, the Secretariat will, with the support of UNEP’s Governance Affairs Office make every effort to mediate between the nominating countries and with the regional grouping in order to select a member of the Board within a reasonable time. If the mediation is not successful, then a secret ballot will be conducted in line with

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<sup>1</sup> Rule 3 amended by the Executive Board at its resumed sixth meeting held online from 1-2 September 2021 as follows: para 1 unchanged; para 1bis to 1qua inserted; para 2 replaced; para 2bis inserted; para 3 unchanged.

Rule 56 of the Rules of Procedure of the United Nations Environment Assembly and with the support of UNEP's Governance Affairs Office.

*Iqua* In the event of a delay in finalizing the selection from one or more donors or regions, the outgoing Board member will continue to serve on the Board until the selection process is finalized.

2 In the call for nominations, countries will be requested to identify in addition to a full Board member an alternate as well as a full Board member in the text of their nomination letter, to ensure full representation of all regions and constituencies at meetings of the Executive Board when a full Board member is unable to fulfill his or her functions, whether temporarily or permanently, or has resigned.

*2 bis* In the event that more than one nomination is submitted for any particular alternate, [the Secretariat will, with the support of UNEP's Governance Affairs Office will make every effort to mediate between the nominating countries and with the regional grouping in order to select a member of the Board within a reasonable time. If the mediation is not successful, then] a secret ballot will be conducted in line with Rule 56 of the Rules of Procedure of the United Nations Environment Assembly and with the support of UNEP's Governance Affairs Office.

3. A written notification of the designation of such representative shall be submitted to the secretariat before the commencement of a meeting which the representative is to attend. If necessary an alternative representative may be designated for a particular meeting.

#### **IV. Observers**

##### **Rule 4**

The following may participate, at their own expense, as observers at meetings: the Executive Secretary of the Basel, Rotterdam and Stockholm conventions, the Coordinator of the Minamata Convention, the Coordinator of the Strategic Approach to International Chemicals Management and the secretariat of the Global Environment Facility, as well as Governments and regional economic integration organizations, any implementing agencies and one member from each of the Bureaus of the governing bodies of the Instruments.

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

##### **Rule 5**

1. Meetings shall normally be held annually, unless otherwise decided by the Executive Board, including through electronic or other means in between meetings. Meetings may also take place through electronic or other means, if appropriate and if so decided by the Executive Board in the same manner.

2. The secretariat, in consultation with the co-chairs of the Executive Board, shall make appropriate arrangements for meetings.

##### **Rule 6**

The secretariat shall notify all participants of the venue and dates of a meeting at least 6 weeks before it is due to commence.

#### **VI. Agenda**

##### **Rule 7**

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

2. The provisional agenda shall be communicated to representatives at least 4 weeks before the meeting is due to commence.

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

#### **Rule 8**

At the beginning of each meeting, the Executive Board shall adopt the agenda for the meeting on the basis of the provisional agenda and any supplementary items proposed in accordance with rule 7.3.

#### **Rule 9**

During a meeting, the Executive Board may revise the agenda for the meeting except that at least 24 hours' notice must be given for a new item to be included.

### **VII. Officers**

#### **Rule 10**

1. The Executive Board shall have two co-chairs, one from among representatives of recipient countries and one from among representatives of donor countries.
2. At the commencement of its first meeting, the Executive Board shall elect two co-chairs.
3. The term of the co-chairs shall continue until the election of new co-chairs at the commencement of a meeting to be held two years after its first meeting. Thereafter, the election of the co-chair shall take place every two years at the commencement of a subsequent meeting concerned.

#### **Rule 11**

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

#### **Rule 12**

1. In addition to exercising the powers conferred upon them elsewhere in these rules, the co-chairs shall:
  - (a) Declare the opening and closure of each meeting;
  - (b) Preside at meetings of the Executive Board;
  - (c) Ensure the observance of these rules;
  - (d) Accord the right to speak;
  - (e) Put questions to the vote and announce decisions;
  - (f) Rule on any points of order; and
  - (g) Subject to these rules, have complete control over the proceedings and maintain order.

