



**United Nations  
Environment Programme**

**Food and Agriculture Organization  
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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 (d) (ii) of the provisional agenda\*

**Matters stipulated by the Convention for action**

**by the Conference of Parties: settlement of disputes:**

**adoption of an annex with procedures relating to the conciliation commission**

## **Settlement of disputes: adoption of an annex with procedures relating to the conciliation commission**

### **Note by the secretariat**

1. Article 20, paragraph 6, of the Rotterdam Convention states that "procedures relating to the conciliation commission shall be included in an annex to be adopted by the Conference of the Parties no later than the second meeting of the Conference."
2. The Intergovernmental Negotiating Committee considered procedures relating to the conciliation commission at its eighth, ninth and tenth sessions.
3. At its tenth session, the Committee agreed on draft rules on conciliation (UNEP/FAO/PIC/INC.10/24, annex VII), and decided to forward the agreed text, which is reproduced in the annex to this note, to the Conference of the Parties for consideration at its first meeting.<sup>1</sup>

#### *Suggested action by the Conference of the Parties*

4. The Conference of the Parties may wish to consider the annexed draft rules on conciliation.

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

<sup>1</sup> UNEP/FAO/PIC/INC.10/24, para. 106.

## Annex

### Draft rules on conciliation

The conciliation procedure for purposes of paragraph 6 of Article 20 of the Convention shall be as follows.

#### *Article 1*

1. A request by a party to a dispute to establish a conciliation commission in consequence of paragraph 6 of Article 20 shall be addressed in writing to the Secretariat. The Secretariat shall forthwith inform all Parties accordingly.

2. The conciliation commission shall, unless the parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

#### *Article 2*

In disputes between more than two parties, parties in the same interest shall appoint their members of the commission jointly by agreement.

#### *Article 3*

If any appointments by the parties are not made within two months of the date of receipt by the Secretariat of the written request referred to in Article 1, the Secretary-General of the United Nations shall, upon request by a party, make those appointments within a further two-month<sup>1</sup> period.

#### *Article 4*

If the President of the conciliation commission has not been chosen within two months of the fourth member of the commission being appointed, the Secretary-General of the United Nations shall, upon request by a party, designate the President within a further two-month<sup>1</sup> period.

#### *Article 5*

1. The conciliation commission shall, unless the parties to the dispute otherwise agree, determine its own rules of procedure.

2. The parties and members of the commission are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the commission.

#### *Article 6*

The conciliation commission shall take its decisions by a majority vote of its members.

#### *Article 7*

The conciliation commission shall render a report with recommendations for resolution of the dispute within twelve months of being established, which the parties shall consider in good faith.

#### *Article 8*

Any disagreement as to whether the conciliation commission has competence to consider a matter referred to it shall be decided by the commission.

#### *Article 9*

The costs of the Commission shall be borne by the parties to the dispute in shares agreed by them. The Commission shall keep the record of all its costs and shall furnish a final statement thereof to the parties.