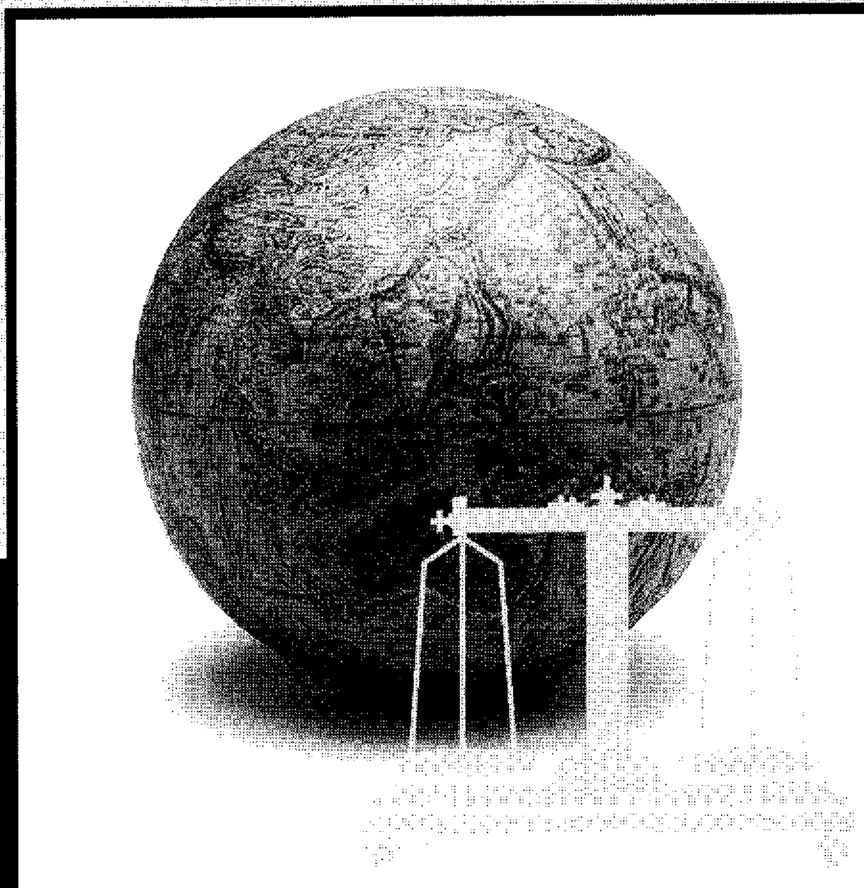
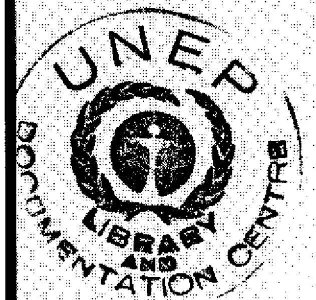
Handbook of Environmental Law

United Nations Environment Programme

Handbook of Environmental Law





United Nations Environment Programme

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ISBN 92-807-1604-2

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MESSAGE FROM THE EXECUTIVE DIRECTOR

As a legal response to our rapidly changing world, with its ever expanding environmental agenda, we are witnessing the accelerated development of environmental law.

Environmental law is gaining increasing importance because it translates into legal obligations the dominant international viewpoint on environmental issues and provides a juridical basis for action by States and the international community.

Furthermore, environmental law has been recognized as one of the most effective tools to translate into action the objectives of sustainable development. As such, Agenda 21 requires the full utilization of law as an instrument to achieve a balance between environment and development considerations.

The dissemination of information on environmental law therefore takes on an urgent significance. In this context, UNEP has initiated the publication of the Handbook of Environmental Law, which is designed to provide its users with important environmental law documents, presented in a useful format.

I hope that the Handbook of Environmental Law will assist those working in the area of environmental law and policy as well as its administration, and will further increase the interest in environmental law as a tool to address new environmental challenges.

Elizabeth Dowdeswell
Executive Director
UNEP

FOREWORD

As a lawyer and as Director of the legal department of UNEP, I have often felt the need for a compilation of major documents in the field of environmental law. This would serve as a tool for easy reference, the study of existing legal instruments, and the further development of new ones.

In many on-going activities, I frequently noticed the need to refer or to quote some excerpts from environmental legal instruments.

Therefore, I am pleased to publish the Handbook of Environmental Law which has been developed by my team taking into account advice and comments received during the consultation process prior to its elaboration.

The Handbook of Environmental Law has been designed to assist those working in the area of environmental law in government, academic institutions or international organizations. To this end it contains texts of major environmental legal instruments, as well as basic documents relative to UNEP's mandate and activities in that field.

I would be grateful for any comments provided by those using this Handbook of Environmental Law in order to further enhance its usefulness in the next edition.

Director
Environmental Law and Institutions
Programme Activity Centre
UNEP

INTRODUCTION

An Overview

Chapter 38 of Agenda 21, which designated the United Nations Environment Programme (UNEP) as the principal body within the United Nations system in the field of the environment, outlined the priority areas on which UNEP should concentrate. Among these are, further development of international environmental law, in particular conventions and guidelines and promotion of its implementation; provision of technical legal and institutional advice to Governments, at their request, in establishing their national legal and institutional frameworks; and facilitation of information exchange, including information on environmental law.

The Governing Council at its seventeenth session held following UNCED reinforced this mandate when, by Decision 17/25, it adopted UNEP's Programme for the Development and Periodic Review of Environmental Law for the 1990s (Montevideo Programme), which outlined eighteen programme areas in which UNEP should take action. Among these are:

1. enhancing the capacity of States to participate effectively in the development and implementation of environmental law;

2. promoting the effective implementation of international legal instruments in the field of the environment; and

3. promoting public awareness, education, information and public participation in the consideration of international environmental regimes and the development of national laws.

One of the ways in which UNEP's Environmental Law and Institutions Programme Activity Centre (ELI/PAC) has sought to fulfil this mandate has been through capacity building, including the production of publications on environmental law at both national and international levels. *The Handbook of Environmental Law* is the latest in the series of such publications.

UNEP's experience drawn from its training programmes, missions and other contacts, is that government officials, academic institutions, students, the private sector and NGOs who work in the field of environmental law and sustainable development, particularly in developing countries and countries with economies in transition, feel a serious and urgent need for easy access to environmental law materials. Although there are many reference books on international law, there is a notable dearth of such books on environmental law specifically. Where available, such books tend to be expensive and difficult to come by. This book is aimed, therefore, at filling a vacuum much felt by those in these positions.

This *Handbook* is intended to be a handy reference book of up-to-date information on environmental law. It provides a source of quick and easy reference for governments, institutions, NGOs and the public needing to use basic environmental law texts in the course of their daily work. It brings together key policy documents, texts of major legal instruments in the field of environmental law and sustainable development as well as basic texts in the field of international law, indispensable for carrying out work in environmental law. It is divided thematically into four parts.

Part One is entitled *UNEP's Environmental Law Programme*. It contains the texts of the documents which deal with UNEP's programme in environmental law and institutions. These are grouped in two sections. Section 1, *UNEP's Legislative Authority in Environmental Law*, contains those documents which set out UNEP's authority to take action in the field of environmental law. These are relevant General Assembly Resolutions, UNEP Governing Council Decisions and relevant extracts from Agenda 21. Section 2, *UNEP's Activities in Environmental Law 1993-1995*, discusses UNEP's current and on-going activities in respect of international legal instruments, national legislation and institutions, training, education and information, and policy statements.

Part Two, *International Legal Instruments in the Field of Environment and Development,* is a selection of key international environmental law instruments. These are grouped into four sections. Section 1, *Declarations,* contains the texts of five important documents; the Stockholm Declaration, two Nairobi Declarations, the Rio Declaration and the Washington Declaration on Protection of the Marine Environment From Land-based Activities. Section 2, *International Conventions, Treaties and Agreements,* contains the texts of the main environmental law treaties relating, *inter alia,* to biodiversity, climate change, the ozone layer, transboundary movements of wastes, the law of the sea and desertification. Section 3, *Other Legal Instruments,* reproduces the texts of guidelines, codes of ethics and principles relating to chemicals in international trade and forests.

Part Three, *Basic Texts in the Field of International Law,* introduces a wider context of general international law within which international environmental law must be set. The texts reproduced are fundamental to the international legal system and include the UN Charter, the Statute of the International Court of Justice and the Vienna Convention on the Law of treaties and the Friendly Relations Declaration (UN Resolution 2625 (XXV) of 24 October 1970).

Finally, Part Four, *Information,* assembles information about relevant publications by UNEP.

Part One: UNEP's Environmental Law Programme

Section 1: UNEP's Legislative Authority in Environmental Law

The first two documents are resolutions of the UN General Assembly. UN General Assembly Resolution 2997 (XXVII) of 15th December 1972, adopted following the United Nations Conference on the Human Environment held in Stockholm Sweden, made provision for the institutional and financial arrangements for international environmental cooperation. This established UNEP's Governing Council together with a "small secretariat to serve as a focal point for environmental action and co-ordination within the United Nations system." UN General Assembly 3436 (XXX) of 9th December 1975 concerns conventions and protocols in the field of the environment. It requested UNEP to provide technical assistance to developing countries, at their request, for the development of their national environmental legislation including the preparation of proposals for legislative and other measures necessary for their adherence to conventions in the field of environmental management. It also urged States to become parties to existing environmental conventions and protocols.

The next two documents are UNEP Governing Council Decisions. The first, UNEP Governing Council Decision 16/25 of 31st May 1991, mandated the conversion of certain secretariat units into programme activity centres as a way of giving them a greater degree of autonomy. The Environmental Law and Institutions Unit became the Environmental Law and Institutions Programme Activity Centre with three priorities and goals: promotion and implementation of global legal environmental instruments; formulation and implementation of national environmental legislation and establishment of appropriate institutions; and information exchange. The second, UNEP Governing Council Decision 17/25 of 21st May 1993, adopted the Montevideo Programme for the Development and Periodic Review of Environmental Law as the broad strategy for the activities of the United Nations Environment Programme in the field of environmental law for the 1990s. The Decision requested the Executive Director to implement the Programme through preparing and disseminating analytical reports, organising intergovernmental meetings, and contributing to capacity building in the field of environmental law. It decided to review the implementation of the Programme by 1997.

Agenda 21, the next document, sets the Agenda for achieving sustainable development in the 21st century. It was one of the key documents that came out of the United Nations Conference on Environment and Development in 1992. Three chapters of particular relevance to environmental law, namely Chapter 8(B), 38 and 39 are extracted.

Chapter 8 is entitled "Integrating Environment and Development into Decision-Making." It notes that to effectively integrate environment and development in the policies and practices of each country, it is essential to develop and implement integrated, enforceable and effective laws and regulations as well as sound review and enforcement programmes. The Chapter sets out ways in which this objective can be promoted.

Chapter 38, entitled "International Institutional Arrangements" states that all UN agencies have a key role to play in the implementation of Agenda 21 within their respective spheres of competence and sets out the mandate of various agreements of the United Nations system which have a key role to play in the implementation of Agenda 21 within their respective competencies. It refers to the United Nations Environment Programme as the principal body within the United Nations system in the field of the environment and sets out the priority areas on which UNEP should concentrate, including in the field of environmental law and institutions.

Chapter 39, "International Legal Instruments and Mechanisms," emphasises the further development of international law on sustainable development, giving special attention to the delicate balance between environmental law and developmental concerns and also provides for the review and development of international environmental law with a view to evaluate and promote the efficacy of that law and to promote the integration of environment and development policies though effective international agreements or instruments, taking into account both universal principles and the particular and differentiated needs and concerns of all countries.

The final document in this section is "UNEP's Environmental Law Programme and its Relation to Agenda 21." The Environmental Law Programme, generally known as the Montevideo Programme is now in the second phase. The first phase commenced in 1981 and ran for ten years from 1981 to 1991. Montevideo Programme II responding to the requirements of Agenda 21 was adopted by the Governing Council in 1993. Of its eighteen programme areas, seventeen deal with subject areas and activities expressly provided for in Agenda 21. This document highlights the relationship between Montevideo Programme II and Agenda 21.

Section 2: UNEP's Activities in Environmental Law, 1993-1995

This section of the *Handbook* deals with *UNEP's Activities in Environmental Law, 1993-1995.* This is broken down into five sub-sections: International Legal Instruments; National Legislation and Institutions; Training, Education and Information; UNEP Policy Statements on Environmental Law; and the UNEP Monograph on Capacity Building in Environmental Law.

The sub-section on "International Legal Instruments" discusses the UNEP's activities in the development of international environmental instruments. Activities relating to the whole range of instruments are discussed. They include biological diversity, ozone depletion, transboundary movement of hazardous wastes, migratory species of wild animals, international trade in endangered species, international trade in harmful chemicals, marine pollution from land-based sources, and the Lusaka Agreement on cooperative enforcement operations directed at illegal trade in flora and fauna. The sub-section also includes a discussion on UNEP's activities on contemporary issues such as environmental damage from military activities, coordination of secretariats of environmental conventions as well as implementation of environmental treaties.

The sub-section on "National Legislation and Institutions" discusses UNEP's technical assistance programme in the field of environment and institutions. It describes the UNEP/UNDP joint project on environmental law in Africa, UNEP's development of a model framework environmental impact assessment law and the inter-agency co-operation in capacity building in which UNEP is involved.

The third sub-section, "Training, Education and Information," describes UNEP's training programme in environmental law. This programme is the legal and institutional component of overall endogenous capacity building for sustainable development. Training takes the

form of seminars, global training programmes and training by attachment programmes. In the field of information, UNEP has developed a Computerized Environmental Law Information Base (CELIB), produced several publications including a Biannual Bulletin of Environmental Law, a National Environmental Legislation Series, a Training Manual in Environmental Law and Arabic Compendiums of International Environmental Conventions and National Environmental Legislation.

The sub-section on "UNEP's Policy Statements" contains addresses made by the Executive Director, Ms Elizabeth Dowdeswell at the University of Oslo on 31st August 1994 and at the International Symposium "Sustainable Development and International Law" in Baden bei Wien on 14 April 1994. These addresses echoed UNEP's policies and programmes in the field of environmental law in the new context of UNCED and also discuss new and emerging concepts such as common concern of mankind, global partnership, and common but differentiated responsibilities.

Part Two: International Conventions and Other Legal Instruments in the Field of Environment and Development

Section 1: Declarations

The documents contained in this section of the *Handbook* are the Stockholm Declaration on the Human Environment, 1972; the World Charter for Nature, 1982; the Nairobi Declaration, 1982; the Rio Declaration on Environment and Development, 1992; and the Washington Declaration on Protection of the Marine Environment From Land-based Activities, 1995.

The Stockholm Declaration followed the UN Conference on the Human Environment from 5th to 16th June 1972 and marked the start of concerted international activity to protect the global environment. It proclaims twenty six principles "to inspire and guide the peoples of the world in the preservation and enhancement of the human environment." The 1982 World Charter for Nature proclaimed principles of conservation, the first of which is that "nature shall be respected and its essential processes shall not be impaired." The 1982 Nairobi Declaration was adopted on the tenth anniversary of the Stockholm Conference. It reaffirmed the world community's commitment to the Stockholm Declaration and support for strengthening UNEP as the major catalytic instrument for global environmental cooperation. The Rio Declaration on Environment and Development adopted at UNCED, contains twenty seven principles which build upon and consolidate the Stockholm Declaration. Finally, the Washington Declaration on Protection of the Marine Environment From Land-based Activities was adopted on 1 November 1995 at the High-level Segment of the Intergovernmental Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land-based Activities.

Section 2: International Conventions, Treaties and Agreements

This section contains two subsections. The first is a list of 205 treaties and other agreements in the field of the environment while the second is the texts of selected environmental treaties and agreements.

The texts of treaties which are reproduced in this section are the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, the Convention on the Conservation of Migratory Species of Wild Animals, the Vienna Convention on the Protection of the Ozone Layer and its Montreal Protocol as adjusted and amended by the London, Nairobi and Copenhagen Meetings of the Parties, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, the Convention on Biodiversity, the Convention on Climate Change, Part XII of the Law of the Sea Convention and the The United Nations, Convention to Combat Desertification.

Section 3: Other Legal Instruments

Section 3 contains soft law instruments such as the London Guidelines for the Exchange of Information on Chemicals in International Trade which provides a mechanism for importing countries to formally record and disseminate their decisions regarding the future importation of chemicals which have been banned or severely restricted in the exporting countries. The mechanism, known as the "prior informed consent" (PIC) procedure requires that exporting States notify importing States of an impending export of a banned or severely restricted chemical to enable the importing State to make an informed decision as to whether the import should proceed.

The Code of Ethics on the International Trade in Chemicals sets out principles and guidance governing standards of conduct for the promotion of environmentally sound management of chemicals in international trade. It is a complement to the London Guidelines and covers such activities as production and management of chemicals in international trade. But whereas the London Guidelines are addressed to Governments, the Code is addressed to industry and other private sector parties. The Code expects private sector parties to enter into a voluntary commitment to help achieve the objectives of the London Guidelines, that is, to increase chemical safety and to enhance the sound management of chemicals in all countries through the exchange of information on chemicals in international trade.

The Forest Principles were adopted at the UNCED Conference in Rio de Janeiro in June 1992. They are a "non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests."

Part Three: Basic Texts in the Field of International Law

The Charter of the United Nations establishes the United Nations Organisation, and forms the bedrock of the contemporary international system. The Statute of the International Court of Justice (ICJ) which forms an integrated part of the Charter, stipulates the provisions under which the ICJ, the principal judicial organ of the UN, shall function. It makes provision for the organisation of the court, its competence, and its procedures. The ICJ has recently established a chamber for environmental disputes.

The 1969 Vienna Convention on the Law of Treaties may be described as the "treaty of treaties." The rapid development of international environmental law through the conclusion of treaties in the aftermath of the Stockholm and Rio Conferences makes this Convention of great significance for international environmental law.

Finally, UN Resolution 2625 (XXV) of 24th October 1970 on the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations declares a series of basic principles of international law by which States shall be guided in their international conduct.

Part Four: Information

This part contains a list of UNEP's publications in environmental law.

The former ranges from the UN fiftieth anniversary publication: *UNEP's New Way Forward: Environmental Law and Sustainable Development*, through publications on UNEP's programme on environmental law, UNEP environmental law library series, UNEP environmental law guidelines and principles, sectoral publications, directories and compendia, to the periodic publication, ie. the Biannual Bulletin of Environmental Law.

Points of contact for obtaining copies of UNEP publications as well as a list of forthcoming publications, are found on page ii.

PART I

UNEP's ENVIRONMENTAL LAW PROGRAMME

SECTION 1

UNEP'S LEGISLATIVE AUTHORITY IN ENVIRONMENTAL LAW

1. UN General Assembly Resolution 2997 (XXVII)
2. UN General Assembly Resolution 3436 (XXX)
3. UNEP Governing Council Decision 16/25 - *Strengthening of three main secretariat units through the establishment of programme activity centres*
4. UNEP Governing Council Decision 17/25 - *Programme for the Development and Periodic Review of Environmental Law*
5. Agenda 21, Chapters 8 (B), 38, 39
6. Commentary: UNEP's Environmental Law Programme and its Relation to Agenda 21

UN GENERAL ASSEMBLY RESOLUTION 2997 (XXVII)

Institutional and financial arrangements for international environmental cooperation

The General Assembly,

Convinced of the need for prompt and effective implementation by Governments and the international community of measures designed to safeguard and enhance the environment for the benefit of present and future generations of man,

Recognizing that responsibility for action to protect and enhance the environment rests primarily with Governments and, in the first instance, can be exercised more effectively at the national and regional levels,

Recognizing further that environmental problems of broad international significance fall within the competence of the United Nations system,

Bearing in mind that international co-operative programmes in the field of the environment must be undertaken with due respect for the sovereign rights of States and in conformity with the Charter of the United Nations, and principles of international law,

Mindful of the sectoral responsibilities of the organizations in the United Nations system,

Conscious of the significance of regional and sub-regional co-operation in the field of the environment and of the important role of the regional economic commissions and other regional intergovernmental organizations,

Emphasizing that problems of the environment constitute a new and important area for international co-operation and that the complexity and interdependence of such problems require new approaches,

Recognizing that the relevant international scientific and other professional communities can make an important contribution to international co-operation in the field of the environment,

Conscious of the need for processes within the United Nations system which would effectively assist developing countries to implement environmental policies and programmes that are compatible with their development plans and to participate meaningfully in international environmental programmes,

Convinced that, in order to be effective, international co-operation in the field of the environment requires additional financial and technical resources,

Aware of the urgent need for a permanent institutional arrangement within the United Nations system for the protection and improvement of the environment,

Taking note of the report of the Secretary-General on the United Nations Conference on the Human Environment,[1]

I

GOVERNING COUNCIL OF THE UNITED NATIONS ENVIRONMENT PROGRAMME

1. *Decides* to establish a Governing Council of the United Nations Environment Programme, composed of fifty-eight members elected by the General Assembly for three-year terms on the following basis:

   (*a*) Sixteen seats for African States;

   (*b*) Thirteen seats for Asian States;

   (*c*) Six seats for Eastern European States;

   (*d*) Ten seats for Latin American States;

   (*e*) Thirteen seats for Western European and other States;

2. *Decides* that the Governing Council shall have the following main functions and responsibilities:

   (*a*) To promote international co-operation in the field of the environment and to recommend, as appropriate, policies to this end;

   (*b*) To provide general policy guidance for the direction and co-ordination of environmental programmes within the United Nations system;

   (*c*) To receive and review the periodic reports of the Executive Director of the United Nations Environment Programme, referred to in section II, paragraph 2, below, on the implementation of environmental programmes within the United Nations system;

   (*d*) To keep under review the world environmental situation in order to ensure that emerging environmental problems of wide international significance receive appropriate and adequate consideration by Governments;

   (*e*) To promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information and, as appropriate, to the technical aspects of the formulation and implementation of environmental programmes within the United Nations system;

   (*f*) To maintain under continuing review the impact of national and international environmental policies and measures on developing countries, as well as the problem of additional costs that may be incurred by developing countries in the implementation of environmental programmes and projects, and to ensure that such programmes and projects shall be compatible with the development plans and priorities of those countries;

   (*g*) To review and approve annually the programme of utilization of resources of the Environment Fund referred to in section III below;

3. Decides that the Governing Council shall report annually to the General Assembly through the Economic and Social Council, which will transmit to the Assembly such comments on the report as it may deem necessary, particularly with regard to questions

of co-ordination and to the relationship of environmental policies and programmes within the United Nations system to over-all economic and social policies and priorities;

II

ENVIRONMENT SECRETARIAT

1. *Decides* that a small secretariat shall be established in the United Nations to serve as a focal point for environmental action and co-ordination within the United Nations system in such a way as to ensure a high degree of effective management;

2. Decides that the environment secretariat shall be headed by the Executive Director of the United Nations Environment Programme, who shall be elected by the General Assembly on the nomination of the Secretary-General for a term of four years and who shall be entrusted, *inter alia*, with the following responsibilities:

    (*a*) To provide substantive support to the Governing Council of the United Nations Environment Programme;

    (*b*) To co ordinate, under the guidance of the Governing Council, environmental programmes within the United Nations system, to keep their implementation under review and to assess their effectiveness;

    (*c*) To advise, as appropriate and under the guidance of the Governing Council, intergovernmental bodies of the United Nations system on the formulation and implementation of environmental programmes;

    (*d*) To secure the effective co-operation of, and contribution from, the relevant scientific and other professional communities in all parts of the world;

    (*e*) To provide, at the request of all parties concerned, advisory services for the promotion of international co-operation in the field of the environment;

    (*f*) To submit to the Governing Council, on his own initiative or upon request, proposals embodying medium-range and long-range planning for United Nations programmes in the field of the environment;

    (*g*) To bring to the attention of the Governing Council any matter which he deems to require consideration by it;

    (*h*) To administer, under the authority and policy guidance of the Governing Council, the Environment Fund referred to in section III below;

    (*i*) To report on environmental matters to the Governing Council;

    (*j*) To perform such other functions as may be entrusted to him by the Governing Council;

3. Decides that the costs of servicing the Governing Council and providing the small secretariat referred to in paragraph 1 above shall be borne by the regular budget of the United Nations and that operational programme costs, programme support and administrative costs of the Environment Fund established under section III below shall be borne by the Fund;