2. The co-chairs may also propose:
  - (a) The closure of the list of speakers;
  - (b) A limitation on the time to be allowed to speakers and on the number of times a participant may speak on an issue;
  - (c) The adjournment or closure of debate on an issue; and
  - (d) The suspension or adjournment of a meeting.
3. The co-chairs, in the exercise of their functions, remain at all times under the authority of the Executive Board.

#### **Rule 13<sup>2</sup>**

1. The Executive Board may decide to identify alternates to co-chairs from amongst the representatives of recipient countries, and representatives of donor countries, either at the time of electing the co-chairs or as needed. If a co-chair cannot preside at a meeting, or any part thereof, or cannot participate in the intersessional consultations with the Secretariat then the alternate co-chair shall be requested to take his/her place on a temporary basis.
2. If a co-chair resigns or is otherwise unable to complete his or her term or the functions, a replacement shall be elected by the Executive Board from amongst the representatives of recipient countries, or representatives of donor countries, as the case may be, to complete the original two-year term.

### **VIII. Secretariat**

#### **Rule 14**

In carrying out its tasks the secretariat shall, as necessary, consult the co-chairs.

#### **Rule 15**

The Executive Director of the United Nations Environment Programme, in providing the secretariat of Special Programme, shall be responsible for convening meetings and for making all the necessary arrangements for meetings, including the preparation and distribution of documents at least 4 weeks in advance of the meetings.

#### **Rule 16**

The secretariat shall, in accordance with these rules:

- (a) Receive, reproduce and distribute other official documents for the meetings;
- (b) Make publicly available reports presented by the secretariat to the Executive Board;
- (c) Arrange for the custody and preservation of the documents of each meeting in the archives of the secretariat; and
- (d) Perform such other tasks as the Executive Board may require in relation to its functions.

### **IX. Conduct of business**

#### **Rule 17**

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<sup>2</sup> Rule 13 amended by the Executive Board at its resumed sixth meeting held online from 1-2 September 2021 as follows: para 1 replaced; para 2 unchanged.

The co-chairs shall declare a session of the meeting open and permit debate to proceed when at least 6 representatives participating in the meeting are present. The presence of 6 of the representatives so participating shall be required for any decision to be taken.

#### **Rule 18**

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

2. The Executive Board may, on a proposal from the co-chairs or from any representative, limit the time allowed to each speaker and the number of times each participant may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the co-chairs shall call the speaker to order without delay.

#### **Rule 19**

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

#### **Rule 20**

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

#### **Rule 21**

Proposals and amendments to proposals shall normally be introduced in writing by a representative and handed to the secretariat, which shall circulate copies to the representatives. As a general rule, no proposal may be discussed or put to the vote at any meeting unless copies of it have been circulated to the representatives at least one week before the proposal is debated.

#### **Rule 22**

1. Subject to rule 19, 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 within paragraph 1 (a) to (d) shall be granted to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to a vote.

#### **Rule 23**

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

#### **Rule 24**

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

#### **Rule 25**

In cases where a recipient country that is represented in the Executive Board is involved in a project submitted to the Executive Board for its consideration, the representative of that country shall be excused from decision-making by the Executive Board in relation to the project in question.

### **X. Adoption of decisions**

#### **Rule 26**

1. The Executive Board shall make every effort to take its decisions by consensus. If consensus cannot be reached, the Executive Board will, as a last resort, take its decisions by a two-thirds majority of the representatives present and voting.
2. The Executive Board may decide on a matter of procedure by a majority vote of the representatives present and voting.
3. Where there is disagreement as to whether a matter to be voted on is a substantive or procedural matter, the matter shall be decided by a two-thirds majority of the representatives present and voting.

#### **Rule 27**

If two or more amendments to a proposal are moved, the Executive Board shall first decide on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on until decisions have been made on all the amendments.

#### **Rule 28**

Voting on a single proposal shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any representatives. It shall be taken in order as determined by lot drawn by the co-chairs.

