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**United Nations
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**Intergovernmental negotiating committee
to prepare a global legally binding instrument
on mercury
Seventh session**

Dead Sea, Jordan, 10–15 March 2016

Item 2 (b) of the provisional agenda*

Organizational matters: organization of work

**Scenario note for the seventh 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 seventh session of the intergovernmental negotiating committee to prepare for the first meeting 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 further steps taken to prepare for the first meeting of the Conference of the Parties.
2. At its seventh session, the committee will consider issues forwarded from its sixth session and continue to consider the 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.

Objective of the seventh session

3. The objective of the seventh session is to continue 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 meeting. Furthermore, I hope that we will be able to make further progress on the more challenging and detailed policy issues so that these can come forward to the first meeting of the Conference of the Parties for consideration.

Timing and format of the seventh session

4. Given the number of issues that need to be addressed in advance of the first meeting of the Conference of the Parties, it has been decided that the seventh session should be a six-day meeting. The seventh session will open on Thursday, 10 March 2016 at 10 a.m., and close on Tuesday, 15 March 2016 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.

* UNEP(DTIE)/Hg/INC.7/1.

5. Carrying on from the successful events held during the sixth session, I have agreed that there should be opportunities for a limited number of lunchtime side events, where efforts undertaken towards ratification and early implementation can be highlighted through presentations and information sharing. I encourage you, where possible and without diverting attention from the negotiations, to participate in the side events, as they will convey information relevant to all of us as we move forward towards the entry into force of the Convention.

6. Delegates are invited to use Wednesday, 9 March 2016 for regional consultations and possible interregional discussions to prepare for the opening of the session on Thursday, 10 March 2016. Conference rooms will be made available as necessary for such consultations and discussions.

Progress made at the sixth session, as well as decisions taken at the Conference of Plenipotentiaries

7. At our sixth session, we made good progress in a number of areas, adopting relevant forms for use under article 3 of the Convention on mercury supply sources and trade, as well as under article 6 on exemptions available to a party upon request. We had sound initial discussions on other issues, including reporting, as well as on the rules of procedure and financial rules for the Conference of the Parties. For some issues, we have agreed to return to the discussions where they were left at the end of the sixth session. For others, we requested additional documents to be prepared by the secretariat for consideration at the seventh session, some of which were to be based on submissions made by Governments and relevant organizations. I thank those who have provided such submissions and welcome further consideration of the issues. Finally, I would like to note the progress made on financial issues at our sixth session, as well as the further work undertaken during the intersessional period. I should like to take this opportunity to thank the co-chairs of the intersessional process for their commitment and hard work, which has resulted in additional material being available for discussion at our seventh session.

8. I would remind you that, at the Conference of Plenipotentiaries, we adopted not only the Convention, enabling it to be opened for signature, but also a number of resolutions, which will guide our work during the interim period, including setting up working relations with other organizations. Our work is guided by the resolution on interim arrangements, which will form the substance of our work during the seventh session. I am confident that we will be able to work through the issues in a coordinated manner.

Preparing for the seventh session

9. As at previous sessions of the committee, I would like to emphasize the need for delegations to prepare carefully for the seventh session. There will be a large number of documents before us, covering, among other things, administrative matters relating to the future operation of the Conference of the Parties and its finances, operational issues relating to activities under the Convention, technical issues relating to national activities under the Convention and policy issues such as financing following the entry into force of the Convention.

10. I strongly encourage all parties to arrive at the seventh 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, as well as a detailed understanding of all the meeting documents and their content. Discussions at the regional meetings in advance of the session will assist with this preparation to some extent.

11. I anticipate that we will be able to take into consideration, where appropriate, existing examples and structures within currently operational multilateral environmental agreements in the chemicals and wastes cluster, while noting and considering the specific requirements of the Minamata Convention. I am aware of the contributions and close cooperation between the interim secretariat and 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 in preparing documents for our consideration.

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 make good progress in many areas. I would note the progress we made at our sixth session with regard to the procedures and formats required at entry into force of the Convention in order for parties to implement the requirements of the Convention.

13. In some areas, the discussion will build on the further input provided by parties following the sixth session, and I look forward to being in a position to allow more detailed proposals to be developed. Other documents serve a reporting function, and the committee may simply need to note the progress to date.

14. We will need to balance our working time between discussions in plenary, to allow all views to be gathered, with more detailed work in smaller groups to explore certain issues in greater depth. Both types of discussion will be required before we are in a position to reach consensus.

15. I strongly encourage you to undertake the necessary consultations nationally and regionally, both before and during the meeting, and also to take the opportunity to consult with other regions and delegations, as you consider appropriate. Good preparation for the session will enable us to make greater progress. As this is very likely to be the final session of the intergovernmental negotiating committee, it is essential that we conclude as many issues as possible for the purpose of their onward transmission to the Conference of the Parties at its first meeting. We made good progress at the sixth session; however, a number of issues remain unresolved at this stage. My intention is, as far as possible, to forward detailed proposals, upon which the committee has reached agreement, to the first meeting of the Conference of the Parties for formal adoption. I recognize that in some areas of work, particularly the guidance for parties on article 8 of the Convention relating to emissions, and the proposals for the specific international programme to support capacity-building and technical assistance established under article 13, we will be considering material for the first time, and I further encourage you to pay particular attention to the documents relating to those issues in your preparation for the 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 the way in which it relates to the substantive issues (see UNEP(DTIE)/Hg/INC.7/INF/2). I also encourage you to take good note of the other information documents that the secretariat will be making available, which are of great importance to our work.

Organization of work at the seventh session

17. During the seventh session, we will have six days available to undertake our work. While this technically gives us 36 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.

18. During the seventh session, I would like us to focus on the work remaining prior to entry into force and to the first meeting of the Conference of the Parties. We must work cooperatively and effectively to maximize the opportunities for discussion and make maximum progress within the available time.

19. 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 onto the intranet. This approach will enable us to turn speedily to the substance of our work.

Use of smaller groups

20. 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.

21. 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 that 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.

22. The Bureau and I have been working intersessionally in preparation for the seventh session, including through conference calls and meetings, and this close coordination will continue both before and during the session. We hope that the seventh 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 seventh session

23. The desired outcome of the seventh session is agreement on a number of issues that 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 meeting. I remind you that, as this is expected to be the final session of the intergovernmental negotiating committee, we must be committed to finalizing as many issues as possible to allow the Conference of the Parties to complete its work in an effective manner. Where appropriate, we should consider adopting on a provisional basis material, in particular guidance material, on which agreement has been reached. Such adoption would allow parties to use the agreed guidance during the period between entry into force and the first meeting of the Conference of the Parties with confidence and in recognition of its status.

24. 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 seventh session, we will resolve many outstanding issues and prepare a robust set of recommendations and proposals to go forward. If we tackle the task with flexibility, a cooperative spirit and an appetite for hard work, that will be an achievable goal.

25. 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 seventh session of the committee in March 2016.

Fernando Lugris
Chair