III

ENVIRONMENT FUND

1. *Decides* that, in order to provide for additional financing for environmental programmes, a voluntary fund shall be established, with effect from 1 January 1973, in accordance with existing United Nations financial procedures;

2. *Decides* that, in order to enable the Governing Council of the United Nations Environment Programme to fulfil its policy-guidance role for the direction and co-ordination of environmental activities, the Environment Fund shall finance wholly or partly the costs of the new environmental initiatives undertaken within the United Nations system -which will include the initiatives envisaged in the Action Plan for the Human Environment[2] adopted by the United Nations Conference on the Human Environment, with particular attention to integrated projects, and such other environmental activities as may be decided upon by the Governing Council - and that the Governing Council shall review these initiatives with a view to taking appropriate decisions as to their continued financing;

3. *Decides* that the Environment Fund shall be used for financing such programmes of general interest as regional and global monitoring, assessment and data-collecting systems, including, as appropriate, costs for national counterparts; the improvement of environmental quality management; environmental research; information exchange and dissemination; public education and training; assistance for national, regional and global environmental institutions; the promotion of environmental research and studies for the development of industrial and other technologies best suited to a policy of economic growth compatible with adequate environmental safeguards; and such other programmes as the Governing Council may decide upon, and that in the implementation of such programmes due account should be taken of the special needs of the developing countries;

4. *Decides* that, in order to ensure that the development priorities of developing countries shall not be adversely affected, adequate measures shall be taken to provide additional financial resources on terms compatible with the economic situation of the recipient developing country, and that, to this end, the Executive Director, in co-operation with competent organizations, shall keep this problem under continuing review;

5. *Decides* that the Environment Fund, in pursuance of the objectives stated in paragraphs 2 and 3 above, shall be directed to the need for effective co-ordination in the implementation of international environmental programmes of the organizations in the United Nations system and other international organizations;

6. *Decides* that, in the implementation of programmes to be financed by the Environment Fund, organizations outside the United Nations system, particularly those in the countries and regions concerned, shall also be utilized as appropriate, in accordance with the procedures established by the Governing Council, and that such organizations are invited to support the United Nations environmental programmes by complementary initiatives and contributions;

7. *Decides* that the Governing Council shall formulate such general procedures as are necessary tc govern the operations of the Environment Fund;

IV

ENVIRONMENT CO-ORDINATION BOARD

1. *Decides* that, in order to provide for the most efficient co-ordination of United Nations environmental programmes, an Environment Co-ordination Board, under the chairmanship of the Executive Director of the United Nations Environment Programme, shall be established under the auspices and within the framework of the Administrative Committee on Co-ordination;

2. *Further decides* that the Environment Co-ordination Board shall meet periodically for the purpose of ensuring co-operation and co-ordination among all bodies concerned in the implementation of environmental programmes and that it shall report annually to the Governing Council of the United Nations Environment Programme;

3. *Invites* the organizations of the United Nations system to adapt the measures that may be required to undertake concerted and co-ordinated programmes with regard

to international environmental problems, taking into account existing procedures for prior consultation, particularly on programme and budgetary matters;

4. *Invites* the regional economic commissions and the United Nations Economic and Social Office at Beirut, in co-operation where necessary with other appropriate regional bodies, to intensify further their efforts directed towards contributing to the implementation of environmental programmes in view of the particular need for the rapid development of regional co-operation in this field;

5. *Also invites* other intergovernmental and those non-governmental organizations that have an interest in the field of the environment to lend their full support and collaboration to the United Nations with a view to achieving the largest possible degree of co-operation and co-ordination;

6. *Calls upon* Governments to ensure that appropriate national institutions shall be entrusted with the task of the co-ordination of environmental action, both national and international;

7. *Decides* to review as appropriate, at its thirty-first session, the above institutional arrangements, bearing in mind, *inter alia*, the responsibilities of the Economic and Social Council under the Charter of the United Nations.

2112th plenary meeting 15 December 1972

At its 2112th plenary meeting, on 15 December 1972, the General Assembly, in pursuance of section 7, paragraph 1, of the above resolution, elected the fifty-eight members of the Governing Council of the United Nations Environment Programme.

The following States were elected:

ARGENTINA
AUSTRALIA
AUSTRIA
BRAZIL
BURUNDI
CAMEROON
CANADA
CENTRAL AFRICAN REPUBLIC
CHILE
CHINA
CZECHOSLOVAKIA
FRANCE
GABON
GERMAN
DEMOCRATIC REPUBLIC
GERMANY, FEDERAL REPUBLIC OF
GHANA
GUATEMALA
ICELAND
INDIA
INDONESIA
IRAN
IRAQ
ITALY
JAMAICA
JAPAN
JORDAN
KENYA
KUWAIT
LEBANON
MADAGASCAR
MALAWI
MEXICO
MOROCCO
NETHERLANDS
NICARAGUA
NIGERIA
PAKISTAN
PANAMA
PERU
PHILIPPINES
POLAND
ROMANIA
SENEGA
SIERRA LEONE
SOMALIA
SPAIN
SRI LANKA
SUDAN
SWEDEN
SYRIAN ARAB REPUBLIC
TUNISIA
TURKEY
UNION OF SOVIET SOCIALIST REPUBLICS
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
UNITED REPUBLIC OF TANZANIA
UNITED STATES OF AMERICA
VENEZUELA
YUGOSLAVIA.

The General Assembly then selected by the drawing of lots the members of the Governing Council to serve for three years, for two years and for one year.

As a result of the above election, the composition of the Governing Council of the United Nations Environment Programme for 1973 will be as follows:

ARGENTINA*
AUSTRALIA***
AUSTRIA**
BRAZIL**
BURUNDI***
CAMEROON**
CANADA*
CENTRAL AFRICAN REPUBLIC***
CHILE***
CHINA*
CZECHOSLOVAKIA*
FRANCE*
GABON*
GERMAN DEMOCRATIC REPUBLIC***
GERMANY, FEDERAL REPUBLIC OF**
GHANA*
GUATEMALA*
ICELAND**
INDIA**
INDONESIA*
IRAN**
IRAQ***
ITALY**
JAMAICA*
JAPAN**
JORDAN***
KENYA**
KUWAIT**
LEBANON*
MADAGASCAR***
MALAWI**
MEXICO***
MOROCCO*
NETHERLANDS***
NICARAGUA***
NIGERIA***
PAKISTAN***
PANAMA***
PERU**
PHILIPPINES*
POLAND***
ROMANIA**
SENEGAL***
SIERRA LEONE*
SOMALIA**
SPAIN*
SRI LANKA***
SUDAN*
SWEDEN*
SYRIAN ARAB REPUBLIC*
TUNISIA**
TURKEY***
UNION OF SOVIET SOCIALIST REPUBLICS**
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND***
UNITED REPUBLIC OF TANZANIA*** UNITED
STATES OF AMERICA** VENEZUELA**
YUGOSLAVIA.*

* Term of office expires on 31 December 1973.
** Term of office expires on 31 December 1974.
*** Term of office expires on 31 December 1975.

At the same meeting, in pursuance of section II, paragraph 2, of the above resolution, the General Assembly, on the nomination of the Secretary-General,[3] elected Mr. Maurice F. STRONG Executive Director of the United Nations Environment Programme.

Notes

1. A/8783 and Add.1, Add.1/Corr.1 and Add.2.
2. A/CONF.48/14 and Corr.1, chap. 11.
3. See A/8965.

UN GENERAL ASSEMBLY RESOLUTION 3436 (XXX)

Conventions and protocols in the field of the environment

The General Assembly,

Recalling the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972, which was intended, *inter alia*, to promote international law in the field of the environment,

Recalling with appreciation decisions 24 (III) of 30 April 1975 and 35 (III) of 2 May 1975 of the Governing Council of the United Nations Environment Programme,

Expressing the conviction that the development of adequate environmental law is an essential

supporting measure for the implementation of the policies, strategies and recommendations of the United Nations Environment Programme,

Noting with satisfaction that a number of global and regional conventions and protocols in the field of the environment have been negotiated and adopted since the adoption of the Declaration of the United Nations Conference on the Human Environment,

Concerned that existing international conventions or protocols in the field of the environment have not yet received the wide acceptance and application they deserve,

Convinced of the need for further elaboration of conventions and protocols in the field of the environment,

1. *Requests* the Executive Director of the United Nations Environment Programme to take such measures as may be necessary for the realization of the objectives and the implementation of the strategies relating to the programme of the United Nations Environment Programme in the field of national and international environmental law and, in particular, to take measures designed to provide technical assistance to developing countries, at their request, for the development of their national environmental legislation;

2. *Urges* all States entitled to become parties, as appropriate, to existing conventions and protocols in the field of the environment to do so as soon as possible;

3. *Requests* the depositaries of the conventions referred to above to inform the Executive Director of the United Nations Environment Programme periodically of the status of those conventions;

4. *Requests* the Executive Director of the United Nations Environment Programme to assist States, upon request, in preparing proposals for legislative or other measures necessary for their adherence to conventions in the field of environmental management;

5. *Further requests* the Governing Council of the United Nations Environment Programme to keep the General Assembly informed annually of any new international convention concluded in the field of the environment and of the status of existing conventions, with particular reference to ratifications, accessions and entry into force, as well as of the intention to become parties to such conventions expressed by Governments during the year between sessions of the Council.

2432nd plenary meeting
9 December 1975

UNEP GOVERNING COUNCIL DECISION 16/25

Strengthening of three main secretariat units through the establishment of programme activity centres

The Governing Council,

Having considered the report of the Executive Director on strengthening three main units within the Office of the Environment Programme by establishment of programme activity centres[4],

Recalling its decision 13/1, section II, part 2, paragraph 1, of 23 May 1985, by which it welcomed the initiative of the Executive Director in establishing a two-year pilot phase of the Global Resource Information Database,

Recalling its decision SS.II/4 B, paragraph 4, of 3 August 1990, in which it requested the Executive Director to strengthen the activities of the Industry and Environment Office related to the development of clean technologies in the field of hazardous wastes,

Noting with satisfaction that the Industry and Environment Office has, for a number of years,

played an important role to promote environmentally sound industrial development, particularly through technology and information exchange, thus contributing to the implementation of decisions 15/37, on promotion of the transfer of environmental protection technology, and 15/39, on industrial accidents, of 25 May 1989,

Noting the progress made in the implementation of decision 10/21 of 31 May 1982, in which the Council endorsed the Montevideo Programme for the Development and Periodic Review of Environmental Law, and of subsequent decisions in the field of environmental law,

Recognizing that, in view of rapidly changing perceptions and emerging environmental needs, the effective implementation of the Global Resource Information Database, industry and law subprogrammes calls for a more autonomous, sharply focused and flexible approach,

1. *Decides* to give the Global Resource Information Database, the Industry and Environment Office and the Environmental Law and Institutions Unit a greater degree of autonomy in fulfilling their functions by establishing them as programme activity centres within the Office of the Environment Programme with the priorities and long-term goals set out in the annex to the present decision;

2. *Requests* the Executive Director to accelerate the development of the Industry and Environment Programme Activity Centre and its network to help promote a global exchange of environmentally sound technologies;

3. *Calls upon* Governments and international organizations concerned to co-operate and support the development and application of international environmental law, assistance to developing countries through the provision of technical assistance to develop national environmental legislation, institutional building, and support of education and information programmes regarding environmental law;

4. *Calls upon* the United Nations organizations and bodies and intergovernmental organizations outside the United Nations system, as well as non-governmental organizations active in the field of environmental law to co-operate fully with the United Nations Environment Programme in the implementation of its programme;

5. *Requests* the Executive Director to report on the progress of work under the new programme activity centres to the Council at its seventeenth regular session.

8th meeting
31 May 1991

ANNEX
PRIORITIES AND LONG-TERM GOALS OF THE GLOBAL RESOURCE INFORMATION DATABASE (GRID), INDUSTRY AND ENVIRONMENT, AND ENVIRONMENTAL LAW AND INSTITUTIONS PROGRAMME ACTIVITY CENTRES

A. Global Resource Information Database (GRID) Programme Activity Centre

1. *Environmental management support*

    (a) *Priority.* Producing packages of options that are feasible for use by policy makers in taking their decisions in respect .of resource use and sustainable management of the environment within the context of development plans; providing an international forum for data collectors and information users to match data to needs;

    (b) *Long-term goal.* A fully integrated and functioning United Nations - based core GRID system of co-operating agency and national centres, openly exchanging environmental data and information and providing the necessary information management support to bridge the gap between the generation and the use of environmental data.

2. *Environmental data management*

    (a) *Priority.* Acquisition, verification and dissemination of geo-referenced

environmental datasets, as well as the development of methodologies for handling global and regional data;

(b) *Long-term goal.* All major existing global and regional environmental databases to be more effectively available through the Global Resource Information Database network in appropriate forms to a wide range of users, from students to scientists to politicians.

3. *Agency support*

(a) *Priority.* Providing access to geographic information systems and expertise for supporting environmental assessments and practical environmental problem-solving at all levels;

(b) *Long-term goal.* All United Nations specialized agencies and most major intergovernmental organizations having access to GRID data and technology for the description, understanding and solution of environment-related problems.

4. *Technology transfer*

(a) *Priority.* Formal geographic information system and remote-sensing training programmes in on-the-job case study applications and in conjunction with technical assistance programmes to strengthen national capabilities of developing countries in particular;

(b) *Long-term goal.* Providing access to GRID data technology to all countries in the world and providing most with functioning GRID-compatible monitoring and assessment centres for national environmental assessment and management.

B. Industry and Environment Programme Activity Centre

1. *Promotion of the environmentally sound management of selected industrial sectors:*

(a) *Priority.* To maintain a consultative process with industry and prepare and disseminate technical guidelines in a number of industrial sectors, including tourism, transportation and the working environment;

(b) *Long-term goal.* To review the environmental implications of all industry sectors and the impact of improved technologies on the enhancement of the state of the environment, particularly with respect to air and water pollution.

2. *Promotion of the cleaner production network*

(a) *Priority.* To establish and operate a network of industries and organizations dedicated to "cleaner production" through industrial sectoral working groups, a newsletter and a computerized exchange system;

(b) *Long-term goal.* To strengthen national capabilities for managing industrial development to avoid adverse environmental impacts.

3. *Prevention of industrial accidents*

(a) *Priority.* Development of the awareness and preparedness for emergencies at local level (APELL) programme to prevent industrial accidents and reduce their impact on the environment;

(b) *Long-term goal.* Improved emergency response and prevention of industrial accidents.

4. *Technical support to developing countries*

(a) *Priority.* Operation of a query-response service, establishment of database on industry and environment issues, training worksh§ops on environmentally sound technologies (low-waste and no waste) and on hazardous wastes management;

(b) *Long-term goal.* To strengthen national policies and capabilities for managing industrial development in an environmentally sound way.

C. Environmental Law and Institutions Programme Activity Centre

1. *Promotion and implementation of global legal environmental instruments*

   (a) *Priority.* To assist countries with the development, adoption and implementation of international legal instruments, including conventions and protocols, as well as principles and guidelines, with regard to the control or prevention of specific environmental problems;

   (b) *Long-term goal.* A coherent body of international law in the environmental field.

2. *Formulation and implementation of national environmental legislation and establishment or support of appropriate institutions*

(a) *Priority.* To assist developing countries, upon request, through training, the provision of technical assistance for attending meetings, enacting national environmental legislation and setting up environmental machineries. This includes assessment of problems preventing developing countries from becoming parties to or implementing environmental legislation;

(b) *Long-term goal.* National environmental laws adopted and institutions established in developing countries.

3. *Information exchange*

   (a) *Priority.* To collect and disseminate information on national environmental legislation and maintain a register of international Treaties and Other Agreements in the Field of the Environment; to strengthen and co-ordinate the use of existing information sources and databases;

   (b) *Long-term goal.* An operational comprehensive database on national and international environmental law.

Note

1. (UNEP/GC.16/21/Add.1 and Corr.1 (English only)

UNEP GOVERNING COUNCIL DECISION 17/25

Programme for the Development and Periodic Review of Environmental Law

The Governing Council,

Recalling its decision 10/21 of 31 May 1982, in which the Council adopted the Montevideo Programme for the Development and Periodic Review of Environmental Law, which provided the basis for the activities of the United Nations Environment Programme in the field of environmental law for the last decade,

Also recalling its decision 16/25 of 31 May 1991, in which it noted the progress made in the implementation of decision 10/21,

Taking note of paragraph 38.22 (h) of Agenda 21 which calls for further development of international environmental law,

Taking note also of chapter 39 of Agenda 21,

Taking note also of the Meeting of Senior Government Officials Expert in Environmental Law for the Review of the Montevideo Programme, held in Rio de Janeiro from 30 October to 2 November 1991, and in Nairobi from 7 to 11 September 1992,[5]

Having considered the Executive Director's report on the Programme for the Development and Periodic Review of Environmental Law,[6]

1. *Takes note* of the report of the Executive Director on the Programme for the Development and Periodic Review of Environmental Law;

2. *Notes* with appreciation the work of the United Nations Environment Programme in implementing the Montevideo Programme since its adoption by the Governing Council;

3. *Adopts* the Programme for the Development and Periodic Review of Environmental Law, as contained in the annex to the present decision, as the broad strategy for the activities of the United Nations Environment Programme in the field of environmental law for the 1990s;

4. *Requests* the Executive Director to implement the Programme, within available resources, inter alia, through preparing and disseminating analytical reports, organizing intergovernmental meetings, and contributing to capacity-building in the field of environmental law;

5. *Encourages* the Executive Director to implement the Programme, where appropriate, in close cooperation with relevant international organizations;

6. *Underlines* the role of the United Nations Environment Programme in the continued progressive development of international environmental law as a means for achieving wider adherence to and more efficient implementation of international environmental conventions, and for future negotiating processes for legal instruments in the field of sustainable development, in accordance with paragraph 39.1 (a) of Agenda 21;

7. *Requests* the Executive Director to continue to promote the coherent coordination of the functioning of environmental conventions, including their secretariats, with a view to improving the effectiveness of the implementation of the conventions;

8. *Decides* to review the implementation of the Programme not later than at its regular session in 1997.

10th meeting
21 May 1993

ANNEX
PROGRAMME FOR THE DEVELOPMENT AND PERIODIC REVIEW OF ENVIRONMENTAL LAW

The following programme areas, together with the respective objectives, strategies and activities, are proposed as a non-exhaustive list of elements for the Programme:

A. Enhancing the capacity of States to participate effectively in the development and implementation of environmental law

Objective:

To achieve the full participation of all States in the development and effective implementation of environmental law and policy.

Strategy:

Strengthen the capacity of States, in particular developing countries, and countries with economies in transition to take measures to protect their environment, to achieve sustainable development and to participate effectively in the initiation, negotiation and implementation of international legal instruments in the field of the environment.

Activities:

Coordinate with relevant international organizations to:

(a) Assist States to establish and/or improve institutional and administrative machinery for the development and enforcement of laws and regulations related to the environment and to sustainable development;

(b) Improve arrangements for the receipt, processing and dissemination of information on environmental legislation from national, regional and international sources;

(c) Train appropriate personnel from developing countries and countries with economies in transition by means of the provision of grants and fellowships for training and in-work attachments, as well as by organizing relevant seminars and workshops on environmental law;

(d) Assist States in developing and strengthening relevant national institutions and improving coordination, within Governments among departments and agencies;

(e) Prepare and issue reference material providing information on practices and experiences in the development, negotiation and implementation of environmental law agreements;

(f) Arrange for appropriate financial and/or technical assistance to enable representatives of developing countries and countries with economies in transition to participate in the negotiation of new or in the revision of existing international environmental agreements and in the international operation of such agreements;

(g) Develop, where appropriate, guidelines for the preparation of national legislation for the implementation of international environmental agreements;

(h) Encourage States to develop national environmental action plans or strategies, pursuant to international environmental agreements.

B. Implementation of international legal instruments in the field of the environment

Objective:

To promote the effective implementation of international legal instruments in the field of the environment, in order to achieve their objectives.

Strategy:

Focus on the effective implementation of instruments by, inter alia, assisting the States concerned in considering the establishment of systems of reporting and verification, taking into account the special situation and needs of developing countries.

Activities:

Assist, as appropriate, concerned States and relevant international organizations to:

(a) Identify the real causes of non-compliance and provide the maximum possible assistance, especially to developing countries, to facilitate compliance;

(b) Establish efficient and practical reporting systems on the effective, full and prompt implementation of international legal instruments, considering, inter alia, the reporting systems in other fields such as human rights and nuclear activities, providing, where appropriate, for public comments on such reports;

(c) Examine the possibility of establishing verification systems for international legal instruments having regard to the experiences gained, inter alia, under the Montreal Protocol and in other relevant contexts;

(d) Consider the establishment of other appropriate procedures and mechanisms for promoting and facilitating effective, full and prompt implementation of international legal instruments;

(e) Consider appropriate ways in which relevant international bodies, such as UNEP, might contribute towards the further development of such procedures and mechanisms.

C. Adequacy of existing international instruments

Objective:

To encourage Parties to international environmental instruments to assess the adequacy of

the operation of those instruments with regard to the particular problems they address and for the purpose of better integrating environmental and developmental concerns.

Strategy:

Encourage the States concerned to establish appropriate systems for ascertaining the adequacy of international environmental instruments in effectively responding to the problems they address, even when fully or adequately complied with, and develop additional measures to ensure effective responses to related environmental problems.

Activities:

Encourage, as appropriate, concerned States and international organizations to:

(a) Undertake assessments of the adequacy of existing environmental instruments, taking into account the previous studies undertaken in this area and provide for the inclusion in future environmental instruments of adequate mechanisms for undertaking such assessments. The assessments should:

(i) Look at and beyond the issue of how many States have become parties to a particular instrument;

(ii) Ascertain whether the instrument adopts an adequate strategy for tackling the problem or whether the strategy adopted in the instrument continues to be adequate for tackling the problem and, where lack of effectiveness is identified, consider ways to rectify the problem; and

(iii) Utilize scientific and technical reviews, where appropriate by independent experts, of the state of the relevant area of the environment;

(b) Consider appropriate ways in which relevant international bodies, such as UNEP and its Global Environment Monitoring System (GEMS), might contribute to such assessments;

(c) Promote broader accession to existing instruments, whilst being attentive to difficulties that might dissuade non-party States from accession.

D. Dispute avoidance and settlement

Objective:

To develop further the mechanisms to facilitate the avoidance and settlement of environmental disputes.

Strategy:

Develop methods, procedures and mechanisms that promote, inter alia, informed decisions, mutual understanding and confidence-building, with a view to avoiding environmental disputes and, where such avoidance is not possible, to their peaceful settlement.

Activities:

(a) Study and consider methods to broaden and make more effective the current mechanisms, such as the following, for possible inclusion in international legal instruments, where appropriate:

(i) Regular exchange of data and information;

(ii) Assessment of possible environmental impacts of planned measures on other States or areas beyond the limits of national jurisdiction;

(iii) Prior notification and consultation concerning planned measures that may have adverse impacts on other States or in areas beyond the limits of national jurisdiction;

(iv) Monitoring, fact-finding and reporting with regard to matters relating to obligations under the relevant instrument, even when no difference or dispute has yet arisen between the parties;

(v) Procedures to verify compliance through a non-judicial body established by the States Parties;

(vi) Compulsory or non-compulsory conciliation, whereby the Parties are committed to or voluntarily resort to conciliation by one or more experts whose report and recommendations are not, however, binding upon the Parties; and

(vii) Compulsory settlement of disputes, where appropriate, by one of the following means:

a. Binding arbitration, in accordance with procedures established under the instrument;

b. Judicial settlement, by submission of the dispute to the International Court of Justice or other relevant international tribunal;

(b) Consider the role that could be and has been played by the relevant international bodies, such as UNEP, in the anticipation, avoidance and resolution of disputes relating to the environment.

E. Legal and administrative mechanisms for the prevention and redress of pollution and other environmental damage

Objective:

To assist States in developing and implementing programmes of action for the prevention and redress of pollution and other environmental damage.

Strategy:

Promote development of legal and administrative measures to facilitate access to information on, and effective identification, control and management of, potentially harmful activities prior to their commencement and during their continuance, and to ensure the availability of appropriate redress for environmental damage.

