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**Ad hoc open-ended working group to
prepare for the intergovernmental
negotiating committee on mercury**
Bangkok, 19–23 October 2009

**Scenario note for the ad hoc open-ended working group to
prepare for the intergovernmental negotiating committee on
mercury**

Note by the secretariat

1. The present note has been prepared by the secretariat, acting on behalf of the Executive Director of the United Nations Environment Programme (UNEP), the convener of the ad hoc open-ended working group, to assist participants to prepare for the meeting.
2. By its decision 25/5, the Governing Council requested the Executive Director to convene an ad hoc open-ended working group, to hold one meeting in the second half of 2009, to prepare for the work of the intergovernmental negotiating committee, in particular to discuss the committee's negotiating priorities, timetable and organization.
3. The current meeting presents an opportunity to ensure a rapid start to negotiations at the committee's first meeting. While the working group cannot take decisions that would significantly influence the course of the negotiations, it can ensure that the committee possesses the tools to inform its preliminary discussions and propose a structure and priorities for the negotiations.
4. While recognizing that the working group cannot take decisions on the committee's behalf, the secretariat has identified areas in which the working group's proposals might assist the committee's negotiations.

I. Consideration of the rules of procedure for the committee

5. Although the working group cannot formally agree on the rules of procedure to be adopted by the committee, it can consider possible rules of procedure and explore contentious issues. It may then identify a way forward and develop draft rules of procedure for the committee's consideration and possible adoption at its first meeting.

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II. Timetable of negotiations and issues for discussion

6. Based on previous experience of negotiations to prepare conventions, such as those for 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, the note on a timetable for the negotiating process to develop a global legally binding instrument on mercury (UNEP(DTIE)/Hg/WG.Pre/1/4) presents a proposal for five meetings of the committee in accordance with the time frame set forth in decision 25/5. In addition, it proposes a mechanism to assist in determining a sequence for the consideration of issues. In that regard, the working group may wish to consider the availability of knowledge in relation to the provisions of the comprehensive and suitable approach to mercury specified in decision 25/5, the sensitivity or relative importance of those provisions, and the complexity and interrelationship of issues to be considered.

III. Information relating to specific provisions

7. The annex to the note on information available to facilitate the committee's work (UNEP(DTIE)/Hg/WG.Pre/1/9) presents an overview of UNEP technical documents, reports and publications on mercury and indicates their relevance to specific provisions set forth in Governing Council decision 25/5. Electronic copies of technical documents can be made available to participants, including reports prepared for the consideration of the Ad Hoc Open-ended Working Group on Mercury at its second meeting, held in October 2008, and technical information produced to respond to information needs expressed by countries.

8. The secretariat has arranged for experts to provide relevant information at the current meeting. The secretariat will present information on gaps identified in emissions studies and highlight preparations under way for the updated emissions report to be submitted to the Governing Council at its twenty-seventh session (UNEP(DTIE)/Hg/WG.Pre/1/6).

IV. Update on the work of the UNEP Global Mercury Partnership

9. Many of the outputs of the UNEP Global Mercury Partnership, including specific achievements and technical information, will provide valuable inputs to the negotiations. It will be important to keep the committee fully informed of the work under way in the Partnership programme. A report on activities within the Partnership sets out the achievements to date (UNEP(DTIE)/Hg/WG.Pre/1/8).

V. Bureau of the intergovernmental negotiating committee

10. Regional groups may wish to consider the structure of the committee's bureau and identify potential bureau members during the meeting. While recognizing the major commitment required of the individuals and Governments concerned, the secretariat notes that there would be considerable merit in appointing bureau members who could serve for the duration of the negotiation process. The bureau will be formally appointed by the committee at its first meeting; the early identification of potential bureau members would afford them the opportunity to prepare for the role.

VI. Overall success of the meeting of the open-ended working group

11. It is to be hoped that the working group will consider the above-mentioned issues and meet its overall objectives working in a cooperative and constructive manner to provide a positive start for the negotiations ahead.
