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United Nations Environment Programme

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

Previous decisions relating to the participation of observers

Note by the secretariat

The proposed draft rules of procedure for the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury are set out in document UNEP(DTIE)/Hg/WG.Prep/1/3. They include references, in rule 55, to decisions 1/1 and 2/1, adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first session, held in Nairobi from 6 to 31 August 1990, and second session, held in Geneva from 18 March to 5 April 1991, concerning the participation of non-governmental organizations. The decisions have been reproduced in the annex to the present note for the information of participants.

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

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Annex I

Decisions 1/1 and 2/1, adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first and second sessions, respectively

1/1. Role of non-governmental organizations in the preparatory process for the United Nations Conference on Environment and Development

1. At its 22nd meeting, on 14 August 1990, the Preparatory Committee for the United Nations Conference on Environment and Development agreed that the effective contributions of non-governmental organizations in the preparatory process were in its interest.

2. There was agreement on broad-based involvement by relevant non-governmental organizations.

3. The Preparatory Committee's policy should be to encourage an equitable representation of non-governmental organizations from developed and developing countries and from all regions and also to ensure a fair balance between non-governmental organizations with an environment focus and those with a development focus. The Preparatory Committee would encourage the participation of scientific and other organizations.

4. The Preparatory Committee decides that, only for the purpose of its first session, the following rules would apply without prejudice to any decision that might be taken by the General Assembly at its forty-fifth sessions:

(a) Non-governmental organizations shall not have any negotiating role in the work of the Preparatory Committee;

(b) Relevant non-governmental organizations may, at their own expense, make written presentations in the preparatory process through the Secretariat in the official languages of the United Nations as they deem appropriate. Those written presentations will not be issued as official documents except in accordance with United Nations rules of procedure;

(c) Relevant non-governmental organizations in consultative status with the Economic and Social Council may be given an opportunity to briefly address plenary meetings of the Preparatory Committee and meetings of the Working Groups. Other relevant non-governmental organizations may also ask to speak briefly in such meetings. If the number of such requests is too large, the Preparatory Committee shall request the non-governmental organizations to form themselves into constituencies and each constituency to speak through one spokesman. Any oral intervention by a non-governmental organization would, in accordance with normal United Nations practice, be at the discretion of the Chairman and with the consent of the Preparatory Committee or the Working Group, as the case may be.

5. The Committee noted with appreciation the initiative taken by the Secretary-General of the Conference to seek extrabudgetary resources, in addition to the voluntary fund established pursuant to General Assembly resolution 44/228 of 22 December 1989, in order to facilitate access in the preparatory process to especially important contributions that would not otherwise be available, particularly through the effective participation of institutions and experts from developing countries in various aspects of the preparatory process. In that context, the Secretary-General was requested to utilize those resources, inter alia, to enable representatives of relevant non-governmental organizations from developing countries, in particular the least developed among them, to participate in the preparatory process and the Conference, either independently or as members of official delegations if their countries so decide.

6. The Chairman would, with the assistance of the chairmen of the regional groups, other co-ordinating groups and the Secretariat, propose a procedure for determining non-governmental organizations' competence and relevance to the work of the Preparatory Committee.

7. The Preparatory Committee recommended to the General Assembly that it consider at its forty-fifth session the question of the participation of non-governmental organizations in the preparatory process for the Conference taking into account the decision adopted by the Preparatory Committee at its first session.

8. The Preparatory Committee endorsed the proposals made by the Secretary-General of the Conference in his report (A/CONF.151/PC/9) subject to the present decision.

1/2. Regional preparation for the United Nations Conference on Environment and Development

At its 23rd meeting, on 29 August 1990, the Preparatory Committee for the United Nations Conference on Environment and Development took note with appreciation of the report of the Secretary-General of the Conference on preparations at the regional level (A/CONl.151/PC/12) and requested the Secretary-General of the Conference to transmit to the executive secretaries of the regional commissions for their consideration the relevant suggestions in that report concerning the organization of regional meetings.

1/3. Operations of the voluntary fund for the United Nations Conference on Environment and Development

At its 23rd meeting, on 29 August 1990, the Preparatory Committee for the United Nations Conference on Environment and Development decided to recommend to the General Assembly that payment be made from the voluntary fund of travel expenses and, on an exceptional basis, daily subsistence allowance, for representatives of the least developed countries only.