Activities:

(a) Further develop rules and procedures for appropriate remedies to victims of damage from environmentally harmful activities as well as appropriate provisions for potential victims of such damage by means, inter alia, of:

(i) Equal and non-discriminatory access to national administrative and judicial processes and procedures;

(ii) Use of economic and other innovative incentives for prevention and mitigation of pollution and other environmental damage;

(iii) Mechanisms for compensation and restoration, taking into account their potential preventive effects.

(b) Develop, as necessary, suitable legal instruments, within the framework of global, regional or subregional instruments, on redress, including compensation and restoration, for environmental damage;

(c) Develop, as necessary, suitable legal instruments, for the prevention of environmental damage;

(d) Assist States, in particular developing countries and countries with economies in transition, in the development and implementation of necessary legislation and related administrative and institutional mechanisms for the implementation of relevant international instruments or national policies on the prevention of and redress for environmental damage.

F. Environmental impact assessment

Objective:

To promote widespread use of environmental impact assessment (EIA) procedures by

Governments and, where appropriate, international organizations as an essential element in development planning and for assessing the effects of potentially harmful activities on the environment.

Strategy:

Encourage the utilization of EIA as an essential tool for development planning and promotion of the concept of sustainable development.

Activities:

(a) Build upon and elaborate, at the national, subregional and regional levels, existing national and international methods and procedures, taking into account the activities of business and industry, including transnational corporations as well as non-governmental organizations;

(b) Promote general appreciation of EIA procedures by Governments and international organizations, taking into account the need to ensure that the application of EIA procedures takes due account of the capabilities and economic circumstances of developing countries;

(c) Provide assistance to developing countries and other countries in need in the elaboration of their national EIA legislation, methods and procedures;

(d) Promote preparation of regional agreements and guidelines on EIA, as appropriate;

(e) Promote wide acceptance of the principle that public participation is a necessary element of the EIA procedures;

(f) Promote the methods and procedures of EIA as a tool for international cooperation in cases of activities and in particular projects likely to have transboundary effects.

G. Environmental awareness, education, information and public participation

Objective:

To promote public awareness of international environmental issues and regimes through education, provision of information and greater public participation in the consideration of international environmental regimes and the development of national laws, rules and standards.

Strategy:

Adopt and actively pursue public-awareness programmes relating to environmental issues and the development and implementation of international and national regimes concerning the environment and associated institutional mechanisms, in cooperation, wherever appropriate, with other bodies, including governmental and non-governmental organizations and educational institutions.

Activities:

(a) Promote public awareness of environmental instruments, principles and concepts and their integration into education at all levels and into research and development activities;

(b) Promote institutional mechanisms for the availability of educational and informative material on environmental issues;

(c) Facilitate public participation, including increased access to information, at appropriate stages in environmental decision-making, especially with regard to legislative, administrative and enforcement processes at the national and international levels and bearing in mind principle 10 of the Rio Declaration;

(d) Coordinate with relevant international organizations, including organizations which provide financing for educational projects or programmes in developing countries and countries with economies in transition, on projects in this area.

H. Concepts or principles significant for the future of international environmental law

Objective:

Further develop, as appropriate, international environmental law.

Strategy:

Consider concepts or principles which may be applicable to the formation and development of international law in the field of environment and sustainable development.

Activities:

In cooperation with relevant United Nations and other competent international bodies:

(a) Examine existing environmental treaties, as well as other legal instruments, guiding principles and guidelines, with the aim of identifying principles or concepts which may be applicable to the formation and development of international environmental law;

(b) Review and, as appropriate, develop emerging and evolving concepts or principles which may be applicable to the formation and development of international environmental law;

(c) Consider, as appropriate, the further development of environmental rights and responsibilities;

(d) Review the branches of international law relevant to environmental law, with a view to identifying and assessing the emergence of new legal concepts and principles, as well as evolution in the content of established legal concepts and principles, considering their application to the development of international law in the field of environment and sustainable development.

I. Protection of the stratospheric ozone layer

Objective:

To protect human health and environment against adverse effects resulting from or likely to result from human activities which deplete or are likely to deplete the ozone layer.

Strategy:

Promote the widest possible acceptance and effective implementation of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer and its adjustments and amendments and utilize the institutions and mechanisms established under these for further development of national and international programmes to respond to current and future concerns.

Activity:

Promote the widest acceptance of the Vienna Convention and the Montreal Protocol as adjusted and amended and provide appropriate support to States Parties to, and mechanisms of, those instruments to facilitate their full implementation.

J. Transboundary air pollution control

Objective:

To promote and develop international cooperation for the prevention and reduction to environmentally acceptable levels of emissions causing transboundary air pollution and their effect which causes damage to the environment.

Strategy:

(a) Consider the possible development of international legal instruments and mechanisms at appropriate levels for the prevention, control and reduction to acceptable levels of emissions causing transboundary air pollution and their effects;

(b) Assist States, in particular developing countries and countries with economies in transition, to promote the development of national arrangements and

programmes to prevent, control and reduce emissions causing transboundary air pollution and their effects.

Activities:

(a) Encourage and assist, if necessary, the development of bilateral, subregional and regional cooperative initiatives, as appropriate regarding the activities provided for in paragraph 9.28 (a) of chapter 9 of Agenda 21, including monitoring and assessment procedures, and taking into account any existing relevant instruments;

(b) Consider whether emissions causing transboundary air pollution and their effect might be appropriately addressed at the global level and, if so, what form such action might take;

(c) Encourage and assist the development and implementation of national legislation, institutions and programmes, particularly in developing countries and in countries with economies in transition including effective enforcement mechanisms.

K. Conservation, management and sustainable development of soils and forests

Objective:

To develop suitable regimes for conservation, management and sustainable development of soils and forests, taking into account the close links between desertification, deforestation, climate change and biological diversity.

Strategy:

In close cooperation with agencies and organizations engaged in such fields as soil conservation, forestry, land use, and desertification, promote the implementation of the World Soil Charter, the relevant elements of the World Conservation Strategy, the Plan of Action to Combat Desertification, the Forest Principles adopted at the United Nations Conference on Environment and Development and the Tropical Forestry Action Plan, by proposing measures for their effective implementation at appropriate levels, through the use, inter alia, of arrangements which address problems in these areas in accordance with relevant chapters of Agenda 21.

Activities:

(a) Promote effective implementation of the Plan of Action for the realization of the goals and objectives of the World Soil Charter, including the preparation of guidelines for domestic legislation and related institutional mechanisms;

(b) Develop appropriate arrangements for coordination of the activities of the various bodies engaged in such fields as soil conservation, forestry, land use and desertification;

(c) Contribute, as appropriate, to the development of arrangements, at appropriate levels, establishing agreed strategies and action plans and programmes on these subjects;

(d) Contribute to the development of an international convention to combat desertification pursuant to paragraph 12.40 of chapter 12 of Agenda 21 and in accordance with relevant decisions of the United Nations General Assembly;

(e) Promote the early entry into force of the Convention on Biological Diversity and the Framework Convention on Climate Change, with the widest possible participation;

(f) Promote national and regional arrangements for coordination and cooperation between relevant bodies and institutions;

(g) Promote integrated national and regional policies, as well as education and training programmes for the implementation of such policies;

(h) Promote the implementation of the Forest Principles adopted at the United Nations Conference on Environment and Development, and on the basis of the

implementation of the principles, consider the need for, and feasibility of, appropriate internationally agreed arrangements to promote international cooperation on forest management, conservation and sustainable development of all types of forests in accordance with paragraph 11.13 of chapter 11 of Agenda 21.

L. Transport, handling and disposal of hazardous wastes

Objective:

To reduce, control, prevent and eventually eliminate damage and minimize the risk thereof from the generation, management, transport, handling and disposal of hazardous wastes.

Strategy:

Promote wide participation in, and effective implementation of, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and related regional agreements.

Activities:

(a) Encourage wide participation in the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal;

(b) Assist developing countries in the formulation and implementation of national legislation and the establishment of related institutional and administrative mechanisms to implement the Basel Convention and related regional agreements;

(c) Provide assistance, upon request, to the parties to the Basel Convention to develop machinery for controlling transboundary movement of hazardous wastes and prepare a protocol on liability and compensation;

(d) Assist the parties to the Basel Convention in their consideration of, the review and revision, as necessary, of the Basel Convention and related regional agreements in the light of experience acquired in their implementation.

M. International trade in potentially harmful chemicals

Objective:

To ensure that international trade in all types of potentially harmful chemicals is conducted in a safe and environmentally sound manner taking due account of the rights of, and fully respecting matters of health and environment of, transit and importing States and, to this end, to ensure the safe and environmentally sound management of potentially harmful chemicals.

Strategy:

Review, update and strengthen the London Guidelines for the Exchange of Information on Chemicals in International Trade, as amended, with particular emphasis on the prior informed consent (PIC) procedure, promote their wide and effective implementation, and consider the development of legally binding instruments and other appropriate programmes.

Activities:

(a) Encourage the widest possible acceptance and effective implementation of the amended London Guidelines;

(b) Update information on the subject, including inputs from the International Register of Potentially Toxic Chemicals (IRPTC) on the implementation of the London Guidelines;

(c) Assist the implementation of the amended London Guidelines through the development of guidelines for national legislation and institutional machinery;

(d) Consider the need for the development of a global convention, taking into account the experience gained in the implementation of the amended London

Guidelines and the FAO Code of Conduct on Pesticides, concentrating mainly on the PIC procedure, including the questions relating to the regulation of export of chemicals of which the use is banned or severely restricted in the exporting country;

(e) Strengthen and expand programmes on chemical risk assessment in accordance with paragraph 19.14 of chapter 19 of Agenda 21;

(f) Invite the relevant international bodies to jointly convene an intergovernmental meeting on chemical risk assessment and management;

(g) Assist States in developing community right-to-know or other public information-dissemination programmes, when appropriate, as possible risk reduction tools;

(h) Consider developing a guidance document on community right-to-know or other public information-dissemination programmes for use by interested Governments, building on existing work on accidents and including new guidance on toxic emission inventories and risk communication;

(i) Consider the establishment of a globally harmonized hazard classification system and the elaboration of a harmonized labelling system;

(j) Strengthen consultation of relevant agencies engaged in the field, in order to enhance cooperation and harmonization of their activities;

(k) Assist States in encouraging the development of procedures for the exchange between countries of their assessment reports on chemicals for use in national chemical assessment programmes, as provided in paragraph 19.14 (c) of chapter 19 of Agenda 21;

(l) Pursue the development of a code of ethics on international trade in potentially harmful chemicals aimed at achieving the objectives of the amended London Guidelines;

(m) Promote the strengthening of national capabilities and capacities for the safe and environmentally sound management of chemicals, and the prevention of illegal international traffic in potentially harmful chemicals.

N. Environmental protection and integrated management, development and use of inland water resources

Objective:

To prevent, reduce and control the degradation of inland water resources through the application, as appropriate, of an integrated approach to the development, management and use of water resources thereby assisting States to prevent disputes and ensure that adequate supplies of water of good quality are maintained for the entire population of this planet.

Strategy:

(a) Encourage the development of cooperative mechanisms between States including, as appropriate, international legal instruments for the protection and integrated management, development and use of transboundary water resources with a view to the prevention, reduction, control and reversal of their degradation and for the prevention and peaceful resolution of disputes between States;

(b) Promote the development of national legislation, institutions and programmes for the protection and efficient management of inland water resources, with particular emphasis on maintaining an adequate supply of safe drinking water, while preserving the hydrological, biological, and chemical functions of ecosystems, adapting human activities within the capacity limits of nature and combating vectors of water-related diseases.

Activities:

(a) Cooperate closely with other bodies dealing with the integrated management, development and use of inland water resources;

(b) Promote and develop legal regimes, as appropriate, for the conservation and integrated management, development and use of transboundary water resources, taking into account, inter alia, the International Law Commission's draft articles on the law of non-navigational uses of international watercourses, the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes, and other relevant regional and subregional conventions;

(c) Encourage and assist the development of national legislation, institutions and programmes, including effective enforcement mechanisms;

(d) Identify and propose rules and procedures for dispute prevention and dispute settlement that are suitable for inclusion, as appropriate, in international instruments dealing with the integrated management, development and use of transboundary water resources.

O. Marine Pollution from land-based sources

Objective:

To prevent, reduce and control pollution of the marine environment and degradation of coastal areas from land-based sources of pollution, and to reduce or minimize the adverse effects that have already occurred.

Strategy:

Cooperate in the development of regional treaties, protocols or other instruments regarding the degradation of the marine environment from land-based activities, where necessary, update and strengthen the Montreal Guidelines for the Protection of the Marine Environment from Land-based Sources of Pollution and promote their widest possible acceptance by States; and consider the elaboration, if necessary, of a global instrument, in accordance with the relevant provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

Activities:

(a) In cooperation with relevant international organizations, review and, where necessary, strengthen existing bilateral, subregional or regional agreements and protocols or develop new instruments for the protection of the marine environment from land-based sources of pollution;

(b) Review and, where necessary, revise the 1985 Montreal Guidelines for the Protection of the Marine Environment from Land-Based Sources of Pollution;

(c) Provide advice to States in the elaboration, adaptation, development and enforcement of national legislation, implementing relevant rules and standards concerning land-based sources of pollution;

(d) On the basis of the experience acquired in the implementation of existing instruments, examine the need for and advisability of developing global rules and standards with or without a treaty;

(e) In pursuance of Agenda 21 (paragraph 26 of chapter 17), the UNEP Governing Council should convene, as soon as practicable, an intergovernmental meeting on the protection of the marine environment from land-based activities to take forward these tasks.

P. Management of coastal areas

Objective:

To promote the integrated management and sustainable development of coastal areas.

Strategy:

Promote, in cooperation with relevant United Nations and other competent international bodies, the application of the concept of sustainable development in the management of coastal areas and the pursuit, for this purpose, of an integrated approach, through effective action at the national, subregional and regional levels.

Activities:

Develop guidelines for national legislation to implement the principles on integrated management and sustainable development of coastal and marine areas set out in programme area A of chapter 17 (Integrated management and sustainable development of coastal and marine areas, including exclusive economic zones) of Agenda 21.

Q. Protection of the marine environment and the law of the sea

Objective:

To assist States, as appropriate, to promote the protection of the marine environment through the development, and effective implementation of, international law in that field including regional cooperation and those instruments developed under the regional seas programme.

Strategy:

Promote the application of, and respect for, international law related to protection of the marine environment as reflected in the 1982 United Nations Convention on the Law of the Sea and in other relevant international instruments, which law provides the basis on which to pursue protection and sustainable development of the marine environment.

Activities:

(a) Assist States to promote the protection of the marine environment in accordance with chapter 17 of Agenda 21;

(b) Keep under continual review the results of scientific research, with a view to addressing appropriately any environmental problems that could arise in the future in this area;

(c) Support the proposal in Agenda 21 (paragraph 50 of chapter 17) for the convening under United Nations auspices of an intergovernmental conference on straddling fish stocks and highly migratory fish stocks, taking into account relevant activities at the subregional, regional, and global levels, with a view to promoting effective implementation of the 1982 United Nations Convention on the Law of the Sea.

R. International cooperation in environmental emergencies

Objective:

To achieve effective international, as well as regional cooperation in the monitoring, assessment, anticipation, prevention of, and response to environmental emergencies, and to develop appropriate legal arrangements for cooperation and assistance in dealing with environmental emergencies.

Strategy:

To develop, in cooperation with relevant agencies and organizations, necessary arrangements at appropriate levels, and where appropriate on a sectoral basis, for effective cooperation and assistance in dealing with environmental emergencies.

Activities:

(a) In cooperation with relevant agencies and organizations, review the experience gained in the implementation of existing arrangements relating to the handling of environmental emergencies, with a view to identifying areas of possible improvements and provide for arrangements for monitoring, assessment and prevention of environmental emergencies;

(b) Consider the need for the development of instruments and arrangements at the appropriate levels, including those dealing with early notification, cooperation and mutual assistance in environmental emergencies;

(c) Review, in cooperation with relevant United Nations organs and organizations, the operation of the United Nations Centre for Urgent Environmental Assistance established by the Governing Council, with a view to deciding on its continuation after the expiry of the experimental period in 1993;

(d) Upon request of the competent bodies cooperate with and provide assistance to those bodies in their examination, if found necessary, of existing international rules for the protection of the environment during armed conflict.

S. Additional subjects for possible consideration during the present decade

The following additional subjects have been identified as areas where action by the appropriate international bodies to develop international legal responses may be appropriate during the present decade:

(a) Environmental protection of areas beyond the limits of national jurisdiction;

(b) Use and management of biotechnology, including the question of intellectual and property rights with respect to genetic resources;

(c) Liability and compensation/restitution for environmental damage;

(d) Environment and trade;

(e) Examination of the environmental implications of international agreements on subjects which do not relate directly to the environment;

(f) Environmental problems of human settlements, including their growth;

(g) Transfer of appropriate technology and technical cooperation.

Notes

1. See the reports of the Meeting (UNEP/Env.Law/2/3 and UNEP/Env.Law/2-2/3).

2. UNEP/GC.17/5 and Corr.1, paras. 26-30.

AGENDA 21

CHAPTER 8

INTEGRATING ENVIRONMENT AND DEVELOPMENT IN DECISION-MAKING

B. Providing an effective legal and regulatory framework

Basis for action

8.13. Laws and regulations suited to country-specific conditions are among the most important instruments for transforming environment and development policies into action, not only through "command and control" methods, but also as a normative framework for economic planning and market instruments. Yet, although the volume of legal texts in this field is steadily increasing, much of the law-making in many countries seems to be ad hoc and piecemeal, or has not been endowed with the necessary institutional machinery and authority for enforcement and timely adjustment.

8.14. While there is continuous need for law improvement in all countries, many developing countries have been affected by shortcomings of laws and regulations. To effectively integrate environment and development in the policies and practices of each country, it is essential to develop and implement integrated, enforceable and effective laws and regulations that are based upon sound social, ecological, economic and scientific principles. It is equally critical to develop workable programmes to review and enforce compliance with the laws, regulations and standards that are adopted. Technical support may be needed for many countries to accomplish these goals. Technical cooperation requirements in this field include

legal information, advisory services and specialized training and institutional capacity-building.

8.15. The enactment and enforcement of laws and regulations (at the regional, national, state/provincial or local/municipal level) are also essential for the implementation of most international agreements in the field of environment and development, as illustrated by the frequent treaty obligation to report on legislative measures. The survey of existing agreements undertaken in the context of conference preparations has indicated problems of compliance in this respect, and the need for improved national implementation and, where appropriate, related technical assistance. In developing their national priorities, countries should take account of their international obligations.

Objectives

8.16. The overall objective is to promote, in the light of country-specific conditions, the integration of environment and development policies through appropriate legal and regulatory policies, instruments and enforcement mechanisms at the national, state, provincial and local level. Recognizing that countries will develop their own priorities in accordance with their needs and national and, where appropriate, regional plans, policies and programmes, the following objectives are proposed:

(a) To disseminate information on effective legal and regulatory innovations in the field of environment and development, including appropriate instruments and compliance incentives, with a view to encouraging their wider use and adoption at the national, state, provincial and local level;

(b) To support countries that request it in their national efforts to modernize and strengthen the policy and legal framework of governance for sustainable development, having due regard for local social values and infrastructures;

(c) To encourage the development and implementation of national, state, provincial and local programmes that assess and promote compliance and respond appropriately to non-compliance.

Activities

(a) Making laws and regulations more effective

8.17. Governments, with the support, where appropriate, of competent international organizations, should regularly assess the laws and regulations enacted and the related institutional/administrative machinery established at the national/state and local/municipal level in the field of environment and sustainable development, with a view to rendering them effective in practice. Programmes for this purpose could include the promotion of public awareness, preparation and distribution of guidance material, and specialized training, including workshops, seminars, education programmes and conferences, for public officials who design, implement, monitor and enforce laws and regulations.

(b) Establishing judicial and administrative procedures

8.18. Governments and legislators, with the support, where appropriate, of competent international organizations, should establish judicial and administrative procedures for legal redress and remedy of actions affecting environment and development that may be unlawful or infringe on rights under the law, and should provide access to individuals, groups and organizations with a recognized legal interest.

(c) Providing legal reference and support services

8.19. Competent intergovernmental and non-governmental organizations could cooperate to provide Governments and legislators, upon request, with an integrated programme of environment and development law (sustainable development law) services, carefully adapted to the specific requirements of the recipient legal and administrative systems. Such systems could usefully include assistance in the preparation of comprehensive inventories and reviews of national legal systems. Past experience has demonstrated the usefulness of combining specialized legal information services with legal expert advice. Within the United Nations system, closer cooperation among all agencies concerned would avoid duplication of databases and facilitate division of

labour. These agencies could examine the possibility and merit of performing reviews of selected national legal systems.

(d) Establishing a cooperative training network for sustainable development law

8.20. Competent international and academic institutions could, within agreed frameworks, cooperate to provide, especially for trainees from developing countries, postgraduate programmes and in-service training facilities in environment and development law. Such training should address both the effective application and the progressive improvement of applicable laws, the related skills of negotiating, drafting and mediation, and the training of trainers. Intergovernmental and non-governmental organizations already active in this field could cooperate with related university programmes to harmonize curriculum planning and to offer an optimal range of options to interested Governments and potential sponsors.

(e) Developing effective national programmes for reviewing and enforcing compliance with national, state, provincial and local laws on environment and development

8.21. Each country should develop integrated strategies to maximize compliance with its laws and regulations relating to sustainable development, with assistance from international organizations and other countries as appropriate. The strategies could include:

(a) Enforceable, effective laws, regulations and standards that are based on sound economic, social and environmental principles and appropriate risk assessment, incorporating sanctions designed to punish violations, obtain redress and deter future violations;

(b) Mechanisms for promoting compliance;

(c) Institutional capacity for collecting compliance data, regularly reviewing compliance, detecting violations, establishing enforcement priorities, undertaking effective enforcement, and conducting periodic evaluations of the effectiveness of compliance and enforcement programmes;

(d) Mechanisms for appropriate involvement of individuals and groups in the development and enforcement of laws and regulations on environment and development.

(f) National monitoring of legal follow-up to international instruments

8.22. Contracting parties to international agreements, in consultation with the appropriate secretariats of relevant international conventions as appropriate, should improve practices and procedures for collecting information on legal and regulatory measures taken. Contracting parties to international agreements could undertake sample surveys of domestic follow-up action subject to agreement by the sovereign States concerned.

Means of implementation

(a) Financing and cost evaluation

8.23. The Conference secretariat has estimated the average total annual cost (1993-2000) of implementing the activities of this programme to be about $6 million from the international community on grant or concessional terms. These are indicative and order of magnitude estimates only and have not been reviewed by governments. Actual costs and financial terms, including any that are non-concessional, will depend upon, *inter alia*, the specific strategies and programmes governments decide upon for implementation.

(b) Scientific and technological means

8.24. The programme relies essentially on a continuation of ongoing work for legal data collection, translation and assessment. Closer cooperation between existing databases may be expected to lead to better division of labour (e.g., in geographical coverage of national legislative gazettes and other reference sources) and to improved standardization and compatibility of data, as appropriate.

(c) Human resource development

8.25. Participation in training is expected to benefit practitioners from developing countries

and to enhance training opportunities for women. Demand for this type of postgraduate and in-service training is known to be high. The seminars, workshops and conferences on review and enforcement that have been held to date have been very successful and well attended. The purpose of these efforts is to develop resources (both human and institutional) to design and implement effective programmes to continuously review and enforce national and local laws, regulations and standards on sustainable development.

(d) Strengthening legal and institutional capacity

8.26. A major part of the programme should be oriented towards improving the legal-institutional capacities of countries to cope with national problems of governance and effective law-making and law-applying in the field of environment and sustainable development. Regional centres of excellence could be designated and supported to build up specialized databases and training facilities for linguistic/cultural groups of legal systems.

