

UNEP GOVERNING COUNCIL DECISION 18/12

Development of an international legally binding instrument for the application of the prior informed consent procedure for certain hazardous chemicals in international trade, and consideration of further measures to reduce the risks from hazardous chemicals

The Governing Council,

Recalling its decision 16/35 of 31 May 1991, on toxic chemicals, and chapter 19 of Agenda 21,

Having considered the Executive Director's report on development of an international legally binding instrument for the application of the prior informed consent procedure for certain hazardous chemicals in international trade (UNEP/GC.18/7 and Add.1),

Aware of the concerns of the international community as regards the risks from trade and/or illegal traffic in hazardous chemicals, including pesticides, as reflected in chapter 19 of Agenda 21 and the United Nations General Assembly resolutions 37/137 of 17 December 1982, 38/149 of 19 December 1983, 39/229 of 18 December 1984 and 44/226 of 22 December 1989,

Noting a recommendation by the International Conference on Chemical Safety held in Stockholm in April 1994, and the Commission on Sustainable Development at its second and third sessions, held in New York in May 1994 and in April 1995, that the United Nations Environment Programme, together with the Food and Agriculture Organization of the United Nations and in close consultation with other international organizations, continue to evaluate and address problems with the implementation of the voluntary prior informed consent procedure and to develop effective legally binding instruments concerning the prior informed consent procedure,

Further noting an agreement at the Council of the Food and Agriculture Organization of the United Nations, at its one hundred and seventh session, held in Rome in November 1994, that the secretariat of the Food and Agriculture Organization of the United Nations should proceed with the preparation of a draft prior informed consent convention as a part of the current Food and Agriculture Organization of the United Nations/United Nations Environment Programme programme on prior informed consent and in cooperation with other international and non-governmental organizations concerned,

Also noting the results of the first meeting of the Intersessional Group of the Intergovernmental Forum on Chemical Safety, held in Bruges, Belgium, from 20 to 23 March 1995, and all the work undertaken by the United Nations Environment Programme in relation to the prior informed consent procedure,

Taking note with appreciation of the work of the Ad Hoc Working Group of Experts on the Implementation of the Amended London Guidelines and of the task force established by the Working Group for the development of the instrument envisaged in chapter 19 of Agenda 21,

1. Authorizes the Executive Director to prepare for and convene, together with the Food and Agriculture Organization of the United Nations and in consultation with Governments and other relevant international organizations, within available resources, an intergovernmental negotiating committee, with a mandate to prepare an international legally binding instrument for the application of the prior informed consent procedure for certain hazardous chemicals in international trade;

2. Invites the Executive Director to convene in cooperation with the Food and Agriculture Organization of the United Nations a Government-designated group of experts, to consider, taking into account the work done in all relevant forums, including the Intergovernmental Forum on Chemical Safety, the negotiations on the convention on prior informed consent and the activities to be undertaken in accordance with the Governing Council decision 18/32 of 25 May 1995 on persistent organic pollutants, and recommend what further measures are needed to reduce the risks from a limited number of hazardous chemicals, either within or beyond the scope of existing prior informed consent procedure, and requests the Executive Director to report thereon to the Governing Council at its nineteenth session;

3. Decides that at its nineteenth session the Governing Council, taking into account the recommendations from the Government-designated group of experts, should give consideration to the need to develop further measures, within or beyond the prior informed consent procedure, to reduce the risks from a limited number of hazardous chemicals, including the possibility that the mandate of the intergovernmental negotiating committee for the legally binding prior informed consent procedure be extended to provide a basis for development of such measures;

4. Decides that the intergovernmental negotiating committee shall commence its work as soon as possible and not later than January 1996;

5. Requests the Executive Director to invite relevant international organizations to participate in the negotiating process for the development of the instrument;

6. Calls upon Governments that are in a position to do so to provide the necessary financial and technical resources to enable the full and effective functioning of the intergovernmental negotiating committee, in particular the full and effective participation of developing countries, and of countries with economies in transition;

7. Also requests the Executive Director to convene, together with the Director-General of the Food and Agriculture Organization of the United Nations, a diplomatic conference for the purpose of adopting and signing an international legally binding instrument for the application of the prior informed consent procedure for certain hazardous chemicals in international trade preferably not later than early 1997.

10th meeting
26 May 1995