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**Ad hoc open-ended working group to
prepare for the intergovernmental
negotiating committee on mercury**
Bangkok, 19–23 October 2009
Item 4 (a) of the provisional agenda*

**Preparations for the work of the intergovernmental negotiating
committee to prepare a global legally binding instrument on
mercury: timetable and organization of work of the
intergovernmental negotiating committee**

**Timetable for the negotiations to develop a global legally binding
instrument on mercury, including factors that might influence
the timing of consideration of specific provisions**

Note by the secretariat

1. By its decision 25/5, the Governing Council of the United Nations Environment Programme (UNEP) requested the Executive Director to convene an intergovernmental negotiating committee with the mandate to prepare a global legally binding instrument on mercury, commencing its work in 2010 with the goal of completing it prior to the twenty-seventh regular session of the Governing Council/Global Ministerial Environment Forum, in 2013. The Governing Council further agreed that the committee should develop a comprehensive and suitable approach to mercury, including a number of specified provisions, and that the committee should consider specific issues.
2. The present note sets out a proposed timetable for the negotiations, together with factors that might be important in determining the order of consideration of the provisions specified in the decision.

I. Number of sessions and proposed timetable

3. The number of sessions of the intergovernmental negotiating committee to be held was not specified in decision 25/5. Based on experience gained in the negotiation of similar legally binding instruments, the secretariat is of the opinion that five negotiating sessions will be required, followed by a meeting of a conference of plenipotentiaries.

* UNEP(DTIE)/Hg/WG.Pre/1/1.

4. The secretariat proposes the following tentative timetable for the sessions of the committee:
 - (a) First session in June 2010;
 - (b) Second session in January 2011;
 - (c) Third session in October 2011;
 - (d) Fourth session in June 2012;
 - (e) Fifth session in January 2013.

5. While the timetable allows periods between sessions for the preparation of documents, reports or studies requested by the committee, to meet the goal of completion of the negotiations prior to the twenty-seventh session of the Governing Council the schedule for sessions will of necessity be challenging. There will be limited time available for consultations between and within Governments in the intersessional period to resolve outstanding issues. As far as practicable, the timetable avoids scheduling sessions during major holiday seasons. The meeting of a conference of plenipotentiaries, which would open the agreement for signature, would be held in the second half of 2013.

6. The Government of Sweden has offered to host the first session and a tentative offer to host the second session has been received. No additional offers to host later sessions have been received to date. It should be noted that the host country of any such session would be expected to cover any incremental costs incurred when the committee meets outside a United Nations duty station. Significant funding will be required to prepare for and deliver the schedule of sessions, including the cost of logistical arrangements for sessions and additional studies or information required by the committee. The secretariat would appreciate any indications of funding support forthcoming.

II. Key provisions and factors that might influence the timing of their consideration

7. By decision 25/5, the Governing Council specified that a comprehensive and suitable approach to mercury should be developed, including provisions:
 - (a) To specify the objectives of the instrument;
 - (b) To reduce the supply of mercury and enhance the capacity for its environmentally sound storage;
 - (c) To reduce the demand for mercury in products and processes;
 - (d) To reduce international trade in mercury;
 - (e) To reduce atmospheric emissions of mercury;
 - (f) To address mercury-containing waste and remediation of contaminated sites;
 - (g) To increase knowledge through awareness-raising and scientific information exchange;
 - (h) To specify arrangements for capacity-building and technical and financial assistance, recognizing that the ability of developing countries and countries with economies in transition to implement some legal obligations effectively under a legally binding instrument is dependent on the availability of capacity-building and technical and adequate financial assistance;
 - (i) To address compliance.
8. The Governing Council also agreed that, in developing the instrument, the committee should consider the following issues:
 - (a) Flexibility in that some provisions could allow countries discretion in the implementation of their commitments;
 - (b) Approaches tailored to the characteristics of specific sectors to allow transitional periods and phased implementation for proposed action, where appropriate;
 - (c) Technical and economic availability of mercury-free alternative products and processes, recognizing the necessity of the trade of essential products for which no suitable alternatives exist and to facilitate environmentally sound management of mercury;
 - (d) Need to achieve cooperation and coordination and to avoid unnecessary duplication of proposed actions with relevant provisions contained in other international agreements and processes;

- (e) Prioritization of the various sources of mercury releases for action, taking into account the necessity for developing countries and countries with economies in transition to achieve sustainable development;
- (f) Possible co-benefits of conventional pollutant control measures and other environmental benefits;
- (g) Efficient organization and streamlined secretariat arrangements;
- (h) Measures to address risks to human health and the environment as a consequence of anthropogenic mercury releases;
- (i) Any other aspects that the intergovernmental negotiating committee would like to consider relevant to mercury control.

9. The Governing Council further requested the Executive Director to conduct a study, for the purpose of informing the committee's work, on various types of mercury-emitting sources, in addition to current and future trends of mercury emissions, with a view to analysing and assessing the costs and the effectiveness of alternative control technologies and measures. An outline of the study, which is intended to inform discussions on provisions to reduce atmospheric emissions of mercury, is set out in document UNEP(DTIE)/Hg/WG.Pre/1/5 for the working group's consideration.

10. In considering the order for discussion of the provisions specified in decision 25/5, the working group may wish to take into account the following factors:

(a) *Availability of knowledge*: where there exists an extensive body of knowledge relating to a provision, the committee may wish to consider that provision early in its discussions. Where information is lacking for other provisions, it may be necessary to delay consideration of those until such information is gathered and analysed;

(b) *Complexity of issues*: a number of provisions may require several rounds of discussions to ensure the development of an optimal approach. Accordingly, consideration of such provisions should begin early in the negotiation process;

(c) *Sensitivity or relative importance*: some provisions may be particularly significant for specific groups or regions. It might be worthwhile for the committee to undertake initial consideration of such provisions to ensure that all relevant issues are considered, with subsequent, more detailed consideration, if required;

(d) *Cross-cutting issues*: a number of the provisions to be included in the instrument or issues to be considered by the committee are cross-cutting in nature. This may require their repeated and regular consideration during the negotiating process to ensure that they are incorporated throughout the proposed text of the agreement.

III. Recommendations

11. The working group may wish:
- (a) To consider the proposed timetable of sessions;
 - (b) To consider factors that might influence the timetable for consideration of provisions;
 - (c) To request the secretariat, based on its discussions, to prepare draft elements of and options for the text of the global legally binding instrument on mercury for consideration by the committee at its first session.