AGENDA 21

CHAPTER 38

INTERNATIONAL INSTITUTIONAL ARRANGEMENTS

Basis for action

38.1. The mandate of the United Nations Conference on Environment and Development emanates from General Assembly resolution 44/228 which, *inter alia*, affirmed that the Conference should elaborate strategies and measures to halt and reverse the effects of environmental degradation in the context of increased national and international efforts to promote sustainable and environmentally sound development in all countries and that the promotion of economic growth in developing countries is essential to address problems of environmental degradation. The intergovernmental follow-up to the Conference process shall be within the framework of the United Nations system, with the General Assembly being the supreme policy-making forum that would provide overall guidance to Governments, United Nations system and relevant treaty bodies. At the same time, Governments, as well as regional economic and technical cooperation organizations, have a responsibility to play an important role in the follow-up to UNCED. Their commitments and actions should be adequately supported by the United Nations system and multilateral financial institutions. Thus, national and international efforts would mutually benefit from one another.

38.2. In fulfilling the mandate of the Conference, there is a need for institutional arrangements within the United Nations system in conformity with, and providing input to the restructuring and revitalization of the United Nations in the economic, social and related fields, and the overall reform of the United Nations, including ongoing changes in the Secretariat. In the spirit of reform and revitalization of the United Nations system, implementation of Agenda 21 and other conclusions of UNCED shall be based on an action- and result-oriented approach and consistent with the principles of universality, democracy, transparency, cost-effectiveness and accountability.

38.3. The United Nations system, with its multisectoral capacity and the extensive experience of a number of specialized agencies in various spheres of international cooperation in the field of environment and development, is uniquely positioned to assist Governments establish more effective patterns of economic and social development with a view to achieving the objectives of Agenda 21 and sustainable development.

38.4. All agencies of the United Nations system have a key role to play in the implementation of Agenda 21 within their respective competence. To ensure proper coordination and avoid duplication in the implementation of Agenda 21, there should be an effective division of labour between various parts of the United Nations system based on their terms of reference and comparative advantages. Member States, through relevant governing bodies, are in a

position to ensure that these tasks are carried out properly. In order to facilitate evaluation of agencies' performance and promote knowledge of their activities, all bodies of the United Nations system should be required to elaborate and publish reports of their activities on the implementation of Agenda 21 on a regular basis. Serious and continuous reviews of their policies, programmes, budgets and activities will also be required.

38.5. The continued active and effective participation of non-governmental organizations, the scientific community and the private sector as well as local groups and communities are important in the implementation of Agenda 21.

38.6. The institutional structure envisaged below will be based on agreement on financial resources and mechanisms, technology transfer, the Rio Declaration and Agenda 21. In addition, there has to be an effective link between substantive action and financial support, and this requires close and effective cooperation and exchange of information between the United Nations system and the multilateral financial institutions for the follow-up of Agenda 21 within the institutional arrangement.

Objectives

38.7. The overall objective is the integration of environment and development issues at national, subregional, regional and international levels, including in the United Nations system institutional arrangements.

38.8. Specific objectives shall be:

(a) To ensure and review the implementation of Agenda 21 so as to achieve sustainable development in all countries;

(b) To enhance the role and functioning of the United Nations system in the field of environment and development. All relevant agencies, organizations and programmes of the United Nations system should adopt concrete programmes for the implementation of Agenda 21 and also provide policy-guidance for United Nations activities or advice to Governments upon request, within their respective areas of competence;

(c) To strengthen cooperation and coordination on environment and development in the United Nations system;

(d) To encourage interaction and cooperation between the United Nations system and other intergovernmental and non-governmental sub-regional, regional and global institutions and non-governmental organizations in the field of environment and development;

(e) To strengthen institutional capabilities and arrangements required for the effective implementation, follow-up and review of Agenda 21;

(f) To assist in the strengthening and coordination of national, sub-regional and regional capacities and actions in the areas of environment and development;

(g) To establish effective cooperation and exchange of information between the United Nations organs, organizations, programmes and the multilateral financial bodies, within the institutional arrangements for the follow-up of Agenda 21;

(h) To respond to continuing and emerging issues relating to environment and development;

(i) To ensure that any new institutional arrangements would support revitalization, clear division of responsibilities and the avoidance of duplication in the United Nations system and depend to the maximum extent possible upon existing resources.

INSTITUTIONAL STRUCTURE

A. General Assembly

38.9. The General Assembly, as the highest level inter-governmental mechanism, is the principal policy-making and appraisal organ on matters relating to the follow-up of the Conference. The Assembly would organize a regular review of the implementation of Agenda 21. In fulfilling this task, the Assembly could consider the timing, format and organizational aspects of such a review. In particular, the Assembly could consider holding a special session no later than 1997 for the purposes of overall review and appraisal of Agenda 21, with adequate preparations at a high level.

B. Economic and Social Council

38.10. The Economic and Social Council, in the context of its Charter role vis-a-vis the General Assembly and the ongoing restructuring and revitalization of the United Nations in the economic, social and related fields, would assist the General Assembly through overseeing system-wide coordination, overview on the implementation of Agenda 21 and making recommendations in this regard. In addition, the Council would undertake the task of directing system-wide coordination and integration of environmental and developmental aspects of United Nations policies and programmes and would make appropriate recommendations to the General Assembly, specialized agencies concerned and Member States . Appropriate steps should be taken to obtain regular reports from specialized agencies on their plans and programmes related to the implementation of Agenda 21, pursuant to Article 64 of the Charter of the United Nations. The Economic and Social Council should organize a periodic review of the work of the Commission on Sustainable Development envisaged in paragraph 38.11, as well as of system-wide activities to integrate environment and development, making full use of its high-level and coordination segments.

C. Commission on Sustainable Development

38.11 In order to ensure the effective follow-up of the Conference, as well as to enhance international cooperation and rationalize the intergovernmental decision-making capacity for the integration of environment and development issues and to examine the progress of the implementation of Agenda 21 at the national, regional and international levels, a high-level Commission on Sustainable Development should be established in accordance with Article 68 of the Charter of the United Nations. This Commission would report to the Economic and Social Council in the context of the Council's role under the Charter *vis-a-vis* the General Assembly. It would consist of representatives of States elected as members with due regard to equitable geographical distribution. Representatives of non-member States of the Commission would have observer status. The Commission should provide for active involvement of organs, programmes and organizations of the United Nations system, international financial institutions and other relevant intergovernmental organizations, and encourage the participation of non-governmental organizations, including industry and the business and scientific communities. The first meeting of the Commission should be convened no later than 1993. The Commission should be supported by the secretariat envisaged in paragraph 38.19. Meanwhile the Secretary-General of the United Nations is requested to ensure adequate interim administrative secretariat arrangements.

38.12 The General Assembly, at its forty-seventh session, should determine specific organizational modalities for the work of this Commission, such as its membership, its relationship with other intergovernmental United Nations bodies dealing with matters related to environment and development, and the frequency, duration and venue of its meetings. These modalities should take into account the ongoing process of revitalization and restructuring of the work of the United Nations in the economic, social and related fields, in particular measures recommended by the General Assembly in resolutions 45/264 of 13 May 1991 and 46/235 of 13 April 1992 and other relevant Assembly resolutions. In this respect, the Secretary-General of the United Nations, with the assistance of the Secretary-General of the United Nations Conference on Environment and Development, is requested to prepare for the Assembly a report with appropriate recommendations and proposals.

38.13. The Commission on Sustainable Development should have the following functions:

(a) To monitor progress in the implementation of Agenda 21 and activities related to the integration of environmental and developmental goals throughout the United Nations system through analysis and evaluation of reports from all relevant organs, organizations, programmes and institutions of the United Nations system dealing with various issues of environment and development, including those related to finance;

(b) To consider information provided by Governments, including, for example, in the form of periodic communications or national reports regarding the activities they undertake to implement Agenda 21, the problems they face, such as problems related to financial resources and technology transfer, and other environment and development issues they find relevant;

(c) To review the progress in the implementation of the commitments contained in Agenda 21, including those related to provision of financial resources and transfer of technology;

(d) To receive and analyse relevant input from competent non-governmental organizations, including the scientific and the private sector, in the context of the overall implementation of Agenda 21;

(e) To enhance the dialogue within the framework of the United Nations with non-governmental organizations and the independent sector as well as other entities outside the United Nations system;

(f) To consider, where appropriate, information regarding the progress made in the implementation of environmental conventions which could be made available by the relevant Conferences of Parties;

(g) To provide appropriate recommendations to the General Assembly, through the Economic and Social Council, on the basis of an integrated consideration of the reports and issues related to the implementation of Agenda 21; and

(h) To consider, at an appropriate time, the results of the survey to be conducted expeditiously by the United Nations Secretary-General of all UNCED recommendations for capacity-building programmes, information networks, task forces and other mechanisms to support the integration of environment and development at regional and sub-regional levels.

38.14. Within the intergovernmental framework, consideration should be given to allow non-governmental organizations including those related to major groups, particularly women's groups, committed to the implementation of Agenda 21 to have relevant information available to them including information, reports and other data produced within the United Nations system.

D. The Secretary-General

38.15. Strong and effective leadership on the part of the Secretary-General is crucial, since he/she would be the focal point of the institutional arrangements within the United Nations system for the successful follow-up to the Conference and for the implementation of Agenda 21.

E. High-level interagency coordination mechanism

38.16. Agenda 21, as the basis for action by the international community to integrate environment and development, should provide the principal framework for coordination of relevant activities within the United Nations system. To ensure effective monitoring, coordination and supervision of the involvement of the United Nations system in the follow-up to the Conference, there is a need for a coordination mechanism under the direct leadership of the Secretary-General.

38.17. This task should be given to the Administrative Committee on Coordination (ACC) headed by the Secretary-General. ACC would thus provide a vital link and interface between the multilateral financial institutions and other United Nations bodies at the highest administrative level. The Secretary-General should continue to revitalize the functioning of the Committee. All heads of agencies and institutions of the United Nations system shall be

expected to cooperate with the Secretary-General fully in order to make ACC work effectively in fulfilling its crucial role and ensure successful implementation of Agenda 21. The ACC should consider establishing a special task force, subcommittee or sustainable development board, taking into account the experience of the Designated Officials on Environmental Matters (DOEM) and the Committee of International Development Institutions on the Environment (CIDIE) as well as the respective roles of the UNEP and UNDP. Its report should be submitted to the relevant intergovernmental bodies.

F. High-level advisory body

38.18. Intergovernmental bodies, the Secretary-General and the United Nations system as a whole may also benefit from the expertise of a high-level advisory board consisting of eminent persons knowledgeable about environment and development, including relevant sciences, appointed by the Secretary-General in their personal capacity. In this regard, the Secretary-General should make appropriate recommendations to the 47th session of the General Assembly.

G. Secretariat support structure

38.19. A highly qualified and competent secretariat support structure within the United Nations Secretariat, drawing, *inter alia*, on the expertise gained in the UNCED preparatory process is essential for the follow-up to the Conference and the implementation of Agenda 21. This secretariat support structure should provide support to the work of both intergovernmental and interagency coordination mechanisms. Concrete organizational decisions fall within the competence of the Secretary-General as the chief administrative officer of the Organization, who is requested to report on the provisions to be made, covering staffing implications, as soon as practicable, taking into account gender balance as defined in Article 8 of the United Nations Charter, and the need for the optimum use of existing resources in the context of current and ongoing restructuring of the United Nations Secretariat.

H. Organs, programmes, organizations of the United Nations system

38.20. In the follow-up to the Conference, in particular implementation of Agenda 21, all relevant organs, programmes and organizations of the United Nations system will have an important role within their respective areas of expertise and mandates in supporting and supplementing national efforts. Coordination and mutual complementarity of their efforts to promote integration of environment and development can be enhanced through countries encouraging to maintain consistent positions in the various governing bodies.

1. United Nations Environment Programme

38.21. In the follow-up to the Conference, there will be a need for an enhanced and strengthened role of UNEP and its Governing Council. The Governing Council should within its mandate continue to play its role with regard to policy guidance and coordination in the field of the environment, taking into account the development perspective.

38.22. Priority areas on which UNEP should concentrate include the following:

(a) Strengthening its catalytic role in stimulating and promoting environmental activities and considerations throughout the United Nations system;

(b) Promoting international cooperation in the field of environment and recommending, as appropriate, policies to this end;

(c) Developing and promoting the use of techniques such as natural resource accounting and environmental economics;

(d) Environmental monitoring and assessment, both through improved participation by the United Nations system agencies in the Earthwatch programme and expanded relations with private scientific and non-governmental research institutes; strengthening and making operational its early warning function;

(e) Coordination and promotion of relevant scientific research with a view to providing a consolidated basis for decision-making;

(f) Dissemination of environmental information and data to Governments and to organs, programmes and organizations of the United Nations system;

(g) Raising general awareness and action in the area of environmental protection through collaboration with the general public, non-governmental entities and intergovernmental institutions;

(h) Further development of international environmental law, in particular conventions and guidelines, promotion of its implementation, and coordinating functions arising from an increasing number of international legal agreements, *inter alia,* the functioning of the secretariats of the Conventions, taking into account the need for the most efficient use of resources, including possible co-location of secretariats established in the future;

(i) Further development and promotion of the widest possible use of environmental impact assessments, including activities carried out under the auspices of United Nations specialized agencies, and in connection with every significant economic development project or activity;

(j) Facilitation of information exchange on environmentally sound technologies, including legal aspects, and provision of training;

(k) Promotion of sub-regional and regional cooperation and support to relevant initiatives and programmes for environmental protection including playing a major contributing and coordinating role in the regional mechanisms in the field of environment identified for the follow-up to UNCED;

(l) Providing technical, legal and institutional advice to Governments, upon request in establishing and enhancing their national legal and institutional frameworks, in particular, in cooperation with UNDP capacity-building efforts;

(m) Supporting Governments, upon request, and development agencies and organs in the integration of environmental aspects into their development policies and programmes, in particular through provision of environmental, technical and policy advice during programme formulation and implementation;

(n) Further developing assessment and assistance in cases of environmental emergencies.

38.23. In order for UNEP to perform all of these functions, while retaining its role as the principal body within the United Nations system in the field of environment and taking into account the development aspects of environmental questions, it would require access to greater expertise and provision of adequate financial resources and it would require closer cooperation and collaboration with development and other relevant organs of the United Nations system. Furthermore, UNEP's regional offices should be strengthened without weakening its headquarters in Nairobi, and UNEP should take steps to reinforce and intensify its liaison and interaction with UNDP and the World Bank.

2. United Nations Development Programme

38.24. UNDP, like UNEP, also has a crucial role in the follow-up to the UNCED. Through its network of field offices it would foster the United Nations system's collective thrust in support of the implementation of Agenda 21, at the country, regional, interregional and global levels, drawing on the expertise of the specialized agencies and other United Nations organizations and bodies involved in operational activities. The role of the Resident Representative/ Resident Coordinator of UNDP needs to be strengthened in order to coordinate the field-level activities of the United Nations operational activities.

38.25. Its role would include the following:

(a) Acting as the lead agency in organizing United Nations system efforts towards capacity-building at the local, national and regional levels;

(b) Mobilizing donor resources on behalf of Governments for capacity-building in recipient countries and, where appropriate, through the use of UNDP round-table mechanisms;

(c) Strengthening its own programmes in support of follow-up to UNCED without prejudice to the Fifth Programme Cycle;

(d) Assisting recipient countries, upon request, in the establishment and strengthening of national coordination mechanisms and networks related to activities for the follow-up of the UNCED;

(e) Assisting recipient countries, upon request, in coordinating the mobilization of domestic financial resources;

(f) Promoting and strengthening the role and involvement of women, youth and other major groups, in recipient countries in the implementation of Agenda 21.

3. United Nations Conference on Trade and Development

38.26. The United Nations Conference on Trade and Development should play an important role in the implementation of Agenda 21 as extended at the eight session of the Conference, taking into account the importance of the interrelationships between development, international trade and the environment and in accordance with its mandate in the area of sustainable development.

4. United Nations Sudano-Sahelian Office

38.27. The role of the United Nations Sudano-Sahelian Office, with added resources that may become available, operating under the umbrella of UNDP and with the support of UNEP, should be strengthened so that this body can assume an appropriate major advisory role and participate effectively in the implementation of Agenda 21 provisions related to combating drought, desertification as well as land resource management. In this context, the experience gained could be used by all other countries affected by drought and desertification, in particular those in Africa, with special attention to countries most affected or classified as least-developed countries.

5. United Nations specialized agencies and related organizations and other relevant intergovernmental organizations

38.28. All United Nations specialized agencies, related organizations and other relevant intergovernmental organizations within their respective fields of competence have an important role to play in the implementation of relevant parts of Agenda 21 and other decisions of UNCED. Their governing bodies may consider ways of strengthening and adjusting activities and programmes in line with Agenda 21, in particular, regarding projects for promoting sustainable development. Furthermore, they may consider establishing special arrangements with donors and financial institutions for project implementation that may require additional resources.

I. Regional and sub-regional cooperation and implementation

38.29. Regional and sub-regional cooperation will be an important part of the Conference outcome. The United Nations regional economic commissions, regional development banks and regional economic and technical cooperation organizations, within their respective agreed mandates, can contribute to this process by:

(a) Promoting regional and sub-regional capacity-building;

(b) Promoting the integration of environmental concerns in regional and sub-regional development policies;

(c) Promoting regional and sub-regional cooperation, where appropriate, regarding transboundary issues related to sustainable development.

38.30. Regional economic commissions, as appropriate, should play a leading role in coordinating regional and sub-regional activities by sectoral and other United Nations bodies and shall assist countries in achieving sustainable development. These commissions, regional programmes within the United Nations system, as well as other regional organizations should review the need for modification of ongoing activities, as appropriate, in light of Agenda 21.

38.31. There must be active cooperation and collaboration among the regional commissions

and other relevant organizations, regional development banks, non-governmental organizations and other institutions at the regional level. UNEP and UNDP, together with the regional commissions, would have a crucial role to play, especially in providing the necessary assistance, with particular emphasis on building and strengthening the national capacity of Member States.

38.32. There is a need for closer cooperation between UNEP and UNDP, together with other relevant institutions, in the implementation of projects to halt environmental degradation or its impact, and to support training programmes in environmental planning and management for sustainable development at the regional level.

38.33. Regional intergovernmental technical and economic organizations have an important role to play in helping Governments to take coordinated action in solving environment issues of regional significance.

38.34. Regional and subregional organizations should play a major role in the implementation of Agenda 21 provisions related to combating drought and desertification. UNEP, UNDP and UNSO should assist and cooperate with those relevant organizations.

38.35. Cooperation between regional and subregional organizations and relevant organizations of the United Nations system should be encouraged, where appropriate, in other sectoral areas.

J. National implementation

38.36. States have an important role to play in the follow-up of UNCED and the implementation of Agenda 21. National level efforts should be undertaken by all countries in an integrated manner so that both environment and development concerns can be dealt with in a coherent manner.

38.37. Policy decisions and activities at the national level, tailored to support and implement Agenda 21 should be supported by the United Nations system upon request.

38.38. Furthermore, States could consider the preparation of national reports. In this context, the organs of the United Nations system should, upon request, assist countries, in particular developing countries. Countries could also consider the preparation of national action plans for the implementation of Agenda 21.

38.39. Existing assistance consortia, consultative groups and round tables should make greater efforts to integrate environmental considerations and related development objectives into their development assistance strategies, and consider reorienting and appropriately adjusting their membership and operations to facilitate this process and better support national efforts to integrate environment and development.

38.40. States may wish to consider setting up a national coordination structure responsible for the follow-up of Agenda 21. Within this structure, which would benefit from the expertise of non-governmental organizations, submissions and other relevant information could be made to the United Nations.

K. Cooperation between United Nations bodies and international financial organizations

38.41. The success of the follow-up to the Conference is dependent upon an effective link between substantive action and financial support, and this requires close and effective cooperation between United Nations bodies and the multilateral financial organizations. The Secretary-General and heads of United Nations programmes, organizations and the multi-lateral financial organizations have a special responsibility in forging such a cooperation, not only through full participation in the United Nations high-level coordination mechanism (Administrative Committee on Coordination) but also at regional and national levels. In particular, representatives of multilateral financial institutions and mechanisms, as well as the International Fund for Agricultural Development, should be actively associated with deliberations of the intergovernmental structure responsible for the follow up to Agenda 21.

L. Non-governmental organizations

38.42. Non-governmental organizations and major groups are important partners in the implementation of Agenda 21. Relevant non-governmental organizations, including scientific

community, the private sector, women's groups, etc., should be given opportunities to make their contributions and establish appropriate relationships with the United Nations system. Support should be provided for developing countries' non-governmental organizations and their self-organized networks.

38.43. The United Nations system, including international finance and development agencies, and all intergovernmental organizations and forums should, in consultation with non-governmental organizations take measures to:

(a) design open and effective means to achieve the participation of non-governmental organizations, including those related to major groups, in the process established to review and evaluate the implementation of Agenda 21 at all levels and promote their contribution to it;

(b) take into account the findings of non-governmental organizations' review systems and evaluation processes in relevant reports of the Secretary-General to the General Assembly and all pertinent United Nations agencies and intergovernmental organizations and forums concerning implementation of Agenda 21 in accordance with its review process.

38.44. Procedures should be established for an expanded role for non-governmental organizations, including those related to major groups, with accreditation based on the procedures used in UNCED. Such organizations should have access to reports and other information produced by the United Nations system. The General Assembly, at an early stage, should examine ways of enhancing the involvement of non-governmental organizations within the United Nations system in relation to the UNCED follow-up process.

38.45. The Conference takes note of other institutional initiatives for the implementation of Agenda 21, such as the proposal to establish a non-governmental Earth Council and the proposal to appoint a guardian for future generations as well as other initiatives by local Governments and business sectors.

AGENDA 21

CHAPTER 39

INTERNATIONAL LEGAL INSTRUMENTS AND MECHANISMS

39.1. The recognition that the following vital aspects of the universal, multilateral and bilateral treaty-making process should be taken into account:

(a) The further development of international law on sustainable development, giving special attention to the delicate balance between environmental and developmental concerns;

(b) The need to clarify and strengthen the relationship between existing international instruments or agreements in the field of environment and relevant social and economic agreements or instruments, taking into account the special needs of developing countries;

(c) At the global level, the essential importance of the participation in and the contribution of all countries, including the developing countries, to treaty-making in the field of international law on sustainable development. Many of the existing international legal instruments and agreements in the field of environment have been developed without adequate participation and contribution of developing countries, and thus may require review in order to reflect the concerns and interests of developing countries and to ensure a balanced governance of such instruments and agreements;

(d) Developing countries should also be provided with technical assistance in their attempts to enhance their national legislative capabilities in the field of sustainable development;

(e) Future codification projects for the progressive development and codification of international law on sustainable development should take into account the ongoing work of the International Law Commission; and

(f) Any negotiations for the progressive development and codification of international law concerning sustainable development should, in general, be conducted on a universal basis, taking into account special circumstances in the various regions.

Objectives

39.2. The overall objective of the review and development of international environmental law should be to evaluate and to promote the efficacy of that law and to promote the integration of environment and development policies through effective international agreements or instruments, taking into account both universal principles and the particular and differentiated needs and concerns of all countries.

39.3. Specific objectives are:

(a) To identify and address difficulties which prevent some States, in particular developing countries, from participating in or duly implementing international agreements or instruments and, where appropriate, to review or revise them with the purposes of integrating environmental and developmental concerns and laying down a sound basis for the implementation of these agreements or instruments;

(b) To set priorities for future international law-making on sustainable development at the global, regional or sub-regional level, with a view to enhancing the efficacy of international law in this field through, in particular, the integration of environmental and developmental concerns;

c) To promote and support the effective participation of all countries concerned, in particular developing countries in the negotiation, implementation, review and governance of international agreements or instruments, including appropriate provision of technical and financial assistance and other available mechanisms for this purpose, as well as the use of differential obligations where appropriate;

(d) To promote, through the gradual development of universally and multilaterally negotiated agreements or instruments, international standards for the protection of the environment that take into account the different situations and capabilities of countries. States recognize that environmental policies should deal with the root causes of environmental degradation, thus preventing environmental measures from resulting in unnecessary restrictions to trade. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing international environmental problems should, as far as possible, be based on an international consensus. Domestic measures targeted to achieve certain environmental objectives may need trade measures to render them effective. Should trade policy measures be found necessary for the enforcement of environmental policies, certain principles and rules should apply. These could include, *inter alia*, the principle of non-discrimination; the principle that the trade measure chosen should be the least trade-restrictive necessary to achieve the objectives; an obligation to ensure transparency in the use of trade measures related to the environment and to provide adequate notification of national regulations; and the need to give consideration to the special conditions and development requirements of developing countries as they move towards internationally agreed environmental objectives.

