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United Nations Environment Programme

**Conference of Plenipotentiaries
on the Minamata Convention on Mercury**
Kumamoto, Japan, 10 and 11 October 2013
Item 2 (e) of the provisional agenda*

Organizational matters: organization of work

Scenario note for the Conference of Plenipotentiaries on the Minamata Convention on Mercury

Note by the secretariat

1. The present scenario note has been prepared by the secretariat to assist parties and other participants in preparing for the Conference of Plenipotentiaries on the Minamata Convention on Mercury, scheduled to take place on 10 and 11 October 2013 in Kumamoto, Japan.

Conduct of the Conference of Plenipotentiaries

2. The Conference of Plenipotentiaries will be preceded by an open-ended intergovernmental meeting in Kumamoto on 7 and 8 October 2013 to prepare for the Conference and by a ceremonial day at Minamata Bay on 9 October 2013.

3. The Conference of Plenipotentiaries will be required to adopt rules of procedure and elect officers for a Bureau. In the case of previously adopted chemicals and wastes multilateral environmental agreements (MEAs), conferences of plenipotentiaries applied the rules of procedure of the respective intergovernmental negotiating committees, *mutatis mutandis*, to their proceedings. The bureaux of the conferences of plenipotentiaries for those MEAs consisted of the same number of officers as their respective intergovernmental negotiating committees, but comprised newly elected members at the ministerial level to serve for the duration of the conference. Following customary practice, the role of President was entrusted to a high-level official from the host Government. The Conference of Plenipotentiaries on the Minamata Convention on Mercury may wish to adopt a similar approach to that used by the conferences of plenipotentiaries on previous MEAs.

4. Furthermore, the Conference of Plenipotentiaries may decide, as per standard practice, to request the Bureau to act as a credentials committee and to examine, with the assistance of the secretariat, the credentials and instruments of full powers of the representatives at the Conference.

Outcome of the negotiations to prepare a global legally binding instrument on mercury

5. In 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.

6. In accordance with the above mandate, the first, second, third, fourth and fifth sessions of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury

* UNEP(DTIE)/Hg/CONF/1

were held in Stockholm from 7 to 11 June 2010, in Chiba, Japan, from 24 to 28 January 2011, in Nairobi from 31 October to 4 November 2011, in Punta del Este, Uruguay, from 27 June to 2 July 2012 and in Geneva from 13 to 18 January 2013 respectively.

7. At its fifth session, the intergovernmental negotiating committee agreed to the text of a global legally binding instrument on mercury, and agreed also to name it the Minamata Convention on Mercury.

8. At its twenty-seventh session, the Governing Council of UNEP welcomed the completion of the negotiations and requested the Executive Director to convene a conference of plenipotentiaries for the purpose of adopting and opening for signature the Minamata Convention on Mercury.

Objective of the Conference of Plenipotentiaries

9. The objective of the Conference of Plenipotentiaries is to adopt the text of the Minamata Convention on Mercury agreed by the intergovernmental negotiating committee at its fifth session and open it for signature by States and regional economic integration organizations. No further negotiation on the text of the Convention is expected to take place at the Conference. The Conference may also provide policy direction and guidance on the work required during the interim period up to the date of entry into force of the Convention and also up to the first meeting of the Conference of the Parties. Such direction and guidance may be contained in resolutions of the Conference, which will have been prepared at the preparatory meeting. The text of the Convention, the resolutions of the Conference and the report of the proceedings will be incorporated into a final act of the Conference, which will be adopted and signed by government participants in the Conference in authenticated versions in the six official languages of the United Nations.

Participation in the Conference of Plenipotentiaries

10. Participation in the Conference of Plenipotentiaries will be open to government representatives accredited in a credential issued by the Head of State or Government or by the Minister for Foreign Affairs of their Government. In the case of a regional economic integration organization, credentials must be issued by the competent authority of that organization. Such credentials are required to authorize representatives of a State or a regional economic integration organization to participate in the Conference of Plenipotentiaries and to sign the final act of the Conference.

11. In addition, in order to sign the Minamata Convention on Mercury at the Conference, if a State is not represented by the Head of State or Government or the Minister for Foreign Affairs in person, a government representative must be accorded full powers for signing the Convention, issued by the Head of State or Government or the Minister for Foreign Affairs. Due to the individual character of full powers, it would be prudent to name at least two representatives, in case one should be hindered by any unforeseen circumstance from performing the designated act.

