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**United Nations
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Programme**

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

Sixth session

Bangkok, 3–7 November 2014

Item 2 (b) of the provisional agenda*

Organizational matters: organization of work

**Scenario note for the sixth session of the intergovernmental
negotiating committee to prepare a global legally binding
instrument on mercury**

Note by the Chair

1. The present scenario note, which I have prepared in consultation with the Bureau, sets out our plans and general expectations for the sixth session of the intergovernmental negotiating committee to prepare for the first session of the Conference of the Parties to the Minamata Convention on Mercury. The purpose of the note is to assist parties and other participants in preparing for the session in such a way as to enable us to reach a successful conclusion, with the first main steps taken to prepare for the first meeting of the Conference of the Parties.
2. At its sixth meeting, the committee will consider those issues set out in the resolution on arrangements in the interim period as agreed upon by the Conference of Plenipotentiaries held in Kumamoto, Japan, on 10 and 11 October 2013.

Timing and format of the sixth session

3. The sixth session will open on Monday, 3 November 2014, at 10 a.m., and close on Friday, 7 November 2014, at 6 p.m. We intend to work in two plenary meetings per day, which we anticipate will allow sufficient time for plenary discussions. We do not believe that an evening meeting of the plenary will be required at the session.
4. Unlike at our previous sessions, where lunch breaks were reserved for detailed work in contact or other groups, I have agreed that there should be opportunities for side events, where efforts undertaken towards ratification and early implementation can be highlighted through presentations and information sharing. I encourage you, where possible, to participate in the side events, as they will convey information relevant to all of us as we move forward to the entry into force of the Convention.
5. Delegates are invited to use Sunday, 2 November, for regional consultations and possible interregional discussions to prepare for the opening of the session on Monday, 3 November. The necessary conference rooms will be made available for such consultations and discussions.

* UNEP(DTIE)/Hg/INC.6/1.

Decisions taken at the Conference of Plenipotentiaries

6. At the Conference of Plenipotentiaries, we not only adopted the Convention, enabling it to be opened for signature, but also adopted a number of resolutions which will guide our work during the interim period, including setting up working relations with other organizations.
7. The resolution on interim arrangements sets out, among other measures, the continued work of the intergovernmental negotiating committee to focus on preparations for the entry into force and for the first meeting of the Conference of the Parties. On the basis of the resolution, those members of the Bureau who are still in a position to support the work of the intergovernmental negotiating committee will continue in this role, while we will welcome the nominations from the regional groups to replace members who are not in such a position.
8. The resolutions also set out an ambitious programme of work for the intergovernmental negotiating committee, including the matters on which we are to seek agreement and which will form the substance of our work during the sixth session. These tasks are, however, those to which we agreed in the Convention itself, and I am confident that we will be able to work through the issues in a coordinated manner.

Preparing for the sixth session

9. As at previous sessions of the committee, I would like to emphasize the need for delegations to prepare carefully for the sixth session. In contrast to previous sessions, we will have a large number of documents before us, prepared by the secretariat. The issues under consideration include administrative matters relating to the future operation of the Conference of the Parties and its finances, operational issues relating to the activities of the Convention, technical issues relating to national activities under the Convention and policy issues which will influence such key areas as financing following the entry into force of the Convention.
10. I strongly encourage all parties to arrive at the sixth session with a clear understanding of those issues, which should include an understanding of the relevant sections of the Convention text and the country-specific needs at the national level for certain structures and processes.
11. I believe that many of the issues that we will have to consider are not in themselves controversial and that, for many of them, we can take into consideration existing examples and structures within currently operational multilateral environmental agreements in the chemicals and wastes cluster. I am aware that the secretariat has worked closely 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, where such examples exist, and the proposals which have been put forward in these areas build on existing working models, with modifications reflecting the specific characteristics of the Minamata Convention on Mercury.
12. Other organizations have also been invited to make contributions to the documents where appropriate, in particular the World Health Organization and the secretariat of the Global Environment Facility. I therefore hope that, with regard to many of these issues, we will be able to move forward either to endorse the proposals formulated in the meeting documents or to propose minor amendments where there are critical issues. This applies in particular to those areas where procedures or formats need to be in place upon the entry into force of the Convention in order for parties to implement the requirements of the Convention and in respect of which it is imperative that we reach early agreement.
13. In some areas, the working documents will present issues where more reflection is needed, where there is a need for further input from parties before preparing proposals for consideration by the Conference of the Parties or where technical work is under way but not yet complete. I hope that we can also deal with many of these issues in an expeditious manner, taking into account the reporting of progress or the information currently available, and provide the necessary guidance to the secretariat so that more detailed proposals may be considered by the committee at its seventh session. Other documents serve a reporting function, and the committee may simply need to note the progress to date.
14. As I have indicated, however, there are a number of policy issues with regard to which more detailed discussion, and more time in plenary, may be required to allow all views to be gathered before we endeavour to reach consensus. These include, in particular, areas where a broad policy framework was developed through negotiations, but where we lacked the time needed to negotiate some of the details.
15. I strongly encourage you to undertake the necessary consultations nationally and regionally, and also to take the opportunity to consult other regions and delegations, as you consider appropriate.