(e) To ensure the effective, full and prompt implementation of legally binding instruments, and to facilitate timely review and adjustment of agreements or instruments by the parties concerned, taking into account the special needs and concerns of all countries, in particular developing countries;

(f) To improve the effectiveness of institutions, mechanisms and procedures for the administration of agreements and instruments;

(g) To identify and prevent actual or potential conflicts, particularly between environmental and social/economic agreements or instruments, with a view to ensuring that such agreements or instruments are consistent. Where conflicts arise, they should be appropriately resolved;

(h) To study and consider the broadening and strengthening of the capacity of mechanisms, *inter alia* in the United Nations system, to facilitate, where appropriate and agreed by the parties concerned, the identification, avoidance and settlement of international disputes in the field of sustainable development, duly taking into account existing bilateral and multilateral agreements for the settlement of such disputes.

Activities

39.4 Activities and means of implementation should be considered in the light of the above Basis for Action and Objectives without prejudice to the right of every State to put forward suggestions in this regard in the General Assembly of the United Nations. These suggestions could be reproduced in a separate compilation on sustainable development.

A. Review, assessment and fields of action in international law for sustainable development

39.5. While ensuring the effective participation of all countries concerned, Parties should at periodic intervals review and assess both the past performance and effectiveness of existing international agreements or instruments as well as the priorities for future law-making on sustainable development. This may include an examination of the feasibility of elaborating general rights and obligations of States, as appropriate, in the field of sustainable development, as provided by General Assembly resolution 44/228. In certain cases, attention should be given to the possibility of taking into account varying circumstances through differential obligations or gradual application. As an option for carrying out this task, earlier UNEP practice may be followed whereby legal experts designated by governments could meet at suitable intervals to be decided later with a broader environmental and developmental perspective.

39.6. a) Measures in accordance with international law should be considered to address, in times of armed conflict, large-scale destruction of the environment that cannot be justified under international law. The General Assembly and the Sixth Committee are the appropriate fora to deal with this subject. The specific competence and role of the International Committee of the Red Cross should be taken into account.

b) In view of the vital necessity to ensure safe and environmentally sound nuclear power, and in order to strengthen international cooperation in this field, efforts should be made to conclude the ongoing negotiations for a nuclear safety convention in the framework of the International Atomic Energy Agency.

B. Implementation mechanisms

39.7. The parties to international agreements should consider procedures and mechanisms to promote and review their effective, full and prompt implementation. To that effect, States could, *inter alia*:

(a) Establish efficient and practical reporting systems on the effective, full and prompt implementation of international legal instruments;

(b) Consider appropriate ways in which relevant international bodies, such as UNEP, might contribute towards the further development of such mechanisms.

C. Effective participation in international law-making

39.8. In all these activities and others that may be pursued in the future, based on the above Basis for Action and Objectives, the effective participation of all countries, in particular developing countries, should be ensured through appropriate provision of technical assistance and/or financial assistance. Developing countries should be given "headstart" support not only in their national efforts to implement international agreements or instruments, but also to participate effectively in the negotiation of new or revised agreements or instruments and in the actual international operation of such agreements or instruments. Support should include assistance in building up expertise in international law particularly in relation to sustainable development, and in assuring access to the necessary reference information and scientific/technical expertise.

D. Disputes in the field of sustainable development

39.9. In the area of avoidance and settlement of disputes, States should further study and consider methods to broaden and make more effective the range of techniques available at present, taking into account, among others, relevant experience under existing international agreements, instruments or institutions and, where appropriate, their implementing mechanisms such as modalities for dispute avoidance and settlement. This may include mechanisms and procedures for the exchange of data and information, notification and consultation regarding situations that might lead to disputes with other States in the field of sustainable development and for effective peaceful means of dispute settlement in accordance with the Charter of the United Nations including, where appropriate, recourse to the International Court of Justice, and their inclusion in treaties relating to sustainable development.

UNEP's ENVIRONMENTAL LAW PROGRAMME AND ITS RELATION TO AGENDA 21

INTRODUCTION

The Montevideo Programme is a long-term programmatic planning document reflecting a continuous process of UNEP activities in the area of environmental law which started in 1982. The Montevideo-I Programme was adopted by UNEP Governing Council (GC) in 1982 and successfully implemented by 1992. The Montevideo-II Programme, genetically linked to Montevideo-I, is based on relevant GC decisions and responds to the requirements of Agenda 21. The Programme was elaborated and adopted, following extensive study and discussion by senior government officials expert in environmental law from sixty-five states from major geographical regions, in September 1992. The high level meeting at which the Programme was elaborated and adopted and the geographical representation at the Meeting attribute to the Montevideo-II Programme special value and significance. The Programme is a "living" document - when adopted by GC it will still need GC's continuous guidance.

Montevideo-II Programme and Agenda 21

The linkages between Montevideo II Programme and Agenda 21 and the responsiveness of the former to the requirements of the latter, become evident from a comparison of the relevant provisions of the two documents.

Of the 18 programme areas in Montevideo II programme, 17 deal with subject areas and/or activities expressly provided for in Agenda 21 which may be classified as follows.

A. PROGRAMME AREAS OF THE MONTEVIDEO-II PROGRAMME DEALING WITH SECTORAL ISSUES WHICH ARE SUBJECT MATTERS OF SPECIFIC CHAPTERS OF AGENDA 21

	Montevideo II Programme	Agenda 21
I.	Protection of the stratospheric ozone layer.	Chapter 9C -Preventing stratospheric ozone depletion.
J.	Transboundary air pollution Control.	Chapter 9D - Transboundary atmospheric pollution.
K.	Conservation, management and sustainable development of soils and forests.	Chapters 11 & 12 - Combating Deforestation, and Managing Fragile Ecosystems: Combating Desertification and Drought.
L.	Transport, handling and disposal of hazardous wastes.	Chapter 20 - Environmentally Sound Management of Hazardous Wastes Including Prevention of Illegal International Traffic in Hazardous Wastes.
M.	International trade in potentially harmful chemicals.	Chapter 19 - Environmentally sound management of Toxic chemicals Including Prevention of Illegal International Traffic in Toxic and Dangerous Products.
N.	Environmental protection and integrated management, development and use of	Chapter 18 - Protection of quality and supply of Fresh-water resources: inland water resources. Application of integrated approaches to the development, management and use of water development resources.
O.	Marine Pollution from land based sources.	Chapter 17(B) - Marine Environmental Protection.
P.	Management of Coastal areas.	Chapter 17(A) and 17(D) - Integrated management and sustainable development of coastal and marine areas, including exclusive economic zones. And Sustainable use and conservation of marine living resources under national jurisdiction.

The specific activities in each of these programme areas are in response to, and in line with, the provisions of Chapters 8(B), 37, 38 and 39.

B. PROGRAMME AREAS OF MONTEVIDEO-II PROGRAMME DEALING WITH GENERAL ENVIRONMENTAL LAW CROSS-REFERENCED IN THE RELEVANT CHAPTERS OF AGENDA 21

Programme Area A: Enhancing the capacity of states to participate effectively in the development and implementation of environmental law.

Para.39.1

(d) Developing countries should also be provided with technical assistance in their attempts to enhance their national legislative capabilities in their field of environmental law;

Para.39.1

(f) Any negotiations for the progressive development and codification of international law concerning sustainable development should, in general, be conducted on a universal basis, taking into account special circumstances in the various regions.

Para.39.3 *Specific objectives are:*

(a) To identify and address difficulties which prevent some States, in particular developing countries, from participating in or duly implementing international agreements or instruments and, where appropriate, to review or revise them with the purpose of integrating environmental and developmental concerns and laying down and a sound basis for the implementation of these agreements or instruments.

(c) To promote and support the effective participation of all countries concerned, in particular developing countries, in the negotiation, implementation, review and governance of international agreements or instruments, including appropriate provision of technical and financial assistance and other available mechanisms for this purpose, as well as the use of differential obligations where appropriate.

Para.38-22

(1) Provision of technical, legal and institutional advice to Governments, upon request in establishing and enhancing their national legal and institutional frameworks, in particular, in cooperation with UNDP capacity-building efforts;

Para.8.20 *Establishing a cooperative training network for sustainable law*

Competent international and academic institutions could, within agreed frameworks, cooperate to provide, especially for trainees from developing countries postgraduate programmes and in-service training facilities in environment and development law. Such training should address both the effective application and the progressive improvement of applicable laws, the related skills of negotiating, drafting and mediation, and the training of trainers. Inter-governmental and non-governmental organizations already active in this field could cooperate with related university programmes to hormonize curriculum planning and to offer an optimal range of options to interested Governments and potential sponsors.

Para.8.26 *Strengthening legal and institutional capacity*

A major part of the programme should be oriented towards improving the legal-institutional capacities of countries to cope with national problems of governance and effective law-making and law-applying in the field of environment and sustainable development. Regional centres of excellence could be designated and supported to build up specialized databases and training facilities for linguistic/cultural groups of legal systems.

Programme Area B: Implementation of International legal instruments in the field of the environment.

Para.39.2 The overall objective of the review and development of international environmental law should be to evaluate and to promote the efficacy of that law and to promote the integration of environment and development policies through effective international agreements or instruments, taking into account both universal principles and the particular and differentiated needs and concerns of all countries.

Para.39.3

(a) To identify and address difficulties which prevent some States, in particular developing countries, from participating in or duly implementing international

agreements or instruments and, where appropriate, to review or revise them with the purposes of integrating environmental and developmental concerns and laying down a sound basis for the implementation of these agreements or instruments;

Para.39.3

(e) To ensure the effective, full and prompt implementation of legally binding instruments, and to facilitate timely review and adjustment of agreements or instruments by the parties concerned, taking into account the special needs and concerns of all countries , in particular developing countries;

Para.39.8 *Implementation mechanisms*

- The parties to international agreements should consider procedures and mechanisms to promote and review their effective, full and prompt implementation. To that effect, States could, *inter alia:*
- Establish efficient and practical reporting systems on the effective, full and prompt implementation of international legal instruments;
- Consider appropriate ways in which relevant international bodies. such as UNEP, might contribute towards the further development of such mechanisms.

Programme Area C: Adequacy of existing international instruments.

Para.39.2 The overall objective of the review and development of international environmental law should be to evaluate and to promote the efficacy of that law and to promote the integration of environment and development policies through effective international agreements or instruments taking into account both universal principals and the particular and differentiated needs and concerns of all countries.

Para.39.3 *The specific objectives are:*

(a) To identify and address difficulties which prevent some States, in particular developing countries, from participating in or duly implementing international agreements or instruments and, where appropriate, to review and revise them with the purposes of integrating environmental and developmental concerns and laying down a sound basis for the implementation of these agreements or instruments;

Programme Area D: Dispute avoidance and settlement.

Para.39.10 *D. Disputes in the field of sustainable development*

In the area of avoidance and settlement of disputes, States should further study and consider methods to broaden and make more effective the range of techniques available at present, taking into account, among others, relevant experience under existing international agreements, instruments or institutions and, where appropriate, their implementing mechanisms such as modalities for dispute avoidance and settlement. This may include mechanisms and procedures for the exchange of data and information, notification and consultation regarding situations that might lead to disputes with other States in the field of sustainable development and for effective peaceful means of dispute settlement in accordance with the Charter of the United Nations including, where appropriate, recourse to the International Court of Justice, and their inclusion in treaties relating to sustainable development.

Programme Area E: Legal and administrative mechanisms for the prevention and redress of pollution and other environmental damage.

Para.8.18 *Establishing judicial and administrative procedures*

Governments and legislators, with the support, where appropriate, of competent international organizations, should establish judicial and administrative procedures for legal redress and remedy of actions affecting environment and development that may be unlawful or infringe on rights under the law, and should provide access to individuals, groups and organizations with a recognized legal interest.

Programme Area F: Environmental impact assessment.

Para.38.22

(i) Further development and promotion of the widest possible use of environmental impact assessments, including activities carried out under the auspices of United Nations specialized agencies, and in connection with every significant economic development project or activity.

Programme Area G: Environmental awareness, education, information and public participation.

Para.8.17 *Making laws and regulations more effective:*

Governments, with the support, where appropriate, of competent international organizations, should regularly assess the laws and regulations enacted and the related institutional/administrative machinery established at the national/state and local/municipal level in the field of environment and sustainable development, with a view to rendering them effective in Practice. Programmes for this purpose could include the promotion of public awareness, preparation and distribution of guidance material, and specialized training, including workshops, seminars, education programmes and conferences, for public officials who design, implement, monitor and enforce laws and regulations.

Para.38.22

(g) Raising general awareness and action in the area of environmental protection through collaboration with the general public, non-governmental entities and inter-governmental institutions.

Programme Area H: Concepts or principles significant to the future of international environmental law.

The strategy for this programme area states "consider concepts or principles which may be applicable to the formation and development of international law in the field of environment and sustainable development" which is very much in line with and responds to the requirements of Agenda 21, in particular Chapter 39.

SECTION 2

UNEP'S ACTIVITIES IN ENVIRONMENTAL LAW, 1993-1995

1. International Legal Instruments
2. National Legislation and Institutions
3. Training, Education and Information
4. Selected Policy Statements on Environmental Law
5. Monograph on Capacity Building in Environmental Law

INTERNATIONAL LEGAL INSTRUMENTS

During the year 1993 UNEP reorganized its programme in environmental law and institutions in order to fall in line with its new mandate given by Agenda 21, in particular Chapter 38.22 which determines priorities on which UNEP should concentrate.

Therefore the Montevideo Programme for the Development and Periodic Review of Environmental Law, adopted by the UNEP Governing Council in 1982, has been reviewed and further elaborated in order to cope with those new priorities set up by Agenda 21 and to address emerging environmental problems. UNEP convened two sessions of the Meeting of Senior Government Officials Expert in Environmental Law for the Review of the Montevideo Programme which considered a draft Programme prepared by the UNEP secretariat and agreed on the Programme for the Development and Periodic Review of Environmental Law for the present decade. The Governing Council by its decision 17/25 of 21 May 1993 adopted the above-mentioned Programme as the broad strategy for the activities of UNEP in the field of environmental law for the 1990s.

Under the Montevideo Programme adopted in 1982, a number of international legal instruments were elaborated and adopted, including international conventions on protection of the ozone layer and control of transboundary movements of hazardous wastes as well as guidelines and principles on marine pollution from land-based sources, hazardous wastes management, international information exchange on banned or severely restricted chemicals, and environmental impact assessment. The Programme had also served as a basis for developing international conventions on biological diversity and climate change.

Among the subject areas identified in the Programme for the 1990s, work has been initiated to, *inter alia,* further develop international instruments and arrangements in the field of international trade in harmful chemicals and marine pollution from land-based sources.

By its decision 18/9 of 26 May 1995, the UNEP Governing Council reinforce the mandate of UNEP in the field of international environmental law, in particular with a view to assess the need for and feasibility of new international environmental law aiming at sustainable development, addressing, on a priority basis, the principal environmental challenges.

The major activities of UNEP in the field of development and implementation of international legal instruments during the biennium 1993-1995 are described below.

Convention on Biological Diversity

To contribute to early implementation of the Convention on Biological Diversity, UNEP in December 1992 to March 1993 convened three sessions of experts panels to discuss the various aspects of the Convention, in particular those set out in Resolution 2 of the Nairobi

Final Act adopted in May 1992 by the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity. Resolution 2 focuses on the international cooperation for the conservation of biological and the sustainable use of its components pending the entry into force of the Convention on Biological Diversity.

In accordance with Resolution 2 of the Nairobi Final Act, the Governing Council, in its decision 17/30 of 21 May 1993, established an Intergovernmental Committee on the Convention on Biological Diversity to prepare for the first meeting of the Conference of the Parties to the Convention and requested the Executive Director to convene meetings of the Intergovernmental Committee. In October 1993, the first session of the Intergovernmental Committee on the Convention on Biological Diversity was held in Geneva. The Committee considered the matters related to the preparation for the first meeting of the Conference of the Parties to the Convention in accordance with the resolutions of the Nairobi Final Act.

In September 1993, as set out in Article 40 of the Convention and requested in Resolution 2 of the Nairobi Final Act, the Executive Director established the Interim Secretariat of the Convention in Geneva.

UNEP put high priority on assisting Governments so that the Convention could enter into force as soon as practicable. The Convention, signed by 156 States and the EEC, was ratified by a requisite number of countries (30) and entered into force on 29 December 1993.

The first meeting of the Conference of the Parties (CoP) to the Biological Diversity Convention, took place in Nassau, the Bahamas from 29 November to 9 December 1994. More than 130 nations participated with over 700 delegates. Ninety-four non-governmental organizations were represented as well. The Conference of the Parties adopted a medium-term programme of work for the CoP covering the years 1995-1997. The Global Environment Facility was selected to continue to serve as the institutional structure to operate the financial mechanism under the Convention on an interim basis. The CoP adopted a statement to the UN Commission on Sustainable Development urging it to discuss a cluster of biodiversity issues at its next session. The UNEP was selected to provide the permanent Secretariat for the Convention (the decision of the location of the Secretariat was deferred to the second meeting of the Conference of the Parties). The CoP decided to establish an ad hoc working group of government-nominated experts to consider the need for and modalities of a "biosafety" protocol and report to the next meeting of the CoP. The CoP also requested a study regarding setting-up of a clearing-house mechanism for technical and scientific operations. Finally, the CoP adopted a budget for the secretariat and financial rules governing the trust fund for the Convention, and rules of procedures (except for voting rules on financial matters) for meetings of the CoP. In addition, the Conference recommended that the UN General Assembly designate 29 December (the date of entry into force of the Convention) as the International Day for Biological Diversity. At its 49th Session, the General Assembly welcomed this recommendation and proclaimed 29 December as International Day for Biological Diversity.

Ozone Depletion: The Vienna Convention and Montreal Protocol

At the Third Meeting, held in Bangkok on 23 November 1993, the Parties to the Vienna Convention for the Protection of the Ozone Layer agreed not to amend Article 9 of the Convention for the purpose of expediting the amendment procedure under the Article. In order to satisfy the data reporting requirement under Article 3 of, and Annex I to, the Vienna Convention, Parties agreed that it is adequate if they report data under the Montreal Protocol. The Parties deferred a decision on whether they should report data on HFCs, which are listed as greenhouse gases under the United Nations Framework Convention on Climate Change (UNFCCC) pending a decision of the first meeting of the Parties to UNFCCC. Parties were requested to make voluntary contributions to Special Fund for Environment Monitoring for the Global Ozone Observing System of the World Meteorological Organization in order to expand the station network in developing countries. The Parties agreed to meet once every three years. The next meeting is scheduled in 1996.

At their Fifth Meeting, held in Bangkok from 17-19 November 1993, the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer approved a budget of US $ 510 million for the Protocol's Multilateral Fund for the next three years (1994-1996). This budget represents more than twice the amount agreed for the previous 3 year budget (1991-1993).

Following some apprehensions that were expressed about the alternative technologies available, it was agreed that when selecting alternatives and substitutes for CFCs, the environmental, human health and safety aspects, technical feasibility, commercial availability and performance, among other factors, should be considered. Information on the alternatives and substitutes is to be updated. The Technology and Economic Assessment Panel (TEAP), was asked to assess the feasibility and implications of extending the application of trade measures to the ozone-depleting substances that were first regulated in 1992 in Copenhagen. The TEAP and the Scientific Assessment Panel were asked to examine the base-year and phase-out dates, initial levels and control schedules of controlled substances by developing countries to be decided in 1995. The Meeting agreed to add to the list of approved destruction technologies municipal solid waste incinerators for foams containing ozone depleting substances. The Meeting endorsed the proposal to finance a limited number of methyl bromide alternative demonstration projects from the Multilateral Fund. The Meeting decided to note the report of the Secretariat on the applicability of the provisions of the Basel Convention on the Transboundary movements of Hazardous Wastes and Their Disposal (Basel Convention) to trade in used controlled substances of the Montreal Protocol and to urge the Parties to the Basel Convention to take appropriate decisions, consistent with the objectives of the Basel Convention and of the Montreal Protocol, in order to facilitate early phase-out of the production and consumption of the controlled substances of the Montreal Protocol.

At the Sixth Meeting of the Parties to the Montreal Protocol, held in Nairobi, Kenya from 6-7 October 1994 the Parties decided upon recommendation made by the Technology and Economic Assessment Panel (TEAP) that, for 1996 and 1997 for Parties not operating under Art.5, Para.1 of the Protocol, production and consumption to satisfy essential use of controlled substances are authorized only for metered dose inhalers, space shuttle, and laboratory and analytical uses in accordance with Annexes I & II to the Report of the Meeting. The Parties requested the TEAP to identify uses of, to estimate emissions of, and to evaluate alternative process agents to, controlled substances used as chemical process agents. The Parties requested the Panels to evaluate the implications of availability of alternatives to hydrochlorofluorocarbons (HCFCs) and to methyl bromide. In assessing alternatives to HCFCs, the TEAP should compare factors as energy efficiency, total global warming impact, potential flammability, toxicity, and the potential impacts on the effective use and phase-out of chlorofluorocarbons (CFCs) and halons. The Parties requested the Open-ended Working Group of the Parties to further study the most suitable definition for "quarantine" and "pre-shipment" applications relating to methyl bromide, that it make recommendations on the need to clarify/amend provisions regarding "basic domestic needs" in Articles 2 and 5 of the Protocol, and that it examine the proposal to amend the indicative list of categories of incremental costs. The Parties decided not to elaborate the list specified in Art.4, Para.3 bis of the Protocol, but did clarify the nature and legal status of the Multilateral Fund as a body under international law. Finally, all Parties were requested to submit to the Secretariat a list of the reclamation facilities and their capacities, and to label correctly previously used substances. The Secretariat is requested to study and report on trade in used, recycled and reclaimed ozone-depleting substances.

Transboundary Movement of Hazardous Wastes and Their Disposal: The Basel Convention

At the Second Meeting of the Conference of the Parties(CoP) held in Geneva, Switzerland from 21-25 March 1994 the CoP decided to establish an immediate prohibition of all transboundary movements of hazardous wastes which are destined for final disposal from OECD to non-OECD countries. The transboundary movement of hazardous wastes destined for recycling or recovery operations is to be phased out by 31 December 1997. The CoP agreed that it is imperative to render such prohibition effective and decided on a control system through regular reporting on implementation of the decision. The CoP extended the mandate of the Legal Working Group in order to finalize its work on a protocol on liability and compensation to be submitted to the next meeting of the CoP scheduled for September/October 1995. A Manual to facilitate the implementation of the Convention and a strategy to prevent and monitor illegal traffic in hazardous wastes was adopted. Model national legislation in order to assist Parties and non-Parties in revising their national legislation in relation to the management of hazardous wastes was also approved. Also adopted was the Framework Document on the Preparation of Technical Guidelines for the Environmentally Sound Management of Wastes Subject to the Basel Convention and the set

of four Technical Guidelines on priority waste streams, namely: 1) hazardous wastes from the production and use of organic solvents (Y6); 2) hazardous wastes: waste oils from petroleum origins and sources(Y8); 3) wastes comprising or containing PCBs, PCTs and PBBs (Y10); 4) wastes collected from households (Y46). The CoP adopted provisionally, the set of three Technical Guidelines on Disposal Operations. The programme for the Technical Working Group, which includes the preparation of new technical guidelines for the environmentally sound management of hazardous wastes and the further elaboration of criteria for such wastes destined for recovery purposes was also approved. The CoP also agreed to pursue the selection of sites for the establishment of regional centres for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation, and on assisting Parties to develop training programmes on the implementation of the Convention and the environmentally sound management of hazardous wastes.

Convention on the Conservation of Migratory Species of Wild Animals (CMS)

The Fourth Meeting of the Conference of the Parties was held at UNEP Headquarters in Nairobi, Kenya from 7-11 June 1994. The meeting was the best attended to date with 70 Parties and non-Parties participating. The CoP accepted a Strategy for the Future Development of the Convention and identified 25 specific objectives and activities as the first priorities for the 1995-97 triennium. The CoP adopted a budget for 1995-97 of US$ 3.1 million, which will provide the Secretariat with two additional Programme Officers and two additional support staff. The CoP also decided to withdraw an additional US$ 500,000 from the CMS Trust Fund in order to finance further expenditures in support of the Convention in the form of consultancies for particular tasks, including the development of Agreements, especially in developing countries. The adopted budget also provides for an Administrative Officer and a Finance Assistant to be financed from sources of funding to be determined later. In keeping with recommendations of the Scientific Council, the CoP agreed to include the Scimitar-horned onyx, White-headed duck and Great bustard in Appendix I of the Convention, thus creating a number of strict obligations for Party Range States of these endangered migratory species. It also agreed to the inclusion in Appendix II of 50 waterbirds occurring in Africa-Eurasia, with a view to facilitating the conclusion of a comprehensive Agreement under CMS auspices aimed at conserving these and other waterbirds of the African-Eurasian region. A species of bat was also added to Appendix II.

