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**Rotterdam Convention on the Prior  
Informed Consent Procedure for Certain  
Hazardous Chemicals and Pesticides in  
International Trade  
Conference of the Parties  
First meeting**

Geneva, 20–24 September 2004

Item 7 (b) of the provisional agenda\*

**Matters stipulated by the Convention for action by the  
Conference of the Parties: consideration of arrangements  
by the United Nations Environment Programme and the  
Food and Agriculture Organization of the United Nations  
for provision of the secretariat**

**Arrangements by the Executive Director of the United Nations  
Environment Programme and the Director-General of the Food  
and Agriculture Organization of the United Nations for  
performance of the secretariat functions for the Convention**

**Note by the secretariat**

**Introduction**

1. In article 19, paragraph 3, the Rotterdam Convention provides as follows: “The secretariat functions for this Convention shall be performed jointly by the Executive Director of UNEP and the Director-General of FAO, subject to such arrangements as shall be agreed between them and approved by the Conference of the Parties.”

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\* UNEP/FAO/RC/COP.1/1.

## **I. Joint programme for the operation of the prior informed consent procedure**

2. In 1989, the Conference of the Food and Agriculture Organization of the United Nations (FAO) adopted its resolution 6/89 authorizing the Director-General of FAO to establish a programme to implement the prior informed consent (PIC) procedure which, by the same decision, was included in the FAO Code of Conduct on the Distribution and Use of Pesticides, and requested the Director-General to establish such programme jointly with the United Nations Environment Programme (UNEP).

3. Also in 1989, the Governing Council of UNEP decided by its decision 15/30 to amend the London Guidelines in order to include provisions for PIC procedures for chemicals, including pesticides. The Amended London Guidelines, in their article 5, strongly emphasize the need for cooperation between UNEP and FAO in the management and implementation of common elements of the PIC procedure.

4. Recognizing the need to cooperate within the framework of their respective mandates and in accordance with the principles set out in the International Code of Conduct on the Distribution and Use of Pesticides and the associated guidelines on the operation of the PIC procedure and the London Guidelines for the Exchange of Information on Chemicals in International Trade, the Director-General of FAO and the Executive Director of UNEP in 1992 signed a memorandum of understanding on cooperation in the implementation of the joint programme for the implementation of the PIC procedure.

## **II. Intergovernmental negotiating process**

5. Chapter 19 of Agenda 2, adopted at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992, identifies the need for developing legally binding instruments for the application of the PIC procedure contained in the London Guidelines and the International Code of Conduct.

6. In November 1994, the FAO Council agreed that the secretariat of FAO should proceed with the preparation of a draft legally binding instrument on the operation of PIC as part of the joint FAO/UNEP programme on prior informed consent.

7. In May 1995, the UNEP Governing Council authorized the Executive Director to prepare for and convene, together with FAO, an intergovernmental negotiating committee with a mandate to prepare an international legally binding instrument for the application of the PIC procedure for certain hazardous chemicals in international trade.

8. Pursuant to the mandates given to them by their governing bodies, UNEP and FAO share the responsibility for jointly organizing the negotiating process of the legally binding instrument. Through an exchange of letters between the Executive Director of UNEP and the Director-General of FAO in January 1997, modalities were established for continued cooperation in the negotiation of the legally binding instrument, as well as a secretariat with joint secretaries to service the intergovernmental negotiating committee and the conference of plenipotentiaries.

## **II. Interim period between the adoption of the Convention and its entry into force**

9. In its resolution on interim arrangements<sup>1</sup>, the Conference of Plenipotentiaries invited the Executive Director of UNEP and the Director-General of FAO to convene such further sessions of the Intergovernmental Negotiating Committee during the period between the date on which the Convention was opened for signature and the date of the opening of the first meeting of the Conference of the Parties as were necessary to oversee the operation of the interim PIC procedure and to prepare for and service the Conference of the Parties until the end of the fiscal year in which the first meeting of the Conference of the Parties took place.

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<sup>1</sup> UNEP/FAO/PIC/CONF/5, annex I, resolution 1

10. In the same resolution the Conference requested the Executive Director of UNEP and the Director-General of FAO to provide secretariat services for the operation of the interim PIC procedure.

### **III. Possible action by the Conference of the Parties**

11. The Conference of the Parties, realizing that its decision regarding the physical location of the secretariat will have a decisive impact on the secretariat arrangements for the Convention, may wish to invite the Director-General of FAO and the Executive Director of UNEP to agree on the arrangements for performing the secretariat functions to the Convention, as provided for in article 19, paragraph 3, of the Convention, and to present them to the Conference of the Parties at its second meeting. Such arrangements could be in the form of a memorandum of understanding or other suitable format, and build on the same elements as formed the basis for the long-standing and excellent cooperation between UNEP and FAO as well as the well-functioning secretariat arrangements for the joint programme for the operation of the PIC procedure, the intergovernmental negotiation process and the interim period.

12. A draft decision to that effect is set out in the annex to the present note, for the consideration of the Conference of the Parties.

## Annex

### **Draft decision for consideration by the Conference of the Parties regarding the arrangements by the Executive Director of UNEP and the Director-General of FAO for the performance of the secretariat functions for the Convention**

*The Conference of the Parties,*

*Noting with appreciation* the excellent cooperation between the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations and the effective and efficient secretariat arrangements for the joint programme for the operation of the prior informed consent procedure, the intergovernmental negotiation process and during the interim period between the adoption of the Convention and its entry into force,

*Aware* that its decision regarding the physical location of the secretariat will have a decisive impact on the arrangements for the provision of the secretariat that, as provided by article 19, paragraph 3, of the Convention, shall be agreed on between the Executive Director of the United Nations Environment Programme and the Director-General of Food and Agriculture Organization of the United Nations and approved by the Conference of the Parties,

1. *Invites* the Executive Director of the United Nations Environment Programme and the Director-General of the Food and Agriculture Organization of the United Nations to make arrangements for the performance of the secretariat functions, possibly based on the same elements as in the earlier arrangements and to present it to the Conference of the Parties for consideration and approval, if possible, at its second session;

2. *Also invites* the Executive Director of the United Nations Environment Programme and the Director-General of the Food and Agriculture Organization of the United Nations to continue to perform the secretariat functions for the Convention based on the existing arrangements, until the Conference of the Parties has approved the new arrangements.

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