

The Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development

- Terms of Reference -

Preamble

The Members of the Intergovernmental Forum,

Mindful of the priorities of the Plan of Implementation adopted in Johannesburg in September 2002 at the World Summit on Sustainable Development aimed at the implementation of Agenda 21, particularly as they relate to mining, minerals and metals, within the context of poverty alleviation, changing unsustainable patterns of consumption and production, protecting and managing the natural resource base of economic and social development and, regional sustainable development initiatives,

Reaffirming their pledge to encourage partnership initiatives for implementation by all relevant participants to support the outcome of the World Summit on Sustainable Development,

Aware that mining, minerals and metals are essential for modern living and of the need to achieve sustainable development, so that the benefits generated today by the activities of the mining, minerals and metals sectors are shared and secured for present and future generations, that positive social and economic benefits are maximized while adverse environmental and social impacts are minimized,

Acknowledging that national governments must play a leading role in creating a policy and regulatory environment to enhance the contribution of mining, minerals and metals to sustainable development and of the need for them to be full participants in global debates on issues affecting the sector,

Mindful of the relevant work carried out at all levels by governments, intergovernmental organizations, industry, labour, non-governmental organizations and others to promote the contribution of mining, minerals and metals to sustainable development,

Recognizing the need for enhanced capacity by governments to better manage the areas of sustainable development that are within their prerogative,

Recognizing the sovereign right of States to exploit their own resources,

Recognizing the special characteristics of developing countries and countries with economies in transition, and the important role that mining, minerals and metals play in poverty reduction and economic and social development, and

determined to promote globally the contribution of mining, minerals and metals to sustainable development

Decided on:

The following Terms of Reference for the establishment of an Intergovernmental Forum on Mining, Minerals and Metals and Sustainable Development.

Objective

The objective of the Intergovernmental Forum is to enhance and promote the contribution of the mining, minerals and metals sector to sustainable development.

Functions

The functions of the Intergovernmental Forum are consultative and advisory based on the principles of voluntary partnership. The Forum will provide governments with a framework in which to discuss the opportunities provided by mining, minerals and metals and to respond to the challenges they pose. The Intergovernmental Forum will meet to share experiences and information, to consider and to provide advice and, where appropriate, make recommendations for consideration by governments, intergovernmental bodies and others. The Intergovernmental Forum will meet at high level or officials level, as appropriate.

Membership

Any member State of the United Nations may become a member of the Intergovernmental Forum. Until the Forum comes into effect, notification of its acceptance of the Terms of Reference and Rules of Procedure may be sent to either Canada or South Africa. After the Forum has come into effect, notification of acceptance of the Terms of Reference and Rules of Procedure should be sent to the Secretariat.

Each member of the Forum will designate one ministry or agency with primary responsibility for the development of the mining minerals or metals sector as the national focal point for this Forum.

Observers and Experts

Relevant United Nations bodies and specialized agencies, and governments not members of the Intergovernmental Forum which are Member States of the United Nations, as well as other relevant intergovernmental organizations may, as determined by the Members, be invited to participate as observers in the Forum. The Executive Committee, in consultation with the Members, may invite other relevant groups or individuals as experts or advisors as the agenda or work programme may require.

Operations of the Intergovernmental Forum

The Intergovernmental Forum will:

1. Meet at times and places mutually convenient to its members,
2. Adopt such rules of procedures as are considered necessary to carry out its functions,
3. Make such Secretariat and financial arrangements as it may deem necessary for the proper conduct of its work,
4. Make decisions relevant to its operations.

Nature of the Intergovernmental Forum

These Terms of reference, which are administrative in nature, do not create any legally binding obligations between or among its Members. None of the recommendations or decisions of the Forum are legally binding.

Coming into effect

These Terms of Reference will come into effect when at least 25 governments notify in writing their acceptance of the Terms of Reference and Rules of Procedure to either South Africa or Canada.

The Terms of Reference will remain in effect for an initial period of five years, after which, Members will have the opportunity to re-evaluate the work of the Intergovernmental Forum and the need for its continuation.

Amendments

The Terms of Reference can be amended by consensus of the majority of the Members present at a General Session. Proposed amendments will be circulated by the Secretariat to all Members at least 90 days in advance of the General Session.