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Ad hoc Open-ended Working Group on Mercury

Second meeting

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Organizational matters: organization of work

**Scenario note for the second meeting of the Ad hoc Open-ended
Working Group on Mercury**

The secretariat has the honour to transmit, in the annex to the present note, the scenario note for the second meeting of the Ad hoc Open-ended Working Group on Mercury, which was prepared by the Chair, Mr. John Roberts (United Kingdom of Great Britain and Northern Ireland) in consultation with the Bureau. The note is being circulated as prepared and has not been formally edited.

* UNEP(DTIE)/Hg/OEWG.2/1.

Annex

This scenario note, which I have prepared in discussion with the bureau, sets out our plans and general expectations for the second meeting of the Open Ended Working Group on mercury. I hope it will assist delegates in preparing for the meeting.

The Governing Council, in a series of decisions since 2003¹, has recognised that there are significant global adverse effects from mercury and its compounds, and has called for further international action to reduce risks to human health and the environment. In 2007 the Governing Council set up this ad hoc Open Ended Working Group, to review and assessment of the options of enhanced voluntary measures and new or existing international legal instruments

The first meeting of the OEWG made significant progress, particularly in elaborating a range of practical measures which could be applied, according to circumstances, to address the challenge of controlling anthropogenic mercury emissions. The meeting also asked the Secretariat to prepare additional information to which will assist us in the review and assessment of the options for enhanced voluntary measures and new or existing international legal instruments. The Secretariat has provided a set of reports setting out this work (available at <http://chem.unep.ch/mercury>).

All regions have taken opportunities for consultation, and I am confident that these discussions have been valuable in assisting in the formulation of national or regional views on the best way forward. I thank the Secretariat for their work intersessionally, both in acting as resource persons for these discussions and also for preparing the information we requested at our first meeting. (Thanks are also due to those donor countries who have financed the preparations of the reports.) I would encourage all participants, in preparing for the meeting, to carefully consider the reports resulting from the intersessional work.

The results of our first meeting, and the intersessional work and discussions since then, provide a good starting point for our second meeting. But there still remain a large number of issues to resolve at the second meeting, and I ask all delegates to focus on our task to ensure we reach a successful conclusion.

Our mandate, set out in Governing Council Decision 24/3 requires us to develop options to be presented to the Governing Council/Global Ministerial Environment Forum at its twenty-fifth regular session. Paragraph 32(ii) of the Decision mandates us to produce a final report reflecting all views expressed, presenting options and any consensus recommendations.

Our task, therefore, is to assist the Governing Council so that it can make a clear decision on the way forward. If we can make consensus recommendations – either for all the issues we are considering or for some them – that would be a good outcome. I hope we can achieve this – at least for some parts of our work. But if there should be areas in which it is not possible to reach a consensus, I hope we can put forward a small range of clearly identified alternatives options, clearly explaining the implications of each option. This will enable the Governing Council to have a well informed debate before it reaches a final conclusion in February 2009.

I suggest that OEWG2 will not be the occasion for negotiating the text of a draft Governing Council Decision and - that will come later. But we must set out the policy elements which should be included in any decision, and the issues which any Decision will need to cover – either on the basis of consensus or failing that as options – to take those element forward.

I ask everyone here, therefore, to focus on the broad issues in front of us, with the aim of identifying as much common ground as possible. We had at our first meeting an extensive discussion on the details of specific measures which may be appropriate, and I think we now need to focus on the higher-level policy issues which will provide the framework for future work.

The bureau and I have considered how we should organise the meeting, to use our time to best effect. We need to focus on the broad elements needed to address the mercury issue, concentrating on the essential things needed to address the seven priorities which were identified by the Governing Council.

¹ Reference to 22/4V and 23/9 IV

During the initial consideration of these elements, I suggest we avoid debating in detail whether these are best met by legally binding or voluntary options, but seek to reach agreement on the key policy approach we feel need to be addressed by the international community. In other words, can we agree what we want to achieve? We have a number of papers in front of us which will help us in this debate. If countries and regions are intending to table further papers as room documents I would be grateful if these can be shared as early as possible before the meeting so we all can consider how to proceed.

Once we have agreed what elements are necessary, it will be valuable to explore how each of these elements can best be delivered. We will need to debate the balance and/or combination of legally based and voluntary or partnership components of a package to deliver these elements, and in what overarching framework those legally based and voluntary components could best be organised. In determining that balance between and combination of legal and voluntary approaches, it would be helpful if the meeting could identify which, if any, elements can only be delivered successfully by a legal instrument. We could then consider more readily the scope of such an instrument. We may also need to identify the best instrument for introducing any legally based components.

All of the discussions of options for the control of mercury releases need to be framed in the context of the respective capacities and capabilities of developed and developing countries and countries with economies in transition, as well as the need for capacity building, technical assistance, technology transfer and suitable sources of finance. We will need to devote time to addressing the options for delivering capacity building, technical assistance, and financial mechanisms, and include these in our recommendations to the Governing Council.

I recognise the significant scope of the task in front of us, and hope that we can continue the cooperative and constructive working style which we developed during our first meeting. There has been considerable time spend on debating these issues over the last few years. We must make sure that the Governing Council next February is well placed to reach a sound decision which will enable us now to make rapid progress to implement practical and effective global actions to address the mercury problem which we have all recognised.
