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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN  
INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR  
THE APPLICATION OF THE PRIOR INFORMED CONSENT  
PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND  
PESTICIDES IN INTERNATIONAL TRADE

Second session

Nairobi, 16-20 September 1996

PROVISIONS GOVERNING A CONFERENCE OF THE PARTIES

Note by the secretariat

1. The secretariat has the honour to present to the Committee the draft provisions governing a "Conference of the Parties" prepared in accordance with the request of the Committee at its first session (see document UNEP/FAO/PIC/INC.1/10, paragraph 59). The draft provisions take fully into account the relevant provisions of the following instruments:

Vienna Convention for the Protection of the Ozone Layer;

Montreal Protocol on Substances that Deplete the Ozone Layer;

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;

Convention on Biological Diversity;

United Nations Framework Convention on Climate Change;

United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa.

2. The respective provisions contained in the above-mentioned instruments may generally be categorized into the following group of elements:

Establishment of the Conference of the Parties;

Modalities of convening meetings of the Conference of the Parties;

Administrative and procedural matters for the functioning of the Conference of the Parties;

Basic functions of the Conference of the Parties;

Participation of observers at a meeting of the Conference of the Parties.

The draft provisions presented in the annex to the present Note cover the above elements. On the basic functions of the Conference of the Parties, additional provisions may be added when the substantive provisions of this instrument have been agreed upon.

3. In the draft provisions, the term "Convention" is used to denote the international legally binding instrument for the application of the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade, without prejudice to the title of the future instrument.

Annex

## DRAFT PROVISIONS GOVERNING A CONFERENCE OF THE PARTIES\*

1. A Conference of the Parties is hereby established.
2. The first meeting of the Conference of the Parties shall be convened by the secretariat designated on an interim basis under article \_\_\_ not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.
3. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the secretariat, it is supported by at least one third of the Parties.
4. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure and financial rules for itself and for any subsidiary bodies it may establish, as well as financial provisions governing the functioning of the secretariat.
5. The functions of the Conference of the Parties shall be to:
  - Review the implementation of the Convention;
  - Consider and adopt, as required, protocols in accordance with Article \_\_\_;
  - Consider and adopt, as required, in accordance with Articles \_\_\_, amendments to this Convention and its annexes;
  - Consider amendments to any protocol, as well as any annexes thereto, and if so decided, recommend their adoption to the parties to the protocol concerned;
  - Consider and adopt, as required, in accordance with Articles \_\_\_, additional annexes to this Convention;
  - Establish such subsidiary bodies as it may consider necessary for the implementation of this Convention;

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\* Reference: Vienna Convention for the Protection of the Ozone Layer, Article 6; Montreal Protocol on Substances that Deplete the Ozone Layer, Article 11; Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, Article 15; Convention on Biological Diversity, Article 23; United Nations Framework Convention on Climate Change, Article 7; United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, Article 22.

Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies;

[additional functions that correspond to substantive provisions may be added]

Consider and undertake any additional action that may be required for the achievement of the objectives of this Convention.

6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to rules of procedure adopted by the Conference of the Parties.

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