#### **Rule 29**

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

#### **Rule 30**

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

#### **Rule 31**

Each representative shall have one vote.

### **XI. Language**

**Rule 32**

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

**XII. Amendments to rules of procedure**

**Rule 33**

Amendments to these rules of procedure shall be adopted in accordance with rule 26.



## **Appendix 1**

### **Terms of reference for 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**

Recalling decision 27/12 on chemicals and waste management, part VIII, paragraphs 13 and 14 of the First Universal Session of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme (UNEP):

#### **I. Objective of the Special Programme**

1. The objective of the Special Programme is to support country-driven institutional strengthening at the national level, in the context of an integrated approach to address the financing of the sound management of chemicals and wastes, taking into account the national development strategies, plans and priorities of each country, to increase sustainable public institutional capacity for the sound management of chemicals and wastes throughout their life cycle. Institutional strengthening under the Special Programme will facilitate and enable the implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management (hereinafter referred to as “the Instruments”).

#### **II. Definition of institutional strengthening**

2. For the purposes of the Special Programme, institutional strengthening is defined as enhancing the sustainable institutional capacity of Governments to develop, adopt, monitor and enforce policy, legislation and regulation, as well as to gain access to financial and other resources for effective frameworks for the implementation of the Instruments for the sound management of chemicals and wastes throughout their life cycle.

#### **III. Expected outcomes of institutional strengthening through the Special Programme**

3. It is expected that strengthened national institutions would have the capacity to do the following:

- (a) Develop and monitor the implementation of national policies, strategies, programmes and legislation for the sound management of chemicals and wastes;
- (b) Promote the adoption, monitoring and enforcement of legislation and regulatory frameworks for the sound management of chemicals and wastes;
- (c) Promote the mainstreaming of the sound management of chemicals and wastes into national development plans, national budgets, policies, legislation and implementation frameworks at all levels, including addressing gaps and avoiding duplication;
- (d) Work in a multisectoral, effective, efficient, transparent, accountable and sustainable manner in the long term;
- (e) Facilitate multisectoral and multi-stakeholder cooperation and coordination at the national level;
- (f) Promote private sector responsibility, accountability and involvement;
- (g) Promote the effective implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach;
- (h) Promote cooperative and coordinated implementation of the Instruments at the national level.

#### **IV. Scope of the Special Programme**

4. The Special Programme should avoid duplication and proliferation of funding mechanisms and associated administration, and should fund activities that fall outside the mandate of the Global Environment Facility.
5. The activities funded under the Special Programme may encompass the following:
  - (a) Identifying national institutional capacity, weaknesses, gaps and needs, as well as strengthening the institutional capacity to do so, where required;
  - (b) Strengthening institutional capacity to plan, develop, undertake, monitor and coordinate the implementation of policies, strategies and national programmes for the sound management of chemicals and wastes;
  - (c) Strengthening institutional capacity to improve progress reporting and performance evaluation capabilities;
  - (d) Promoting an enabling environment to foster the ratification of the Basel, Rotterdam and Stockholm conventions and the Minamata Convention;
  - (e) Enabling the design and operation of institutional structures dedicated to the promotion of the sound management of chemicals and wastes throughout their life cycle;
  - (f) Strengthening institutional capacity to promote measures to support all aspects of the sound management of chemicals and wastes, including more specific nationally identified thematic areas covered by the Instruments.

#### **V. Eligibility for support from the Special Programme**

6. Support from the Special Programme will be available for developing countries, taking into account the special needs of least developed countries and small island developing States, and for countries with economies in transition, with priority given to those with least capacity.
7. Applicants will be eligible if they are party to any one of the relevant conventions or have demonstrated that they are in the process of preparing for ratification of any one of the conventions.
8. Applications will include identification of the associated domestic measures to be taken to ensure that the national institutional capacity supported by the Special Programme is sustainable in the long term.

