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**United Nations
Environment
Programme**

**Intergovernmental negotiating committee
to prepare a global legally binding instrument
on mercury**

First session

Stockholm, 7–11 June 2010

Item 3 (c) of the provisional agenda*

Organizational matters: organization of work

**Scenario note for the first session of the intergovernmental
negotiating committee on mercury**

Note by the secretariat

1. The present scenario note has been prepared by the secretariat to assist participants in their preparations for the first session of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury.
2. In its decision 25/5 the Governing Council of the United Nations Environment Programme (UNEP) requested the Executive Director of UNEP to convene an intergovernmental negotiating committee on mercury. It also requested the Executive Director to convene an ad hoc open-ended working group to prepare for the first session of the committee. The ad hoc open-ended working group held a meeting in Bangkok from 19 to 23 October 2009. The report of that meeting is being made available to the intergovernmental negotiating committee for its information in document UNEP(DTIE)/Hg/INC.1/INF/1.
3. Decision 25/5 contemplates that the intergovernmental negotiating committee should complete its work prior to the twenty-seventh regular session of the Governing Council, in 2013. Subject to confirmation by the committee, it is envisaged that there will be five sessions of the committee, commencing with the current session.

I. Consideration of the rules of procedure for the committee

4. At its meeting the ad hoc open-ended working group considered draft rules of procedure for the intergovernmental negotiating committee that had been prepared by the secretariat. The working group agreed to recommend that the committee should adopt those rules, as amended by the working group with regard to the number of members of the bureau. The committee may wish to consider and adopt the draft rules of procedure recommended by the working group, which are set out in the annex to document UNEP(DTIE)/Hg/INC.1/3.

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

II. Bureau of the intergovernmental negotiating committee

5. The draft rules of procedure recommended by the working group allow for two representatives from each regional grouping to serve on the bureau of the committee, which would result in a bureau consisting of ten members. During the meeting of the open-ended working group four regional groups identified individuals who, it was expected, would be put forth as candidates for the bureau at the first session of the intergovernmental negotiating committee. The remaining regional group subsequently informed the secretariat of the names of the individuals whom it expected to nominate for election to the bureau.¹ As all five regional groups have identified their expected bureau nominees the committee should be in a position to decide upon the members of its bureau, including the Chair and the Rapporteur, early during its first session.

III. Timetable for the negotiations and issues for discussion

6. During the meeting of the working group many participants said, as reflected in paragraph 37 of the meeting report, that all issues contemplated by paragraph 27 of decision 25/5 should be addressed, at least in a preliminary way, during the first session of the intergovernmental negotiating committee.

7. The working group requested the secretariat to provide information for the committee's first session, including information on options for the structure and substantive provisions of the instrument to be negotiated, on a possible tool for tracking progress in developing the instrument, on experience with existing instruments and their implementation (including with regard to financial and technical assistance) and on a range of technical issues that might need to be considered in developing the instrument.

8. After hearing opening statements by delegations, the committee may wish to commence its deliberations by reflecting on the intended objectives of the mercury instrument and considering options for its structure. As indicated in decision 25/5, that structure would need to facilitate a comprehensive and suitable approach to mercury that would reduce risks to human health and the environment related to releases of mercury and could encompass both binding and voluntary approaches.

9. The committee may next wish to consider the note by the secretariat describing options for substantive provisions that might be included in the instrument to be negotiated (UNEP(DTIE)/Hg/INC.1/5). The provisions described in the note are based on paragraph 27 of decision 25/5 and relevant provisions of various multilateral environmental agreements and take into account, among other things, the principles set out in the Rio Declaration on Environment and Development. The committee may wish to take the secretariat note as a starting point for an initial discussion on each of the substantive provisions to be included in the instrument.

10. After its initial discussion of substantive provisions, the committee may wish to discuss what may be termed standard provisions, that is, provisions that are typically included in multilateral environmental agreements. As requested by the open-ended working group, the secretariat has prepared for the committee's consideration draft versions of such provisions based on similar provisions of a number of existing multilateral environmental agreements, which are set out in document UNEP(DTIE)/Hg/INC.1/7. In discussing such provisions, the committee may wish to bear in mind that it is expected that the legally binding instrument will be approved as a whole once negotiations on all points have been concluded. Early agreement in principle on standard provisions would therefore not preclude their later adjustment should that prove necessary to bring them into line with other agreed provisions.

11. Following its discussion of standard provisions the committee may wish to continue its discussion of substantive provisions if it is felt that further progress on specific aspects of such provisions is possible based on the information presented by the secretariat and the extent of initial consensus within the committee.

1 The proposed bureau members are as follows: for the African group: Mr. Oumar Diaoure Cissé (Mali) and Ms. Abiola Olanipekun (Nigeria); for the Asia and Pacific Group: Mr. Yingxian Xia (China) and Mr. Mohammed Kashashneh (Jordan); for the Central and Eastern European group: Ms. Katerina Sebkova (Czech Republic) and Mr. Vladimir Lenev (Russian Federation); for the Latin American and Caribbean group: Ms. Gillian Guthrie (Jamaica) and Mr. Fernando Lugris (Uruguay); for the Western European and others group: Ms. Nina Crommier (Sweden) and Mr. John Thompson (United States of America).

12. During its deliberations the committee may wish to recommend further work to be undertaken by the secretariat or by the Chair in the period between its first and second sessions. In considering such further work, the committee may wish to bear in mind the limited time available between sessions for substantial work, particularly where significant new information gathering and analysis may be required.

13. The committee may wish to request the secretariat to provide an update on the planning and organization of future sessions of the committee, including information on dates, venues and offers to host or provide financial support for such sessions.

IV. Possible outcomes of the first session of the intergovernmental negotiating committee

14. In approaching the first session of the committee, participants may wish to consider what they might hope to achieve by the end of the session. Reasonable expectations might include that the committee will have:

- (a) Had a preliminary discussion on possible options for the structure of the instrument to be agreed upon;
 - (b) Explored in a preliminary way the issues set out in paragraph 27 of Governing Council decision 25/5;
 - (c) Identified provisions that will require significant further consideration and provisions on which agreement is likely to be reached more readily;
 - (d) Discussed the standard provisions, and, for each provision, either agreed in principle or agreed on the need for further discussion;
 - (e) Agreed to a timetable for further discussion of provisions that is consistent with the need for any additional information and the need to conclude the negotiations prior to the twenty-seventh session of the UNEP Governing Council/Global Ministerial Environment Forum;
 - (f) Requested the secretariat to provide any additional information or further analysis required for the work of the committee and agreed on a timetable according to which the secretariat would do so;
 - (g) Identified any work to be carried out during the period between the committee's first and second sessions.
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