The CoP adopted a Resolution calling upon Parties to undertake concerted action for a select number of endangered migratory species listed in Appendix I and to review the result at the next meeting. In accordance with its mandate to "make recommendations to the Parties for improving the conservation status of migratory species", the CoP adopted five recommendations dealing with various aspects of the conservation and management of cormorants, small cetaceans, houbara bustard, corncrakes and sahelo-saharan ungulates.

The CoP considered an expert report prepared by the IUCN Environmental Law Centre under contract to UNEP/CMS titled "Elements for the Formulation of Guidelines for the Harmonization of Future Agreements". It instructed the Standing Committee to undertake a review of the report with a view to submitting a proposal for adoption by the fifth meeting of the CoP. The CoP further recommended that the elements of the report be taken into account in the development of further CMS Agreements. The CoP updated the mandate of the Scientific Council for the forthcoming triennium and agreed on a number of structural changes aimed at improving its effectiveness. The Standing Committee was reconstituted with the following membership: Australia (Oceania) - Chair; Germany (depositary); Netherlands (Europe); Niger (Africa); Panama (America and the Caribbean); and Saudi Arabia (Asia).

In addition to reappointing four Scientific Councillors with expertise in waterbirds, sahelo-saharan mammals, neotropical fauna, and small cetaceans, the CoP appointed a noted Australian expert on marine turtles to serve on the Scientific Council. Several West African Parties and South Africa expressed considerable interest in undertaking conservation initiatives for marine turtles, perhaps within the framework of a CMS Agreement.

The CoP endorsed the Secretariat's efforts to establish a database in which to compile information received from Parties (and other sources) on implementation of the Convention, and formally adopted a revised standard format for Party reports aimed at streamlining the communication and integration of relevant information.

The fourth CoP meeting was followed by a very successful and well-attended intergovernmental meeting to discuss a draft Agreement on the Conservation of African Eurasian Migratory Waterbirds (AEWA). Considerable progress was made in reaching informal agreement on the text and basic structure of the Agreement. The Agreement was adopted at The Hague on 16 June 1995. It is the largest agreement concluded so far under the Bonn Convention. It concerns 116 countries from the geographic area which stretches from the northern reaches of Canada and Russia to the southernmost tip of Africa.

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was adopted on 3 March 1973, and entered into force on 1 July 1975. The objective of CITES is to ensure that international trade in species threatened with extinction is prohibited except in special circumstances, and that trade in species whose survival might be threatened by such trade is controlled and monitored to ensure the trade is sustainable. To this end, CITES establishes a worldwide system of controls on international trade in threatened animals and plants and articles derived from them. All such trade must be authorized by government issued permits or certificates.

The Ninth Meeting of the Conference of Parties was held from 7-18 November 1994 in Fort Lauderdale, Florida, USA. Decisions adopted by the CoP regarding, *inter alia*, proposals to improve the enforcement of CITES; guidelines for the disposal of confiscated live animals; a convention on trade in rhino and tiger; new criteria to amend Appendices I and II; standard nomenclature; and increase participation of producer countries in CITES Committees.

Co-ordination of secretariats of environmental conventions

Chapter 38 of Agenda 21, in particular its paragraph 22 envisaged, as one of UNEP's priority areas for concentration, "the further development of international environmental law, in particular conventions and guidelines, promotion of its implementation, and coordinating functions arising from an increasing number of international legal agreements, *inter alia*, the functioning of the secretariats of the Conventions".

In response to Agenda 21, the Governing Council in its decision 17/25 of 21 May 1993 requested the Executive Director to promote the coherent coordination of the functioning of environmental conventions, including their secretariats, with a view to improving the effectiveness of the implementation of the conventions.

In March 1994 in Geneva, Switzerland, UNEP convened the First Meeting on Coordination of Secretariats of Environmental Conventions. The Meeting was attended by representatives of secretariats which are administered by UNEP, namely the Secretariat for the Convention on the Conservation of Migratory Species of Wild Animals (CMS), Secretariat for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel), Secretariat for the Vienna Convention for the Protection of the Ozone Layer and for the Montreal Protocol on Substances that Deplete the Ozone Layer (Ozone), Secretariat for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the Interim Secretariat for the Convention on Biological Diversity. The following Secretariats were represented by observers: the Interim Secretariat for the United Nations Framework Convention on Climate Change (UNFCCC), the Secretariat for the Protection of the World Cultural and National Heritage (WHC), and the Bureau of the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention).

At the meeting a number of issues common to the Secretariats were discussed, which need to be elaborated at a later stage, and some other areas where joint activities could be considered, such as concepts and mechanisms of implementation of the Conventions, and trade related provisions of Environmental Conventions. Also discussed were modalities for coordination among Convention Secretariats aimed at the effective implementation of the respective Conventions. The participants to the meeting considered the concept of coordination, and agreed to institutionalize coordination meetings on a regular basis, with a possibility of more frequent informal sectoral consultations.

On 14 and 16 May 1995, a Second Meeting on Coordination of Secretariats of Environmental Conventions has been convened by UNEP at its Headquarters. The Meeting was attended by representatives from the Secretariats which are administered by UNEP, as well as the Interim

Secretariat for the UNFCCC, the Interim Secretariat for the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification Particularly in Africa, and the Bureau of the Ramsar Convention. The following organizations were represented by observers: United Nations Department for Policy Coordination and Sustainable Development, United Nations Development Programme, International Labour Organization, Food and Agricultural Organization of the United Nations, and the World Conservation Union (IUCN).

Several papers were submitted to the Meeting regarding follow-up actions undertaken by UNEP after the First Meeting on Coordination in order to support and consolidated the process of coordination. These papers dealt with Activities to Strengthen the Coordination Among Conventions' Secretariats and UNEP in the Area of Information Exchange, Implementation and Compliance Mechanisms Within UNEP Administered Conventions, Trade Related Mechanisms Within UNEP Administered Conventions, Host Government Agreements, UNEP and the Conventions Secretariats: UNEP's Substantive, Programmatic Relationships with Conventions, and UNEP and the Conventions Secretariats: the Institutional "Host" Relationship.

A Third Meeting was held in July 1995 in Geneva to continue this process. The Meeting discussed specific administrative and financial issues to enhance joint activities in the context of UNEP's 1996-1997 work programme, as well as substantive issues of benefit to all participants.

Harmful chemicals

The Governing Council decision 16/35 in 1991 mandated UNEP to assist Governments to develop measures to strengthen the legal basis of the amended London Guidelines for the Exchange of Information on Chemicals in International Trade. To achieve this objective at the national level, UNEP, pursuant to the same decision and in accordance with paragraph 61 of Chapter 19 of Agenda 21, has been developing legislative guidance documents on the management of chemicals for use by countries without adequate chemical legislation. For developing national institutional frameworks to implement the Guidelines, UNEP, in cooperation with UNITAR and FAO, has been providing technical assistance to developing countries, including in particular national, sub-regional and regional training workshops.

(a) Prior Informed Consent

Chapter 19 of Agenda 21 also calls for strengthening the legal basis of the amended London Guidelines at the international level, i.e. development of a legally binding instrument for mandatory application of the Prior Informed Consent (PIC) procedure, contained in the amended London Guidelines and the FAO International Code of Conduct on the Distribution and Use of Pesticides. In this regard, UNEP convened in January 1993 the third session of the *Ad Hoc* Working Group of Experts on the Implementation of the amended London Guidelines which discussed this matter in detail and decided to establish a Task Force to consider modalities for developing a possible international legal instrument. In September 1993 and March 1994 meetings of the Task Force were held with the participation of Governments and representatives of relevant organizations to consider elements of such an instrument. On the basis of the work of the Task Force, the Ad Hoc Working Group, at its fourth session in April 1994, identified a set of possible elements for a legally binding instruments. The Commission on Sustainable Development at its second session in New York from 16 to 27 May 1994 recommended that UNEP and the FAO, in close cooperation with other international organizations, continue to evaluate and address problems with the implementation of the voluntary PIC procedure and to develop effective legally binding instruments concerning the PIC procedure. In November 1994, having noted the work already done by UNEP for the development of a PIC convention including possible elements for such a convention, the 107th session of the FAO Council agreed that the FAO Secretariat should proceed with the preparation of a draft PIC convention as a part of the FAO/UNEP programme on PIC.

An informal consultative meeting was convened by UNEP and FAO in Geneva on 1-2 December 1994 to consider major issues related to the development of a PIC Convention. The participants supported the development of such a Convention and suggested that the Executive Director of UNEP seek a mandate from GC 18 to start negotiations. It is envisioned that such a Convention would provide, in addition to the PIC procedure, a means of capacity

building in the management of chemicals in those countries without adequate infrastructure for the implementation of the Convention. The meeting was attended by representatives of 24 governments, and relevant governmental and non-governmental organizations.

By its decision 18/12 of 26 May 1995, the Governing Council of UNEP authorized the Executive Director to prepare for and convene, together with the FAO, an intergovernmental negotiating committee with the mandate to prepare an international legally binding instrument for the application of the PIC procedure. The intergovernmental negotiating committee shall commence its work not later than January 1996. A diplomatic conference for the purpose of adopting and signing the instrument shall be convened preferably not later than early 1997.

(b) Code of Ethics

To fully achieve the objectives set out in the amended London Guidelines, as requested by its Governing Council in decision 16/35, UNEP had provided an international forum to private sector parties, such as industry and non-governmental organizations, to prepare a code of ethics on the international trade in chemicals as a complement to the Guidelines. The preparation of such a code is envisaged in paragraph 50 of chapter 19 of Agenda 21. In 1992-93, UNEP convened three sessions of an informal consultation for the preparation of the code. The third session, which was attended by the representatives of chemical industry associations from various regions, non-governmental organizations, relevant United Nations and other intergovernmental organizations, and experts from Governments, was held in Geneva in September/October 1993 to consider the draft text of the code. The text of the code was finalized at the fourth session in April 1994 and issued by UNEP on 9 August 1994.

The Code of Ethics takes into account the entire life cycle of chemical production, transport, use, and disposal, and has been developed with the purpose of reducing health and environmental risks. Wide application of the Code was recommended by the International Conference on Chemical Safety, where 114 Governments met in late April 1994 in Stockholm. The second session of the CSD in May 1994 also called for the Code's application on as wide a scale as possible, and reinforced the industry's role as a major player in furthering the objectives of Agenda 21. The Code was initially distributed to all governments, 185 industry associations and 77 non-governmental organizations (NGOs) worldwide. The Secretariat is distributing the Code to other private sector parties upon request.

(c) Inter-organization Programme for the Sound Management of Chemicals

A Memorandum of Understanding (MOU) concerning the establishment of an Inter-organization Programme for the Sound Management of Chemicals was agreed upon at an inter-agency meeting held in Paris on 10-11 November 1994. The meeting was attended by representatives of UNEP, the International Labour Organization (ILO), the FAO, the World Health Organization (WHO), the United Nations Industry and Development Organization (UNIDO), and the Organization for Economic Cooperation and Development (OECD). The programme arose from the need for a coordinated and holistic approach and to strengthen partnerships among these organizations. By the middle of April 1995, the MOU had been signed by the executive heads of these six organizations.

Marine Pollution from Land-based Sources

In accordance with Chapter 17 of Agenda 21, UNEP will promote further development of an international legal regime to control marine pollution from land-based sources. The work will include those activities envisaged in paragraph 25 of chapter 17, such as assessment of the effectiveness of existing regional agreements, consideration for up-dating, strengthening and extending the Montreal Guidelines for the Protection of the Marine Environment against Pollution from Land-based Sources, developing means of providing technical assistance and funding mechanisms for that purpose, and identifying additional steps for international cooperation.

Pursuant to Governing Council decision 17/20 of 21 May 1993, three government experts meetings to discuss this issue were scheduled in 1993-1995 to culminate in an intergovernmental meeting on protection of the marine environment from land-based activities to be held in late 1995 in accordance with paragraph 26 of Chapter 17 of Agenda

21. It is expected that the intergovernmental meeting will agree on a plan of action, possibly together with institutional arrangements to implement the plan of action at the global level.

As a first of the series of these meetings, a preliminary meeting of experts to assess the effectiveness of regional seas agreements was held in Nairobi in December 1993. The meeting reviewed experiences of Governments and relevant organizations in the implementation and/or development of regional seas agreements for the protection of the marine environment from land-based activities and considered the effectiveness and adequacy of relevant regional seas agreements in protecting the marine environment from land-based activities.

As the second of the series, a meeting of government-designated experts focusing on the 1985 Montreal Guidelines for the Protection of the Marine Environment from Land-Based Sources of Pollution was held in Montreal, Canada from 6-10 June 1994. Following the successful conclusion of the meeting, UNEP coordinated inter-sessional work on a Draft Programme of Action prior to the final preparatory meeting in Reykjavik, Iceland in March 1995.

The Reykjavik meeting reviewed and revised the programme in preparation for the two week intergovernmental conference, to be held in Washington, D.C., U.S.A. in November 1995, for the purpose of adopting the programme of action.

Lusaka Agreement

In December 1992 at the African Wildlife Law Enforcement Cooperation Conference, Zambia took the initiative to introduce a draft agreement on cooperative enforcement operations directed at international illegal trade in flora and fauna (Lusaka Agreement). The purpose of the draft Agreement is to combat international illegal trade of rhinoceros horn, elephant ivory and other wildlife products by establishing a multinational Task Force composed of law enforcement officers of the Parties. The initial draft text of the agreement was agreed upon by Kenya, Tanzania, Uganda and Zambia. A number of non-governmental organizations and donors are providing support to the development of this agreement. In June 1993, UNEP was invited to participate in the second meeting of a working group to review the draft Agreement and provided substantive comments on the draft. The results of this working group were presented to a UNEP Conference between the Rhinoceros Range States, Consumer States and Donors on Financing the Conservation of the Rhinoceros held in Nairobi in June/July 1993. The Conference adopted a resolution in which UNEP was asked to undertake a coordinating role in finalizing the draft text of the Agreement. To give effect to this resolution, UNEP offered to provide premises at its headquarters for a coordinating secretariat as well as financial contributions. UNEP presented to the parties concerned a work plan and timetable which is expected to accelerate the negotiation process for the adoption of the Agreement at a ministerial meeting expected to be held in July 1994. The initial draft text of the agreement was circulated for comments to the eight African countries that were originally involved in consultations and negotiation on the Agreement as well as four others in the Region. Letters also went to potential donors in support of the negotiation process. Three Expert Group Meetings were held in 1994 during which the final draft text was produced. The final text was formally adopted at the final round of negotiations hosted by the Government of Zambia in cooperation with UNEP, in September 1994.

Six Eastern and Southern African States - Kenya, South Africa, Swaziland, Uganda, United Republic of Tanzania and Zambia - signed the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (Lusaka Agreement) in Lusaka, Zambia, on 9 September 1994. The signing ceremony marked the end of six months of formal negotiations among the six signatory States, together with Lesotho and Mozambique, which accepted the text but were unable to attend the signing ceremony. This is the first regional agreement on enforcement measures to counter the trade in wildlife in Africa, and the first multilateral agreement of its kind to be signed by the new South African Government.

The objective of the Agreement is "to reduce and ultimately eliminate illegal trade in wild fauna and flora and to establish a permanent Task Force for this purpose". The Task Force will investigate violations of national laws pertaining to illegal trade in all wildlife to combat international syndicates smuggling wildlife out of the region and disseminate information on activities relating to the illegal trade. It will have an international legal character and be

responsible to a Governing Council made up of the Parties to the Agreement. The main functions of the Task Force are to:

- facilitate co-operative activities among National Bureaus in carrying out investigations pertaining to illegal trade;
- investigate violations of national laws pertaining to illegal trade, at the request of National Bureaus or with the consent of the Parties concerned, and to present evidence gathered during such investigations;
- collect, process and disseminate information on activities that pertain to illegal trade, including establishing and maintaining databases; and
- provide, upon request of the Parties concerned, available information related to the return to the country of original export, or country of re-export, of confiscated wild fauna and flora.

The National Bureau may be an existing governmental body or if necessary can be a newly established entity. The Director of the Task Force will be appointed from among Field Officers seconded from National Bureaus and will be directly responsible to the Task Force Governing Council, composed of Parties to the Agreement and responsible for determining the general policies of the Task Force. All Field Officers will retain their national law enforcement authority enabling them to carry out arrests in their own country, but not in other countries which are Parties to the Agreement. All officers, however, will be exempt from visa requirements and entry restrictions in member countries. This will enable them to move rapidly during operations and conduct investigations more effectively. All information gathered by the Task Force will be collated and analyzed by the Intelligence Officer using a central database, which would then be available to National Bureaus to assist them with investigations.

The Agreement was open for signature to all African States at UNEP Headquarters in Nairobi from 12 September to 12 December 1994, and at the United Nations Headquarters in New York until 13 March 1995. Ethiopia has already signed the Agreement. It will enter into force 60 days after the fourth instrument of ratification is deposited with the Secretary-General of the United Nations. In October 1994, the Government of Mozambique confirmed its willingness to sign the Lusaka Agreement, and reiterated that the Agreement has its full support, and that it would sign the Agreement as soon as possible.

Liability and Compensation for Environmental Damage from Military Activities

The UNEP in close cooperation with the London based Foundation for International Environmental Law and Development (FIELD), has initiated a project focused on defining environmental damage caused by military activities. UNEP has undertaken the study in keeping with its mandate under Agenda 21 and Montevideo II. The need for such an undertaking arose when the UN Compensation Commission was established in April 1991 by United Nations Security Council Resolution 687 to hear claims of environmental damage and depletion of natural resources caused by military activities. The Resolution did not define these terms or provide any guidance to the Commission as to how compensation is to be assessed. By 1 February 1997, which is the final date for the presentation of claims for damage, the Commission is likely to be faced with a range of petitions which may require a variety of methods for assessing damage and raise questions regarding "reasonableness" of compensation for environmental damage and the appropriate method for assessing and valuing environmental damage and depletion of natural resources. In 1994, UNEP embarked upon the study with the aim of providing a practical contribution to the work of the UN Compensation Commission and other relevant UN bodies, while at the same time further developing the law in this area. A Working Group of international experts in the field has been convened for February 1995 to begin deliberations on the issue. A background paper, which will serve as the basis for discussion at the First Working Group Meeting, has been circulated to the invited experts.

Application of Environmental Norms to Military Establishments

In 1994 UNEP initiated a process for convening regional meetings to discuss the application of environmental norms to military establishments. This initiative has been launched in response to Governing Council Decision 17/5, which requests UNEP to collect information

on the application of environmental norms by military establishments and further requests a report by the Executive Director to be presented at the 18th Regular Session of the Governing Council (GC 18) and to the Commission for Sustainable Development (CSD), which invited UNEP to consider arranging regional meetings in cooperation with UN Regional Commissions and regional organizations. The report is to specifically address the conformity of military establishments' hazardous waste policy to national environmental norms, the contribution of the military to the achievement of national environmental policies, and an assessment of environmental damage caused by military activities and the feasibility of restorative efforts.

Implementation of and compliance with UNEP-administered treaties

ELI/PAC has prepared preliminary proposals for an empirical study on the implementation of and compliance with UNEP-administered international environmental conventions by States, with particular attention being given to the operation of trade provisions. The study will contribute to more conceptual work initiated pursuant to the request of the Second Session of the Commission on Sustainable Development for UNEP to "study further the concept, requirements, and implications of sustainable development and international law". Also to be examined in this connection are liability and compensation for environmental damage and dispute avoidance and settlement. The intention is to identify and promote legal elements which are consistent with sustainable development, thereby facilitating the coherent development of law in that direction.

NATIONAL LEGISLATION AND INSTITUTIONS

Technical assistance programmes to developing countries in the field of environmental legislation and institutions stems from the UN General Assembly Resolution 3436 (XXX) of 9th December, 1975, which required the UNEP Executive Director to "take measures designed to provide technical assistance to developing countries [...] for the development of their national environmental legislation". This mandate was recently reinforced by the UNEP Governing Council Decision No. 16/25 of 31 May, 1991, and the UNCED process. Agenda 21 recognizes that shortcomings in existing environmental legislation and institutions affects the effective integration of environment and development policies and practices, particularly in developing countries. Consequently, it emphasizes the need for strengthening national legislative and institutional regimes for translating sustainable development policies and strategies into action, including effective implementation of international environmental legal instruments, particularly in developing countries and countries with economies in transition.

Therefore, UNEP has enhanced its technical assistance programme in the field of legislation and institutions and has also strived to integrate the programme within the framework of endogenous capacity-building for sustainable development established by Agenda 21.

Ad hoc technical assistance

UNEP's activities in the field of national environmental legislation and institutions comprise (1) staff scoping missions to assess the needs of specific countries in the field of environmental legislation and institutions; (2) resultant staff or legal consultancy missions to review legal and institutional arrangements for environmental management; (3) legal consultancy missions to draft legislative instruments, including national laws for the implementation of environmental conventions; (4) supporting national fora and workshops to build inter-agency consensus on legislative policy; and (5) the provision of legal advice to governments on legislative proposals and general legal issues and training. By the end of the biennium 93-94, UNEP's technical assistance programme has been implemented in over 80 countries in Africa, Asia, Latin America and the Caribbean, and in Eastern Europe.

Activities in 1993 for the development of national environmental legislation and institutions have being undertaken or contemplated in Latin America and the Caribbean (Spanish speaking countries, Guyana, Trinidad and Tobago), Africa (Benin, Burkina Faso, Cental African Republic, Chad, The Gambia, Ghana, Kenya, Malawi, Namibia, Nigeria, Sao Tome and Principe, Sierra Leone, Sudan, and Zambia), Asia and the Pacific (Mongolia, Kiribati and Western Samoa), Central and Eastern Europe (Romania).

In 1994 technical assistance was provided to almost 30 countries worldwide. Draft legislation was prepared with ELI/PAC assistance for Burundi, Cambodia, Chad, Ghana, Malawi, Nigeria, Sao Tome and Principe, Sri Lanka, Sudan, Trinidad and Tobago, and Zambia. ELI/PAC staff members undertook scoping missions to Kiribati, Lebanon, Morocco, Mozambique, Oman, Tanzania, and Uganda. Workshops and conferences on various issues of environmental law and institutions assisted by ELI/PAC input were held in Kazakhstan, Kenya, Lesotho, Mexico, and Tanzania. ELI/PAC expertise was also provided to an Inter-governmental meeting held between Kenya, Tanzania, and Uganda to discuss the environmental management of the Lake Victoria Basin.

UNEP/UNDP Joint Project on Environmental Law in Africa

Hitherto UNEP assistance to developing countries has been largely *ad hoc*, responding to Government requests. But with the Project negotiated between UNEP, UNDP and the Dutch Government to strengthen the legislative capacity of African countries, this situation will drastically change in ELI/PAC's future work. The Project reflects UNEP's new holistic, integrated and systematic approach to the issue of capacity-building. This is the first UNEP/UNDP joint project in the Post-Rio era. It is being funded by the Government of the Netherlands, with a grant of $5 million, deposited in a Trust Fund created at UNEP for this purpose. The Project is administered by UNEP but is executed jointly by UNEP and UNDP, in association with IUCN, the World Bank and other UN agencies and bodies engaged in technical assistance in the area of environmental law and institutions in Africa. The Project supports selected African Countries to strengthen their legislative and institutional capacity to improve environmental management for sustainable development, including related training and information dissemination.