Good preparation for the session will enable us to make greater progress, and it is my clear wish that, wherever possible, we finalize at the sixth session, for the purpose of their onward transmission to the Conference of the Parties at its first session, those items on which a detailed proposal has been set before us. This will give us additional time at the seventh session to consider some of the more challenging issues, as well as the more technical items, such as the guidance relating to emissions, which we will be considering for the first time at that session.

16. As always, I encourage you to keep in mind the wealth of other information and documentation made available prior to and during the negotiating process. The secretariat will provide, as at previous sessions, an updated overview of that information and an indication of how it relates to the substantive issues and sections of the revised draft text (see UNEP(DTIE)/Hg/INC.6/INF/1). I also encourage you to take good note of the other information documents that the secretariat will be making available, including those that are being submitted by the United Nations Environment Assembly of the United Nations Environment Programme, which are also of great importance to our work.

Objective of the sixth session

17. The objective of the sixth session is to prepare for the entry into force of the Convention and to make significant progress towards the first meeting of the Conference of the Parties, in particular by reaching agreement on a number of issues with regard to which the Conference will be required to adopt decisions at its first session. Furthermore, I hope that we will be able to frame some of the more challenging and detailed policy issues, using the opportunity provided by the anticipated seventh session for further consideration.

Organization of work at the sixth session

18. During the sixth session, we will have five days available to undertake our work. While this technically gives us 30 hours in plenary, I note that a certain amount of time will be taken up by organizational and administrative matters, in particular on the first and last days of the session. We will need to be very efficient in our discussions if we are to ensure the best use of scarce time. I therefore encourage delegates to approach the session with a flexible attitude and to focus on key issues rather than on the intricacies of drafting.

19. During the sixth session, I would like us to reflect on the successes achieved since the Conference of Plenipotentiaries, to give us a clear understanding of the opportunities presented by the Convention and to guide us in the actions that we must take to avail ourselves of those opportunities. Time will therefore be set aside for an opening ceremony that will provide an opportunity for a number of prominent speakers to deliver key messages that will sharpen the political focus of our work. To this end, I have called for formal statements reflecting on the achievements of the United Nations Environment Assembly, the work of the Global Environment Facility and activities at the World Health Assembly, and for statements by those countries which have become parties to the Convention over the period since it was adopted and opened for signature.

20. With a view to using our time in the most effective manner, I hope that we can deal efficiently with those elements of the agenda relating to the organization of work and general statements. I would therefore encourage the delivery of remarks, to the extent possible, on a regional basis rather than by individual Governments and other participants. I would welcome any opening remarks that highlight progress made since the Conference of Plenipotentiaries. Again in the interests of time, I encourage the submission to the secretariat of national statements, together with statements by other participants, so that they can be uploaded on the intranet. This approach will enable us to turn speedily to the substance of our work.

21. I would like to recall that many of the items on the agenda include proposals for possible endorsement by the committee and subsequent forwarding to the Conference of the Parties for adoption. Should you have alternative proposals containing changes that are more than minor amendments, I would encourage you to make these available to participants as conference room papers at the earliest opportunity so that we can consider the issues in question, at the same time as considering any proposed alternatives.

Use of smaller groups

22. To ensure progress in our deliberations, it may be necessary to refer some issues to smaller groups for more detailed consideration. I would hope, however, that the use of such groups will be kept to a minimum and that as many issues as possible can be resolved in plenary. I hope in particular that any policy questions on the issues will be resolved in plenary and that we may then make use of smaller groups of government representatives to ensure that policy choices made in larger groups are accurately captured. The results of the deliberations of the smaller groups will of course be presented to the committee for its consideration in plenary meeting.

23. The Bureau and I are fully aware of the challenges faced by many delegations in covering a broad set of simultaneous discussions and we will endeavour to limit the number of groups which are working simultaneously. Decisions concerning the groups that will be needed and the times when they will meet will be made in consultation with the Bureau, but ultimately such determinations will be made on a running basis during the session.

24. The Bureau and I have been working intersessionally in preparation for the sixth session, including through conference calls and meetings, and this close coordination will continue both before and during the session. We hope that the sixth session will provide an opportunity for substantial progress to be made in areas of crucial importance to parties as they implement the Convention.

Desired outcome of the sixth session

25. The desired outcome of the sixth session is agreement on a number of issues which must be settled by the time of the entry into force of the Convention or adopted by the Conference of the Parties at its first session, so that such issues will not require further consideration at the seventh session. In addition, good progress is also needed on other issues, even if work on them cannot be completed at the sixth session.

26. The Bureau and I are confident that the committee will meet the goal that we set ourselves in terms of our preparation for the first meeting of the Conference of the Parties and that, at our sixth session, we will also lay a sound foundation for the early – and, later, the full – implementation of the Convention by all parties. If we tackle the task with flexibility, a cooperative spirit and an appetite for hard work, that will be an achievable goal.

27. In conclusion, I urge all delegates to prepare themselves to conclude our work in such a spirit. I very much look forward to working with you all again at the sixth meeting of the committee in November 2014.

Fernando Lugris
Chair