1/4. Dates of the United Nations Conference on Environment and Development

At its 24th meeting, on 29 August 1990, the Preparatory Committee for the United Nations Conference on Environment and Development, recalling General Assembly resolution 44/228 of 22 December 1989, section I, paragraphs 1 and 2, recommended to the General Assembly that the United Nations Conference on Environment and Development be held from 1 to 12 June 1992.

1/5. Representation at the United Nations Conference on Environment and Development

At its 24th meeting, on 29 August 1990, the Preparatory Committee for the United Nations Conference on Environment and Development welcomed the preparations for the Conference in 1992 being made by the Government of Brazil and its intention to invite the heads of State or Government to Brazil at that time. In that regard, and in view of the importance and scope of the decisions expected to be taken by

2/1. Procedure for determining non-governmental organizations' competence and relevance to the work of the Preparatory Committee

At its 28th meeting, on 18 March 1991, the Preparatory Committee for the United Nations Conference on Environment decided on the following procedure for determining non-governmental organizations' competence and relevance to the work of the Preparatory Committee:

1. Non-governmental organizations in consultative status with the Economic and Social Council and others desiring to be accredited for participation in meetings of the Preparatory Committee, in accordance with decision 1/1 of the first session of the Preparatory Committee as endorsed by general Assembly resolution 45/211 of 21 December 1990, may apply to the Conference secretariat for this purpose.

2. All such applications must be accompanied by information on the organization's competence and relevance to the work of the Preparatory Committee, indicating the particular areas of the Conference preparations to which such competence and relevance pertains and which could include, inter alia, the following information:

(a) The purposes of the organization;

(b) Information as to the programmes and activities of the organization in areas relevant to the Conference and its preparatory process, and in which country(ies) they are carried out;

(c) Copies of its annual reports with financial statements, and a listing of governing body members and their country of nationality;

(d) In respect of membership organizations, a description of its membership, indicating total numbers and their geographical distribution;

(e) Non-governmental organizations in consultative status with the Economic and Social Council shall be deemed to have satisfied these requirements to the extent that they have already provided such information to the United Nations.

3. In cases where the Conference secretariat believes, on the basis of the information provided in accordance with paragraph 2 above, that the organization has established its competence and relevance to the work of the Preparatory Committee, it will recommend to the Preparatory Committee that the organization be accredited. In cases where the Conference secretariat does not recommend the granting of accreditation, it will make available to the Preparatory Committee the reasons for not doing so. The Conference secretariat should make its recommendations available to the Preparatory Committee at the start of the session.

4. The Preparatory Committee will decide on all cases within 24 hours of the Conference secretariat's recommendations having been made available to its members. In the event of a decision not being taken within this time-frame, interim accreditations shall be accorded until such time as a decision is taken.

5. A non-governmental organization that has been granted accreditation to attend a session of the Preparatory Committee may attend all its future sessions.

2/2. Participation of non-governmental organizations

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At its 29th meeting, on 22 March 1991, the Preparatory Committee for the United Nations Conference on Environment and Development, pursuant to its decision 2/1, in which it decided upon a procedure for accrediting non-governmental organizations to attend sessions of the Preparatory Committee, decided to approve the following non-governmental organizations:

Academy of Sciences of the USSR
ActionAid
Advisory Committee on Protection of the Sea
Airport Associations Coordinating Council
Alliance for Sustainable Development, Netherlands
American Council for Voluntary International Action
Asian Youth Council
Assemblée Internationale des Parlementaires de Langue Française
Associated Country Women of the World
Association des Universités de Langue Française
Australian Conservation Foundation
Australian Council for Overseas Aid
Baha'i International Community
Brahma Kumaris World Spiritual University
Bureau International do la Récuperation
Business Council for Sustainable Development Canadian Participatory Committee for UNCED
Centre de Recherche et d'Information pour le Développement
Centre for Applied Studies in International Negotiations
Centre for Our Common Future
Collectif Environnement à Dimension Internationale
Commonweal
Conference of European Churches
Conservation International
Consortium for Action to Protect the Earth
Coordinadora de las Organizaciones Indigenas de la Cuenca Amazónica