#### **VI. Governance arrangements for the Special Programme**

9. An Executive Board will be the decision-making body and oversee the Special Programme with the support of a secretariat.
10. The Executive Board will reflect a balance between donors and recipients. The term of the representatives will be in a two-year rotation. The Executive Board will be composed of the following:
  - (a) Four representatives of recipient countries, reflecting equitable, geographical representation, drawn from the following United Nations regions: Africa, Asia-Pacific, Central and Eastern Europe, and Latin America and the Caribbean. In addition, the Executive Board will have one representative from a least developed country or a small island developing State on a rotational basis;
  - (b) Five donor representatives, which are not also recipient countries.
11. The executive secretaries of the Secretariat of the Basel, Rotterdam and Stockholm conventions and the Minamata Convention, the Coordinator of the Strategic Approach and a representative of the secretariat of the Global Environment Facility, as well as representatives of Governments and regional economic

integration organizations, any implementing agencies and one representative from each of the Bureaus of the governing bodies of the Instruments may participate, at their own expense, as observers at the meetings of the Executive Board.

## **VII. Mandate and functions of the Executive Board**

12. The Executive Board will have two co-chairs, one from recipient countries and one from donor countries.

13. The Executive Board will meet yearly and take its decisions by consensus wherever possible. If consensus cannot be reached, the Executive Board will, as a last resort, take its decisions by a two-thirds majority of its members present and voting. The Executive Board will, as required, further develop its rules of procedure at its first meeting.

14. The Executive Board will take operational decisions regarding the functioning of the Special Programme, including the approval of applications for funding, and will endorse procedures for application, assessment, reporting and evaluation. The Executive Board will provide operational guidance on the implementation of the Special Programme and will provide advice on other matters as required.

## **VIII. Administering organization**

15. As the administering organization, UNEP will provide a Special Programme trust fund and a secretariat to deliver administrative support to the Programme, including the allocation of human and other resources.

16. The secretariat will process application proposals for approval by the Executive Board, manage approved allocations and service the Executive Board. The Secretariat will report on its operations to the Executive Board and will be accountable to the Executive Director of UNEP for administrative and financial matters. The secretariat will submit an annual report to the Executive Board, which will also be sent to the governing bodies of UNEP and of the Instruments for their consideration.

## **IX. Operational arrangements for the Special Programme**

17. The Special Programme will receive applications directly from national Governments. It will be easily accessible, simple and effective, and draw on experience from existing support mechanisms as appropriate.

18. Applications should be outlined within the context of an overall country approach to strengthening institutional capacity. The applications should contain proposed measures and performance targets, and information relating to long-term sustainability.

19. Applications should be submitted to the secretariat. The secretariat will appraise applications for consideration and decision by the Executive Board.

20. Cumulative allocations to a country should be decided by the Executive Board, based on the contributions received and the needs expressed in the applications submitted. Of that total, an amount not exceeding 13 per cent may be retained for administrative purposes.

21. Beneficiary countries will contribute resources equal to the value of at least 25 per cent of the total allocation. The Executive Board may reduce that percentage, commensurate with consideration of the specific national circumstances, capacity constraints, gaps and needs of the applicant.

22. Beneficiary countries shall submit annual reports on progress achieved. A final report and financial audit shall be submitted upon completion of each project, which shall include a full accounting of funds used and an evaluation of outcomes, as well as evidence as to whether the performance targets have been met.

**X. Contributions**

23. Contributions will be encouraged from all signatories and parties to the conventions and other Governments with the capacity to do so, as well as from the private sector, including industry, foundations, other non-governmental organizations and other stakeholders.

**XI. Duration of the Special Programme**

24. The Special Programme will be open to receive voluntary contributions and applications for support for seven years from the date it is established. On the basis of a satisfactory review and evaluation, and subject to a recommendation from the Executive Board to the United Nations Environment Assembly, the Special Programme may be eligible for a one-time extension, not to exceed an additional five years. Special Programme funds may be disbursed for a maximum of 10 years from the date the Programme is established, or eight years from the date it is extended, if applicable, at which point the Programme will complete its operations and close. The terms of reference of the above-mentioned review and evaluation are to be decided by the Executive Board.

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