12. Originals of the credentials and the instrument of full powers must be received by the UNEP secretariat before noon on Thursday, 10 October 2013. A copy of the credentials and the instrument of full powers must be provided to the UNEP secretariat as soon as possible and in any case before the opening of the Conference. In the absence of valid credentials, if a State is not represented by the Head of State or Government or the Minister for Foreign Affairs in person, the Government representative(s) will be listed as (an) observer(s) to the Conference and will not be able to sign the final act. In the absence of an instrument of full powers, if a State is not represented by the Head of State or Government or the Minister for Foreign Affairs in person, the government representative(s) will not be able to sign the Minamata Convention on Mercury.

13. Information on the arrangements concerning representation of Governments, both at the preparatory meeting and the Conference of Plenipotentiaries, as well as on full powers, is available at: <http://www.unep.org/hazardoussubstances/MinamataConvention/DiplomaticConference/tabid/105832/Default.aspx>.

Representatives of United Nations bodies, funds, programmes and specialized agencies, other intergovernmental organizations and accredited non-governmental organizations are welcome to attend the Conference of Plenipotentiaries as observers.

Organization of the work of the Conference of Plenipotentiaries

14. The Conference of Plenipotentiaries will be opened at 9.30 a.m. on Thursday, 10 October 2013 and is expected to conclude its work by 6 p.m. on Friday, 11 October 2013. Subject to decision by the Conference on the organization of its work, provisions have been made for four plenary sessions, from 9.30 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. on Thursday, 10 October; and from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. on Friday, 11 October 2013. There will be side events from 1 p.m. to 3 p.m. on

both days. Information on technical and other topics related to mercury will be available in a number of displays in an exhibition area for the duration of the meeting. The Government of Japan will kindly host a reception on the evening of Thursday, 10 October 2013.

15. The Executive Director of UNEP or, in his absence, his representative, will act in his capacity as Secretary-General of the Conference, and preside over the proceedings until the Conference elects a President, as proposed under item 2(b) of the provisional agenda (UNEP(DTIE)/Hg/CONF/1). Following the customary opening statements, including those made by representatives of the Government of Japan and UNEP, it is anticipated that the Thursday morning will be dedicated to organizational matters, including the adoption of the rules of procedure, the election of officers, the adoption of the agenda, the appointment of a credentials committee, should the Conference so decide, as well as the organization of work. Should the Conference appoint a credentials committee, the report of that committee would be presented to the Conference during the course of Thursday, 10 October 2013, prior to the adoption of the Minamata Convention on Mercury.

16. It is expected that the Conference would then proceed directly to adopt the text of the Minamata Convention on Mercury, as agreed by the intergovernmental negotiating committee at its fifth session and contained in document UNEP(DTIE)/Hg/CONF/3. The President would invite the Chair of the intergovernmental negotiating committee to present the agreed text of the draft convention to the Conference. The Conference would then move to the adoption of the Convention. Further to the adoption of the Convention, the Chair of the preparatory meeting would be invited to present, for adoption by the Conference, the draft resolutions. The Conference would then move to adopt the resolutions, and subsequently to adopt the final act. After the Minamata Convention on Mercury and the final act of the Conference have been adopted, there will be an opportunity for representatives of States and regional economic integration organizations to sign both the Convention and the final act. Government delegates will be invited to come forward, in alphabetical order, to sign the relevant documents, depending on whether they have credentials to sign the final act, full powers to sign the Minamata Convention on Mercury or both. The ceremony for signing would be followed by statements of representatives wishing to do so. The Conference may wish to set a time limit, depending on the number of representatives wishing to make a statement. It is proposed that the time limit for speeches should be 3 minutes.

17. After the customary exchange of courtesies, the President may declare the closure of the Conference.

Desired outcome of the Conference of Plenipotentiaries

18. The principal outcome of the Conference of Plenipotentiaries will be the adoption and opening for signature of the Minamata Convention on Mercury. A further outcome will be the adoption of resolutions of the Conference, prepared by the preparatory meeting, which will foster the steps necessary to permit ratification and rapid entry into force of the Convention, and provide policy direction and guidance to the secretariat and Governments for the work in the interim period and in preparation for the first meeting of the Conference of the Parties to the Convention, including through the work of an intergovernmental negotiating committee with the mandate so to do.