The two Meetings of the Steering Committee of the Project, held at The Hague on 10 June 1994 and at the UNEP Regional Office in Geneva on 30 September 1994, paved the way for the commencement of the implementation of the Project. The Steering Committee, comprised of representatives of UNEP, UNDP, World Bank, FAO and IUCN, considered reports from earlier needs assessment missions to various countries that had sought inclusion in the Project, approved projects in a number of these countries to be implemented in the first phase, and approved the recommendation that Professor Charles Odidi Okidi, currently Dean of the School of Environmental Studies at Moi University, Eldoret, Kenya, be appointed to the position of Task Manager. The Steering Committee has also agreed that National Focal Points of UNEP's Regional Office for Africa (ROA) will serve as focal points for the development and implementation of work plans in the respective countries.

The following projects were approved:

- Country projects to strengthen environmental legislation and institutional capacities in: Malawi (lead: UNEP), Mozambique (lead: UNEP, UNDP, World Bank), Burkina Faso (lead: FAO, IUCN); Sao Tome and Principe (Small Island State) (lead: UNEP), and South Africa (lead: World Bank, UNEP);
- Sub-regional projects in: 1) Kenya, Tanzania, and Uganda (Lead: UNEP, FAO, IUCN) to focus on the development of legal regimes for the management of wild life resources and the resources of Lake Victoria and 2) the Sahel Region based around Burkina Faso and neighbouring countries; and
- Other projects: appropriately designed projects to be considered at the next Steering Committee Meeting: for the collection and dissemination of information on environmental standards (lead: World Bank); national training programmes in project countries (lead: UNEP); and projects for the collection and dissemination of legal information (lead: UNEP and IUCN).

The Steering Committee decided that after progress is made on the design and implementation of the projects adopted for the first phase, new countries could be added to the list as appropriate.

National consultative processes, in collaboration with the UNDP Resident Representatives in the respective countries and the support of inter-agency missions, have been launched to develop detailed work plans which respond to the specific needs and requirements of each selected country. The countries have established National Task Forces to steer the

development and implementation of the country programmes through a participatory and consultative process. The workplans identify the needs of each country, determine the priority legislative issues to be addressed, and define the modalities of implementation of each country or sub-regional project.

Model Framework Environmental Impact Assessment Law

UNEP is currently developing a model framework law on environmental impact assessment (EIA) with a commentary and implementing regulations. ELI/PAC has been compiling existing examples of national EIA legislative provisions, and work has begun on drafting a model law. Some of the materials were obtained during a Workshop on EIA with Particular Focus on International Co-operation, held from 5-7 September 1994 in Nairobi, which was sponsored by UNEP's Environment and Economics Unit.

This project is intended to complement ELI/PAC's on-going work with developing countries and countries with economies in transition to enact or improve national environmental laws and institutions. ELI/PAC will co-ordinate the results of this work with a related long-term project of the World Conservation Union (IUCN) to develop a legal manual on EIA.

Inter-Agency Cooperation in Capacity Building

In addition to the inter-agency cooperation on the Second Global Training Programme outlined in detail below, which involves UNEP, UNITAR and UNCHS (Habitat), and the UNEP/UNDP Joint Project on Environmental Law in Africa noted above, UNEP has assisted UNDP in preparing the first of a Monograph Series on Capacity Building.

Under the Capacity 21 Programme, UNDP has initiated the development of a Monograph Series on capacity building, and has asked UNEP to prepare the first of this series on capacity building in the field of environmental law. The monographs are intended to serve as resource tools for professionals involved in environment and natural resource management.

ELI/PAC has prepared and submitted a draft monograph entitled *Capacity Building in Environmental Law*. The objective of capacity building for sustainable development, as set out in the introduction to the Monograph, is "to ensure the availability at [the] national level of human expertise and technical resources to achieve sustainable development". The Monograph identifies major problems encountered in environmental law at national level and outlines essential capacity building requirements to address these problems. Among others, capacity building requirements include the need for the training to be: result oriented; supportive of the State's commitments; focused on the requirements of the target group; and pursued on a sustained basis until results are achieved. Also presented is a specific list of capacity building requirements in the area of national legislation and institutions and in the area of national implementation of international legal instruments. Specific target groups and how capacity building might serve them are identified. The final portion of the Monograph sets out UNEP's structured programme of activities for achieving the goals of capacity building. Activities for the planning and implementation phases are set out for: 1) development of national policies and strategies; 2) formulation, enactment, implementation and enforcement of country-specific national legislation and establishment of relevant institutions; 3) active participation of States in the negotiation, adoption and implementation of international legal instrument for environmental management for sustainable development; and 4) human resource development to promote these activities.

ELI/PAC draft was well received by a UNDP peer review, and is currently being finalized for publication under UNDP's Monograph Series.

TRAINING, EDUCATION AND INFORMATION

TRAINING IN ENVIRONMENTAL LAW

UNEP's Training Programmes are an integral part of capacity building and are geared to, among others, conceptually treat this area of specialized training as the legal and institutional component of overall endogenous capacity building for sustainable development, and aim at a practical rather than academic orientation or a judicious blend of both to respond to the practical needs of countries, particularly, developing countries.

To effectively discharge our training role we tap the specialized expertise of UN and other agencies, and recognized experts in various fields of environmental law and the resourcefulness of our Regional Offices and in-house units as well as appropriate UN and other agencies especially, UNITAR, and IUCN in the design, organization, conduct and follow-up of global, regional and national training programmes.

Three seminars have been organized during the biennium 1993-94 aimed at strengthening the capacities of officers from developing countries to address environmental issues. Furthermore an attachment programme has been initiated for in-house training of legal officers from developing countries.

UNEP Regional Seminar on Environmental Law and Legislation in the Countries of West Asia, Bahrain, October 1993

This was the first Regional Seminar organized by UNEP in collaboration with one of UNEP's Regional Offices.

The Regional Office for West Asia played a major role in identifying subjects of particular relevance to the West Asian region. The agenda included legal/institutional aspects of management and control of marine pollution, cleaner technology and inspectorate, national legislation/institutions for environmental management, environmental impact assessment, financial mechanisms for promoting sustainable development, including GEF. It also included an overview of major environmental conventions, including Ozone, Basel, Biological Diversity, Climate Change and Migratory Species, with emphasis on costs and benefits of participation and national measures for their implementation. Forty participants from 11 countries and the Palestine Liberation Organization participated.

The Seminar included legal experts from the World Bank, IUCN, WHO, FAO, UNEP, (ELI/PAC, IE/PAC and OCA/PAC), Convention Secretariats (Climate Change and Migratory Species), GCC Secretariat, ESCWA and PERSGA.

UNEP/UNITAR Global Training Programme on Environmental Law and Policy (In association with UNCHS (Habitat) Nairobi), 29 November - 17 December 1993

This Programme heralded a new era of cooperation between UNEP, UNITAR and UNCHS (Habitat) in the field of training in environmental law and institutions spearheaded by the Executive Director of UNEP and the Acting Executive Director of UNITAR.

The Programme was designed to respond to the requirements of developing countries in environmental law and institutions. It focused on national legislation and institutional arrangements for: implementing global/regional environmental conventions; achieving effective environmental management for sustainable development; and the integration of environment and development. It also included an examination of the legal aspects of subjects of contemporary interest, such as: Environment and Trade, Environmental Impact Assessment, and Cleaner Technology. The methodologies applied were designed to promote a participatory process and catalyze action at a national level to initiate or complement national actions to achieve sustainable development.

Resource Persons for the Programme were drawn from the Secretariat of the Conventions on Climate Change and on Migratory Species, other UN agencies, including UNCHS (Habitat), FAO, The World Bank and the IUCN and from various sections and units of UNEP, including a Regional Office.

Over 180 applications were received from some 90 countries for participation in the Training Programme, from which 25 participants were selected having regard to the credentials of the applicants, and equitable geographical distribution and gender representation.

UNEP Regional Workshop on Institutional Capacity Building for Industrial Environmental Compliance and Enforcement Response in Rapidly Advancing Economies in Asia

In partnership with the Industry and Environment Programme Activity Centre (IE/PAC) and the Regional Office for Asia Pacific (ROAP), ELI/PAC organized a Regional Workshop on Institutional Capacity Building for Industrial Environmental Compliance and Enforcement Response in Rapidly Advancing Economies in Asia, which was held in Beijing and Beihai, China from 13-19 November 1994. The Workshop was jointly sponsored by UNEP and the National Environmental Protection Agency of China.

The objective of the Workshop was to contribute to the sustainable development of countries in the Asia Pacific region in the area of industrial environmental compliance and enforcement as set out in Agenda 21. The Workshop dealt with a wide range of legal and institutional issues relating to industrial compliance and enforcement, including designing enforcement programmes, developing permit systems, monitoring compliance, and development of an inspection scheme. The participants - senior government officials from China, India, Indonesia, Malaysia, Philippines, Republic of Korea, Singapore, and Thailand - developed outlines for enhancing the system of compliance and enforcement in their respective countries, which will serve as a basis for a programme of follow up action.

The participants in the Workshop concluded that their countries should:

- improve the existing legislation and regulatory system for permitting;
- develop multiple or integrated permit systems;
- strengthen institutions and further develop inspection capabilities through training;
- improve monitoring of compliance including self monitoring;
- develop systems of compliance audits and include both regulatory and incentive mechanisms in legislation on industrial compliance;
- improve and effectively enforce penalty systems;
- develop more consultation and cooperation between various parts of government, e.g., Ministries of Environment, Industries and Trade, at the national, state, and local levels to achieve a more coordinated and coherent approach to addressing issues of industrial compliance and enforcement;
- further strengthen industrial compliance awareness and facilitate greater involvement of industry in the development and implementation of policies and regulatory mechanisms for individual compliance and enforcement; and
- develop national schemes for obtaining the necessary financial resources to implement effective programmes of industrial compliance.

The Workshop was the first time that IE/PAC, ELI/PAC and ROAP worked in partnership to achieve a holistic and integrated approach to the design and implementation of a training programme. As part of the follow up to the Workshop, IE/PAC and ELI/PAC will jointly publish a special issue of IE/PAC's publication *Industry and Environment Review*, which will deal exclusively with issues on industrial compliance and enforcement. A follow-up programme will be undertaken by ROAP, in close cooperation with IE/PAC and ELI/PAC. The assistance of UNEP was sought to develop and implement national programmes which address the conclusions of the Workshop.

Second UNEP Global Training Programme on Environmental Law 1995

The Second Global Training Programme on Environmental Law and Policy was held on 27 March - 13 April 1995 in Nairobi, Kenya. ELI/PAC received 235 applications from 113 developing countries or countries with economies in transition for 30 places in the programme. The programme was open to government officials from developing countries and countries with economies in transition whose current and/or future functions require specialization in environmental law and policy and the development or implementation of related legislation. It was being organized in collaboration with UNITAR and UNCHS (Habitat).

The Training Programme concentrated on developing the necessary skills to formulate national legislation and institutional regimes for environmental management for sustainable development and the effective implementation and enforcement of legislation. The programme was conducted in three modules covering:

- **Framework Legislation for Sustainable Development**, during which the participants had an opportunity to examine the elements of a comprehensive

national law for environmental management for sustainable development, and develop policy and legislative options for each of these elements, which respond to country specific requirements;

- **Specific Areas of National Legislation for Sustainable Development**, which examined contemporary issues including EIA, environmental management of human settlements and land management law, industrial compliance and enforcement, and developed elements of appropriate national legislative regimes; and
- **International Legal Instruments**, during which the participants reviewed major global environmental conventions dealing with such issues as conservation of natural resources, protection of marine and riverine environments, dangerous substances, the GEF, and trade and the environment, with emphasis on effective national implementation.

In addition to the lecture and discussion sessions, the participants, working in small groups, were given several assignments, including the preparation of EIA regulations and elements of a national environmental management law designed to promote the integration of environment and development for achieving sustainable development, and outlining legislative processes for implementation of international conventions.

Training-By-Attachment Programme

ELI/PAC initiated in 1993 an attachment programme intended for legal officers of Ministries/ Departments/Agencies dealing with environmental matters in developing countries and countries with economies in transition. Its objective is to provide these legal officers with an exposure to legal and institutional aspects of current environmental problems and offer an opportunity to obtain an insight into the wide range of activities undertaken by UNEP at global, regional, and national levels especially in the field of environmental law.

Two Participants from Egypt participated in this Programme in 1993.

The Solicitor General of Barbados (Mr. Woodbine Davis) completed a four week UNEP (ELI/ PAC) Training-By-Attachment Programme from 17 July to 12 August 1994 to prepare draft legislation on Coastal Zone Management and Marine Pollution Control. Mr. Davis spent three weeks at UNEP's Regional Coordination Unit, in Jamaica, and one week at the Legal Division of the International Maritime Organization (IMO), in London. It is expected that the draft legislation prepared by Mr. Davis will be presented to Parliament after having received ministerial approval. The Attachment Programme was prepared for him by ELI/ PAC to respond to Barbados' priorities in the area of sustainable development.

In cooperation with the Regional Office for Latin America and the Caribbean (ROLAC) in Mexico City, Mr. Rey Santos, legal counsel with the Ministry of Science, Technology and the Environment for Cuba completed an Attachment Programme organized by ELI/PAC from 1 November to 9 December 1994. Mr Santos is in charge of International Legal Instruments in the Ministry and his functions include development of national legislation required to implement the legal instruments. Under the ELI/PAC Programme, Mr Santos conducted research on select international legal regimes and national legal and institutional mechanisms for giving effect to such regimes at ROLAC Headquarters in Mexico. He then travelled to UNEP Headquarters in Nairobi to meet with staff of ELI/PAC, OCA/PAC and Ozone Secretariat. He also went to Geneva to meet with staff from the Biodiversity, International Register of Potentially Toxic Chemicals (IRPTC), Climate, Basel, and CITES Convention Secretariats, before returning to ROLAC headquarters to draft elements of national legislation for implementing these Conventions.

INFORMATION

Increased awareness of environmental law and its role in sustainable development is likely to contribute to the development of national legislation, promote better compliance with legislative requirements, and enhance effective participation in international negotiations. Information on environmental law and institutions has therefore been compiled and disseminated to governments, organizations and the public through publications which are user-friendly and have a practical, rather than academic, orientation. The updated version

of the *Register of International Treaties and Other Agreements in the field of the Environment* was issued in 1993. *The Directory of Principal Governmental Bodies Dealing with the Environment* was updated and published in 1993.

Computerized Environmental Law Information Base

UNEP has developed its Computerized Environmental Law Information Base (CELIB) which is now accessible worldwide on INTERNET. CELIB contains legal and institutional information, and is available to the public free of charge. CELIB has been developed by ELI/PAC in collaboration with various environmental Convention Secretariats, and other UNEP units and out-posted offices. It has been developed to fulfil, in part, the mandate given to UNEP by Governing Council decisions 16/25 and 17/25, and reinforced by Agenda 21, which calls for, *inter alia*, the dissemination of information in the field of environmental law and institutions. CELIB has also been developed, again under the mandate of Agenda 21, as a first step in assisting the coordination of functions arising from an increased number of international environmental legal agreements and the activities of the Convention Secretariats.

Thus far, the information base includes material regarding international environmental legal instruments and international environmental law in general. Information on international environmental conventions includes the 1993 *Register of International Treaties and Other Agreements in the Field of the Environment*, and 182 texts of international conventions or agreements in the field of the environment. In addition, comprehensive information is provided in respect of the:

- Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973;
- Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, 1994;
- Convention on Conservation of Migratory Species of Wild Animals, 1979;
- Vienna Convention for the Protection of the Ozone Layer, 1985;
- Montreal Protocol on Substances that Deplete the Ozone Layer, 1987;
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989;
- Convention on Biological Diversity, 1992; and
- United Nations Framework Convention on Climate Change, 1992.

Details on these conventions includes: 1) general information; 2) the full text; 3) status of ratification; 4) summary of the negotiation process leading to its adoption; and 5) information on the meetings of the Conference of the Parties including, general information about the meeting, the agenda, decisions, resolutions, and recommendations adopted, and a list of documents submitted at the meeting. This information has been compiled for inclusion in the CELIB in collaboration with the relevant Convention Secretariats.

The Programme for the Development and Periodic Review of Environmental Law for the 1990's (Montevideo II), the *Biannual Bulletin of Environmental Law*, and UNEP policy statements and speeches pertaining to environmental law are also available on CELIB.

CELIB will be continually expanded and updated by ELI/PAC in collaboration with Convention Secretariats and UNEP offices. Work is proceeding on adding the texts of other environmental conventions or agreements. Also to be added are summaries of national legislation in the field of the environment and an indexed compendium of national legislation in developing countries and countries with economies in transition in regard to general environmental management and environmental impact assessment laws currently being prepared for publication under the Environmental Legislation Series.

To access CELIB please connect through GOPHER with "unephq.unep.org:70/11/un/unep/elipac" and select "United Nations Environment Programme". If you want detailed information on UNEP administered environmental conventions or on the United Nations Framework Convention on Climate Change, then select "Convention Secretariats". For other

information select "ELI (Environmental Law and Institutions)".

Biannual Bulletin of Environmental Law

A new publication, the *Biannual Bulletin of Environmental Law*, has been launched by ELI/PAC in 1994. The publication, which will be distributed world-wide, provides timely information about UNEP's activities in environmental law and institutions. The publication was developed to fulfil, in part, the mandate given by decisions 16/25 and 17/25 of the UNEP Governing Council, reinforced by Agenda 21, which calls for, among other things, the dissemination of information in the field of environmental law and institutions. The *Bulletin* was developed by ELI/PAC in partnership with Convention Secretariats, other in-house Units and Programme Activity Centres (PAC), and Regional and Out-posted offices of UNEP. It details major activities of UNEP in the legal and institutional fields in five parts: General Information; International Legal Instruments; National Legislation and Institutions; Environmental Training, Education and Information; and News from Convention Secretariats.

The *Bulletin* is distributed to officials in government and parastatal bodies dealing with legal and institutional aspects of environment and development issues, Permanent Representatives to the UNEP, selected researchers and university law faculties, international legal institutions and non-governmental organizations active in the legal field, and Convention Secretariats. Two volumes are issued annually, one covering activities from January to June and the other activities from July to December. The *Bulletin* will be available through CELIB.

UNEP National Environmental Legislation Series

The first volume of the UNEP National Environmental Legislation Series is currently being prepared. National environmental management and environment impact assessment (EIA) laws and regulations of developing countries and countries with economies in transition are being collected and an index of all major provisions is being compiled. Laws from between 45-50 countries have already been studied and indexed. The Legislation Series is intended to fulfil, in part, UNEP's responsibility for the dissemination of environmental law. The publication, the first in the National Legislation Series, will be made available to governments, law libraries and institutions, universities, NGOs, researchers and lawyers. Upon completion, the information will also be made available in the electronic media through CELIB. The volume is expected to be released in September 1995.

UNEP Training Manual in Environmental Law

The first draft of a Training Manual in Environmental Law and Institutions has been developed with the assistance of a legal consultant (Prof. Ben Boer) and is being reviewed by ELI/PAC staff. In addition, the draft has been reviewed by ELI/PAC staff and the staff of the Convention Secretariats of Basel, CITES, Biodiversity and Climate Change. It is currently being revised with the benefit of the inputs made by the Convention Secretariats. The revised draft will be further reviewed by other legal experts with expertise in the field of training, and will be tested at the Second UNEP/UNITAR/UNCHS(Habitat) Global Training Programme on Environmental Law and Policy to be held in Nairobi in March/April, 1995, before being published as an Environmental Law Training Manual for use in UNEP's global, regional and national Training Programmes on Environmental Law.

The Manual will contain a comprehensive, integrated and adaptable set of training modules. It is intended to serve as a pool of training materials from which requisite sections may be drawn for use in a range of workshop programmes. Levels of expertise of users of the Manual are catered to by the inclusion of graded legal exercises, questions, discussion points, case studies and drafting assignments. It is divided into three sections: 1) Introduction to Environmental Law; 2) International Environmental Law and Institutions; and 3) National Environmental Law and Institutions.

UNEP Publication on Environmental Law for Sustainable Development

Work was begun in 1994 on a publication on the progressive development of environmental law, at both the international and national levels, in the context of sustainable development in the post Rio period, which is planned to be released during the celebrations to mark the

50th anniversary of the United Nations in 1995. The emphasis will be on UNEP's contributions to the field. The publication will contain articles authored by several internationally recognized scholars as well as staff members of ELI/PAC. Some of the topics to be covered in the book include: the development of international environmental law in the direction of sustainable development in the Post-Rio period; the principle of equity as the basis of international environmental law; implementation of and compliance with major environmental conventions; legal issues in the area of environment and trade; avoidance, prevention and settlement of environmental disputes; new approaches to capacity building in environmental law and institutions; implications of indigenous rights and customary laws on development of environmental law for sustainable development; and environmental law and criminal jurisdiction.

Arabic Compendium of International Environmental Conventions

Regional delivery of UNEP's Environmental Law Programme commenced for the West Asia Region with the preparation of an Arabic Compendium of International Environmental Conventions. The compendium will include the texts of regional and international environmental agreements affecting countries in the West Asian region. Work was undertaken in 1994 to select the appropriate instruments for inclusion and translating them, as necessary, into Arabic. The Compendium is scheduled for release in 1995. The need for a handbook in Arabic containing texts of major global and regional conventions and selected texts of national legislation of countries in the region, was strongly emphasized by the participants at the West Asia Regional Training Programme, held in Bahrain in October 1993, organized jointly by ELI/PAC and ROWA.

UNEP POLICY STATEMENTS

"International Environmental Law"

Remarks by Elizabeth Dowdeswell Executive Director of UNEP
at the University of Oslo
Oslo, 31 August 1994

I am really honoured and privileged to have been given this opportunity to address this distinguished audience today. The development of international environmental law has been one of the most remarkable exercises in international lawmaking. In fact the scale and form it has taken has been compared to the development of the law on human rights. It is, therefore, only appropriate that this Conference should centre itself on the various dimensions of this emerging discipline.

Two years have passed since the Rio Summit. Significant changes have occurred in this relatively short span of time, as true to the spirit of Rio we endeavour to meet the objectives set up for us by Agenda 21. There have been many "ups" which have given us hope and perspective and many "downs" which we had to, and in some cases are still, struggling to overcome. But the spirit of Rio still lives on.

As the head of an organization that is frequently called upon to catalyse agreements on various international and regional environmental issues, I cannot help feeling sometimes that what was designed as a large-scale learning experience, and I refer to the Rio Summit, for the industrialized and developing countries alike, as a joint effort truly global in scope, sometimes runs the danger of becoming enmeshed in petty mutual accusations and reproach, in preaching and protesting, and in haggling over finances. The safeguarding of our global environment runs the danger of becoming subordinate to the safeguarding of narrow interests and short-sighted economic advantages.

I know I sound a bit pessimistic. But one thing is very clear – that all of us will have to join forces, work very hard and be very persuasive if we are to gain momentum in our implementation of the imperatives of Agenda 21.

Madame Prime Minister,

You laid the foundations for the process which culminated in UNCED at Rio. The Stockholm Conference on the Human Environment in 1972 gave a new impetus to the development of international norms. Its manifestation was a significant increase in the number of international environmental legal instruments.

The Commission on Environment and Development which you chaired, in its report Our Common Future warned that people had to change many of the ways in which they did business and lived or the world would face unacceptable levels of human suffering and environmental damage. Your report also developed the concept of *sustainable development*. No concept in our contemporary history has had so much resonance. It has caused scholars as well as the general public around the world to pause and reflect on where our civilization is heading.

The Commission's report was timely for another important reason. It turned the attention of the global community away from the issues engendered by the cold war to a more long-term one such as the environment.

Though the post-cold war period has allowed for wider international cooperation and has opened new opportunities for economic growth and prosperity, it has also presented us with significant environmental challenges.

We are witnessing today an accelerated development of international law in general and international environmental law in particular. We could attribute this phenomena to be a legal response to a world that is changing very fast.

Indeed, international environmental law today is increasingly evolving in the direction of sustainable development. It has shown itself to be one of the most effective instruments in building and enhancing a consensus in the world community in addressing the most pressing global environmental and developmental issues of the day.

One of the most important consequences of UNCED was the challenge set for international environmental law in the context of sustainable development. The Rio Declaration, the two major conventions coming out of UNCED, i.e. the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change, and particularly Agenda 21, require the full utilization of law as an instrument to achieve a balance between environmental and developmental or socio-economic considerations.

The Brundtland Commission in developing the concept of "sustainable development" had already began to consider adapting international environmental law to this new challenge. The World Commission on Environment and Development Experts Group on Environmental Law proposed a number of legal principles for environmental protection and sustainable development to the Commission, providing the basis for many of the new and innovative legal concepts and principles of international environmental law being applied today. Chapter 39 of Agenda 21 continues to advance activity in this area by calling for the further development and review of international law on sustainable development.

I would initially like to touch on several issues, concepts and principles which are, I believe, distinct characteristics of this evolution of law towards sustainable development. I would then like to turn briefly to UNEP's own strengthened mandate in international environmental law in the post-UNCED era. I would also like to touch briefly on our main activities in the codification and development of that law.

As a prelude to this, I would suggest that there is a clear interrelationship between international environmental law and international law for sustainable development. It is self evident that international environmental law has left behind its purely physical parameters of environmental protection and the problems it must regulate. New and emerging international environmental instruments and the negotiations for those

instruments routinely consider and integrate socio-economic dimensions with environmental issues. That is what sustainable development is all about.

There is no precise definition of international law for sustainable development and one might argue that there is indeed no difference between that body of law and international environmental law itself!

One phenomenon of international environmental law which was revealed during negotiations of the ozone instrument as well as of the Climate Change Convention is that more legal instruments are being negotiated in circumstances of scientific uncertainty. Thus, we are faced with the challenge of finding ways of developing instruments that are flexible and capable of accommodating change as the scientific evidence becomes clearer. This precautionary approach is a relatively new trend in law which, I think, is going to continue.

Flexibility and innovation are increasingly evident in new and emerging environmental legal regimes. The two global instruments that came out of UNCED are particularly illustrative of this trend.

For example, the United Nations Framework Convention on Climate Change, in Article 3, Principle 1, refers to "common but differentiated responsibilities and respective capabilities", which recognizes the specific circumstances of developing countries and countries with economies in transition. Article 3, Principle 3, refers to the "Precautionary Principle", stating that "... Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change" and that "... lack of full scientific certainty should not be used as a reason for postponing such measures ...".

The Convention on Biological Diversity is also significant in its ambitious scope and innovative approach. Negotiated concurrently with the preparations for UNCED, it is very much in harmony with the spirit of UNCED and Agenda 21. It has far- reaching implications for the further development of international law on sustainable development. The regime envisioned by the Convention deals with complex, global and cross-sectoral environmental problems in a comprehensive and holistic manner.

The Convention is, I would suggest, at the forefront of progressive development of international environmental law, based on and comprising a number of new and innovative concepts and principles such as the common concern of mankind, global partnership, common but differentiated responsibilities and valuation of biodiversity. The regime also contains innovative funding and technology transfer mechanisms and has implications for such areas as intellectual property and biosafety.

Another indication of the flexibility in this body of law is the characterization of many of the parties to conventions as not only "developed" or "developing" but also "countries in transition" or "countries with fast growing economies". These characterizations have an impact on international environmental law-making and the distinctions are manifested in a number of instruments.

For example, article 6 of the Climate Convention allows Parties undergoing the process of transition to a market economy a certain degree of flexibility in fulfilling their commitments. Article 20 of the Convention on Biological Diversity, dealing with financial resources, allows countries undergoing the process of transition to a market economy to voluntarily assume the obligations of the developed country parties at a later date. Similar provisions are found in the proposed Convention on Desertification and in further developments under the Montreal Protocol.

I would also like to stress the unique nature of implementation of international law in the field of sustainable development. What we see in recent environmental treaties is not only the setting of ambitious goals but also of supportive means for the achievement of those goals through financial mechanisms and resources, technology transfer and capacity building. For example, the non-compliance procedure formulated pursuant to Article 8 of the Montreal Protocol enhances implementation by seeking

amicable solutions to complaints of non-compliance, including measures to actually assist the Parties' compliance with the Protocol.

These examples are but a few of the instruments that incorporate facilitative and supportive means to implement international environmental law. Indeed, environmental legal regimes more and more often complement prohibitive and restrictive mechanisms with a wider use of stimuli and incentives aimed at dispute avoidance rather than dispute resolution. More attention is being given to institutionalizing the implementation capacity through effective reporting, monitoring and assessment systems and establishing multilateral consultative processes for resolving the difficulties faced in implementing an instrument.

As international environmental law moves in the direction of sustainable development, we are increasingly looking at the interrelationship between environmental and socio-economic instruments. Focus on sustainable development requires a more holistic approach. This is an alternative to the narrow and fragmented focus on one particular instrument. For example, we are beginning to look at major international environmental conventions that contain trade provisions. When negotiated, these provisions were viewed very narrowly. With the evolution of the World Trade Organization (WTO) and the newly emerging trade and environment regime, we have started to think about the nature of these trade provisions and the complex issue of defending their role in international environmental instruments. The interface of international trade and environmental protection can be mutually supportive depending on the manner in which underlying issues are addressed.

Yet another characteristic of emerging environmental law is the concept of partnership. There is a greater recognition of the need for the widest possible partnerships of nations and peoples in addressing the issues of environment and sustainable development.

Clearly, effective partnership requires heightened public awareness on issues of sustainable development and environment. It is not surprising that there is a call for and consequent recognition of new legal rights which ultimately help to cement these partnerships. For example, there has been a good deal of discussion regarding the fundamental right to a healthy environment. It has been argued that the right to a healthy environment is an extension of the right to life. States are thus under a moral duty to pursue policies which are designed to ensure access to the means of survival for all individuals and peoples.

More specific rights are being incorporated into international environmental law. Article 8(j) of the Convention on Biological Diversity calls on contracting Parties, within their legislation, to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities. Resolution 3 of the Nairobi Final Act addresses the question of farmers' rights. At the recent Second Session of the Intergovernmental Committee on the Convention on Biological Diversity these issues were discussed. There was agreement on the importance of recognition of innovations of local communities and indigenous people. Several representatives suggested that possible new approaches should be developed to enable indigenous people and local communities to be compensated for their contributions to the conservation and sustainable use of biological diversity.

I have only cursorily referred to this growing body of unique and innovative concepts and principles which are emerging from the rapid development of international environmental law.

In this context, Agenda 21 calls for an enhanced and strengthened role for UNEP. As the principal body within the United Nations system in the field of the environment, one of the priority areas on which the organization is required to concentrate is the **"Further development of international, environmental law, in particular conventions and guidelines, promotion of its implementation and coordination functions arising from an increasing number of international legal agreements..."**

In May 1993 the UNEP Governing Council adopted the Programme for the Development and Periodic Review of Environmental Law for the 1990's. This Programme is responsive to Agenda 21 and will serve as a basis for UNEP's action in the field of international law during the coming decade.

The Programme provides objectives and strategies as well as calls for legal action in 18 programme areas, including international trade in harmful chemicals, marine pollution from land-based sources, environmental impact assessment and environmental emergencies. The Programme also envisages further development of such legal mechanisms as prevention and redress of environmental damage and dispute avoidance and settlement. The Programme requires enhancing the capacity of States to participate effectively in the development and implementation of environmental law and to promote implementation of international environmental legal instruments. Finally, the Programme is called on to *"consider concepts or principles which may be applicable to the formation and development of international law in the field of environment and sustainable development."*

If I may be permitted, I would like to quickly summarize some of UNEP's recent activities in follow-up to Agenda 21 and the Programme for the 1990's.

UNEP's expanded mandate to coordinate the functions of environmental conventions including secretariats is well under way. The ultimate aim of this activity is to create a coherent body of international environmental law. The First Coordination Meeting of Environmental Conventions' Secretariats was convened in March of this year.

The results of that Meeting included developing an appropriate interpretation of the mandate, identifying major areas and modalities of coordination, and categorizing environmental conventions in light of coordination aimed at their coherent implementation and the cohesive development of international environmental law. A framework for institutionalizing coordination was also discussed, to be elaborated in the follow-up to that Meeting.

The second area I would like mention is aimed at strengthening the legal regime of toxic chemicals in international trade. UNEP is currently involved in strengthening the legal basis of the Amended London Guidelines; the elaboration of a code of ethics for industry; and the development of a binding regime for prior informed consent procedures. The Code of Ethics on the International Trade in Chemicals have been adopted by representatives of private sector parties, including the chemical industry, as well as from Governments and international organizations. A set of elements for a legally binding instrument for the mandatory application of the prior informed consent procedure has been agreed upon. The International Conference on Chemical Safety has also recently established the Intergovernmental Forum on Chemical Safety.

UNEP is also proactive in assisting States to deal with a number of regional problems. We are currently contributing to the establishment of a legally-binding framework for cooperation among the Governments of Southern and Eastern African States to combat effectively the illegal trade in wildlife and wildlife products in the region. We have provided necessary funds and established the Coordinating Secretariat for assisting negotiation of the Lusaka Agreement, as it is known. UNEP has successfully convened two expert meetings for negotiation of the draft text which has resulted in strengthening of the legal regime for combatting illegal trade in wild fauna and flora and their contributing to the integration of environmental and developmental concerns, and the development of a legal response to specific needs of African countries.

In addition, UNEP is furthering the development of international environmental law in the areas of Liability and Compensation for Environmental Damage, Effective Implementation of International Legal Instruments in the Field of Environment and Sustainable Development, and Protection of the Marine Environment from Land-Based Activities. We are also improving the capacity of developing States to meet the challenges of sustainable development by providing technical assistance in the field

of legislation and institutions, including information, education and training in environmental law.

The traditional structure of international environmental law emerged out of a political configuration far simpler than that which exists now. The very circumstances that necessitated the growth of an International legal order for environment makes its further development far from easy. The issues were fewer and more manageable. The forms of political and economic action much less diverse.

What we need today, and I am sure that the deliberations of this Conference will provide, is an enhanced awareness of the importance of international collaboration on global environmental issues.

"Sustainable Development - Contribution of International Law"

Statement by Elizabeth Dowdeswell Executive Director, UNEP at the International Symposium "Sustainable Development and International Law" Baden bei Wien, 14 April 1994

Mr. Chairman,

May I begin by saying a very hearty congratulations to the Austrian Government for undertaking this initiative in preparation for the next meeting of the Commission for Sustainable Development and in recognition of the follow up that is required by Agenda 21. Austria has had a long history of involvement and commitment to the UNCED process. Particularly, Ambassador Lang has a long-standing involvement, in international law, and more recently in environment and trade.

It is a very important initiative to bring together experts further the development of international law, particularly as it pertains to sustainable development, and the organizers have been able to attract the wealth of expertise. It is known that I sometimes express some scepticism about the role of lawyers, specifically in the midst of a decision-making process. I must admit however, that I have been quite irreverent; and this morning I feel somewhat intimidated to be surrounded by a group of distinguished lawyers. All I can do is claim to speak as a layman.

In fact, this keynote speech is an opportunity for me to begin a conversation with you and I hope to express some thoughts that might be carried forward into your discussion in the next couple of days. But again, I stress that these are the views and interpretations of a lay person and not a legal expert.

I think the previous speaker was quite right when he so appropriately referred to the changing nature of contemporary world in which we are operating. The post cold war era has allowed for wider international cooperation. In particular, it has opened entirely new approaches in the field of environmental law. At the same time we are reminded daily that this opening up has also placed us before significant environmental challenges. We are witnessing an accelerated development of international law in general and international environmental law, in particular. We see evidence that the development of international law is moving in the direction of sustainable development. Most of us are convinced that there is a need for a balanced blend of environment and development. The recent conventions, be they Climate Change, Biodiversity or the ozone instruments are but few examples of this trend towards sustainable development.

Mr. Chairman,

I would like to point out several distinct characteristics of this evolution of law towards sustainable development, but before that I would refer to the attempts to define the ecological ground rules for sustainability. I admit that even on this more general issue we do not have all the answers yet by any stretch of the imagination. I hope that during these few days of the Symposium you would try to stretch those boundaries to move beyond precedent and to examine the whole aggregate of international legal instruments without limiting yourselves to the tried models of international conventions and treaties. The challenge before us demands that we explore the wealth of tools and instruments available.

There are, as I mentioned before, at least some identifiable characteristics of the emerging law for sustainable development. The first one may seem rather self-evident: in international environmental law we are moving beyond the law that is focused strictly on physical parameters of the problem to be regulated; we start to take into consideration its socio-economic dimension, which is what sustainable development is all about. In this regard I would address you to Article 1 of the Convention on Biodiversity or Article 3 of the Climate Change Convention, where you can see in black and white a real indication of such refocusing. The above provisions are not only setting rights and obligations for environmental protection, but also take into account the associated developmental concerns.

The other phenomenon that has been revealed during negotiation of the ozone instruments as well as of the Climate Change Convention is that more legal instruments are negotiated in circumstances of scientific uncertainty. Thus, we have to find ways of developing instruments that are sufficiently flexible and capable of accommodating change as the scientific evidence becomes clearer to us. This is a relatively new trend in law which, I think, is going to continue.

Yet another characteristic of emerging environmental law is the concept of partnerships. There is a greater recognition of the need for the widest possible partnership of nations and peoples in addressing the issues of environment and sustainable development. All states, rich or poor, developed or developing, North or South, share common but differentiated responsibilities. I believe that again it had first been with the ozone instruments, but certainly enshrined as well in the Climate Change Convention, that we really recognized this concept of common but differentiated responsibilities where each state could act according to its capability and capacity. This kind of differentiation of obligations will be an important factor in the development of law for sustainable development.

And finally I would like to point out the unique nature of the implementation process of international law in the field of sustainable development. We have a history of introducing innovated means and mechanisms of implementation. What we see in recent environmental treaties is not only the setting ambitious goals but also provision of supportive means for the achievement of those goals, be they financial mechanisms, be they provisions for the transfer of resources, or transfer of technology. These facilitative and supportive means of environmental law will continue to develop complementing the prohibitive mechanisms that have so long characterized legal regimes. I expect we will also see much more attention being paid to dispute avoidance in the general framework of dispute settlement and dispute resolution. Much more attention is now being given to institutionalizing the implementation capacity. Indeed, during negotiations of international legal instruments we spend more and more time discussing how indeed we are going to set up the implementation mechanism perhaps through ad hoc sub-committees, to make sure that science is continually brought forward, or through the way in which we design reporting mechanisms. Increasingly, it is consuming as much time and as much effort in the negotiating process as the substance of the agreement itself.

Those, I think, are the major characteristics of the process of which our most current laws have been developing. The task before you and the task before us in the next

years, as we promote and further evolve the international law for sustainable development, is to try and find some way in which to make it a more cohesive and coordinated body of law. We run a real risk of having a web of treaties, conventions and mechanisms of various kinds that are disconnected and fragmented. Whether a national government or an organization active in environmental law-making like UNEP, it doesn't take long to realise that we need to look for the linkages among all of these instruments rather than assessing them individually. In fact, one of the mandates that UNEP has been charged with under Agenda 21 is to further coordinate and develop the whole body of international environmental law. Pursuant to this mandate we have just initiated discussions among secretariats of various conventions, not only to look at enhancing the administrative aspects of their work, but more importantly to look at the substantive elements of each of the different conventions and the linkages among them.

Mr. Chairman,

Let me pose three or four specific issues that might be at more length discussed at this meeting. For example, we have environmental agreements that are addressing, if not the same, certainly very similar issues. I believe that a more thorough understanding is needed of the complementarity of such treaties and of potential benefits resulting thereof. The most obvious example would be the complementarity of the Biodiversity Convention, the CITES and the Bonn Convention on Migratory Species, to mention just one area of endeavour. I think they have a number of similarities, and I think that we need to stand back and see whether or not there is some synergy to be gained and how to enhance implementation of the objectives of each of those treaties by using their inherent interrelatedness.

Secondly, it would do us well to look at those environmental instruments that are different in a geographical scope. For UNEP, of course, the most familiar ones are those related to regional seas programmes. But to give you a specific example of commonalities among geographically different instruments I would refer to the Barcelona Convention and the 20th anniversary of the Mediterranean Action Plan which will happen shortly. And as we look at the Barcelona Convention the Parties to it are now indicating the need to look beyond the original objective of this Convention and regional seas programme and to look at whether or not this agreement has as its base the issue of sustainable development. It was originally set up to be an environmental protection and anti-pollution arrangement associated with that part of the world. Now we will be looking at whether or not it can become a regional instrument for sustainable development.

Thirdly, there is a need to look at environmental instruments of a different legal nature. We have spent a great deal of time negotiating formal treaties and conventions and but, they might not be the most effective mechanisms in every circumstance. For example, the non-binding regime that we are putting into place on the issue of chemicals has the potential to be a very effective legal regime. The work that goes into the elaboration of codes of ethics among industries may be a very powerful instrument and should be considered as part of the package. I am one, and I know there will be some more around the room, who would say: "I am not sure that the only effective mechanism for dealing with desertification is an international convention". I am convinced that parallel to binding global instruments there may be other effective means of implementing objectives in that area.

Increasingly, we need to look at the interrelationship between environmental instruments and socio-economic instruments. As we focus on sustainable development, a more holistic approach is needed other than to look narrowly and in a fragmented way at one particular instrument. For example, there is an urgent need to look at major international environmental conventions that have trade provisions in them. When some of those were negotiated the trade provisions were viewed very narrowly as being related to the particular objective under discussion. With the evolution of the WTO and a coming new regime for the issue of trade and the environment some of us have begun thinking about the nature of the trade provisions and the complex

issue of defending the trade provisions in each of the international environmental instruments.

We need to look at the issue of environmental instruments that have similar provisions in them. They have been negotiated separately, but it is worthwhile examining the provisions related to financial mechanisms, technology transfer, compliance, dispute settlement, liability and compensation. We would inevitably recognize a certain amount of incrementalism both in language and in substance. What is additional resources in one convention, becomes new and additional in another. What is transfer of technology in one convention, becomes transfer of environmentally safe and sound technology in another etc. You can do a rather interesting and useful exercise of tracing the process of negotiation by just taking a look at the change in language over the course of a period of two years. This is one of the reasons why UNEP is interested in looking in a coordinated manner at the work of environmental conventions' secretariats, in order to assess, in particular what it is that is most effective in one convention compared to another. Is it the particular language on dispute settlement, or is it the particular language on compliance, or is it the particular way in which an objective or principle is formulated? And are there lessons we can learn to use in the next round of negotiations because we have now been through this 10 or 15 times?

Finally, there are some new and inspiring concepts and principles that start to emerge: some of them appeared in previous negotiations and have been set aside because they were just too controversial, but there are others which really need to be explored.

The one that will continuously face us is the issue of sovereignty in relation to the concept of common concern of mankind. We need to continue to do some very creative thinking about how to develop instruments that will be acceptable to countries and their notions of sovereignty, and still be able to give us some cause for protection of the global commons.

Yet another concept - that of global partnership is going to be a salient one in the context of sustainable development. This new concept would certainly require a more elaborate definition. Common but differentiated responsibilities, precautionary principles, incentive approaches, all of these, in my view, are the concepts whose *relevance will increase* in whatever round of negotiations we are going to be into next.

Mr. Chairman,

There are three challenges that I would like leave for this group to talk about. They are again based on the views of a lay person as opposed to the views of experts. I am conscious that this field of law gets built up progressively and, in this process it is crucial to have people who do not just rely on precedent, but are really trying to push the boundaries of what we know as international law. A long time ago I was told that law was indeed the governing of the living by the dead, and that has always struck me as an incentive to not just look backwards and rely on precedent but rather to try setting some forward-thinking objectives and to aim toward that objective instead of looking backwards. In the area of environmental law, it is very important that we are future oriented and don't just blindly follow the past.

Just by way of illustration, let me spend a moment on the area of trade. Comparing NAFTA (the North American Free Trade Agreement), negotiations in North America with the work on GATT I see two very different approaches. It looks as if NAFTA is based on fine print, on a legalistic approach to the issue trying to set down in black and white the rules and regulations that can be enforced. It is not something that sets out general principles. It is rather based on the letter of law. I see GATT as something quite different. It is more oriented at achieving international consensus to articulate a shared understanding of what direction to go in. And that is a very different approach form the way in which we normally go about in the development of a body of international law. I think it is worth taking a look at those two different approaches, and assess in the next five years the success of one approach compared to the other to see which is going to be the most effective. Still it strikes me that we are dealing

concurrently with essentially the same matter of substance, which is trade and environment, and yet, we have two different approaches and your guess is as good as mine as to which one is going to be successful.

There are also some other examples of differences in approach that need examining. We have the kind of laws that I would call the command and control laws, if you like, a punitive approach to law enforcement. This approach can be found in areas like sustainable agriculture in the US and Canada. Increasingly, countries are finding it difficult to enforce some of the laws, because of very differing situations in individual countries when they enforce a law that in fact covers an entire international regime. On the other hand, there exist some instruments that I would characterize as being facilitative as opposed to command and control approach. And here the real question is: does it work? Are there too many free riders, is there to much abuse, are we really achieving the objective of those instruments in a facilitative way? My understanding is that, as we further develop international law, we are going to see the law that evolves into a mixture of those two. There will be issues or parts of issues where the international community would require a regulatory framework of command and control mechanisms. But another part of this framework would be very much facilitative. The Climate Change Convention can be brought in as an example. The very concept of common but differentiated responsibilities, the flexible time frame for reporting all these are examples of facilitative, incentive approach, rather than enforcement through increasing sanctions. I think this is in fact the kind of balance we need to strive for. So my first challenge would be really to look at the whole question of approach to detect which one would be most practical and appropriate.

I believe, and it has also been suggested by others, that the issue of incentives, the issue of dispute avoidance and settlement are just right for some really creative thinking. Here we have not yet looked seriously at a native mechanisms of justice and ways of looking at dispute avoidance and settlement. The so-called civilized world might find something to learn from the indigenous societies, and I think that is worth taking a look at.

The second challenge that concerns me greatly is the challenge of implementation. I think that many around this table have spent too many years locked in small rooms negotiating texts till 3 or 4 in the morning, and I guess it is worth asking to what end. Perhaps it is necessary to ask: "But what are they really achieving? This is a beautiful piece of international law, it's well written, it's sitting on the books, but who is measuring the results?" Already people are asked that question about the Biodiversity and Climate Change Conventions, about the ozone instruments though the latter are continuously put forward as being a success. Have we spent as much energy and efforts examining the implementation and effectiveness of other instruments? And if some of them are considered to be successful, why are they successful? And if some of them are considered to be successful, why are they successful? Are they successful because of the way in which particular compliance and enforcement clauses have been written, or because of the number of countries or the range of countries being Parties, or because of any particular combination of countries that have signed up? Are they successful because it has taken a certain period of time? Why, and how can we learn these lessons about implementation that are going to be of crucial importance for the future?

And the third challenge that I would put forward is that of comparative advantage of what some have called soft law as opposed to hard law. In what areas is it more appropriate to aim for codes of ethics and where to aim for agreements? When we should strive for standard-setting and when for harmonization of existing standards? What other instruments are available to us rather than treaties and conventions? To give a concrete example of one of the areas that I think is ripe for an international agreement in the very near future. I point to the issue of eco-labelling where UNEP in cooperation with UNCTAD is just about to do some work. I pose the question of whether or not there is another instrument, another mechanism for creating an international regime that would be more appropriate than negotiation of a convention or a treaty.

Mr. Chairman,

I have gone on at some length but these are some key areas that certainly would benefit from discussion among this particular group of experts. I would like to end with a caution - to remind all of us that law does not exist in isolation. It is one tool that we have, but the solutions to the environmental problems that we are facing would equally demand contribution by science, contribution by politics, as well as demanding sound economics. The more we intend to achieve in international law and setting international regimes, the more we need to look beyond the narrow boundaries of what we have traditionally called law. We must design instruments that, in fact, take into account science, economics and politics. I am a firm believer in multilateralism. Law provides order and confidence to the international community, the order that civil societies look toward in resolving social tension. Still I must admit that in situations like we confronted during the past week in Rwanda we still have not been able to find satisfactory solutions. Indeed, the issue has been put in an entirely different perspective - not an academic perspective, not a legal perspective. In creating an international regime that is harmonious, be it a regime for sustainable development or be it a regime for international peace, the alleviation of social tension is going to depend as much on ethics as it does on international law.

I think it is very important that we continue to keep clearly in mind that law is simply just one of the tools that we have to use and that we have to frame it much more broadly than many of us have done in the past. I look forward very much to the outcome of this Symposium and I really hope that you will be able to apply a good deal of creativity in looking at the questions that have been put before you.

At the same time you can be assured of UNEP's continuing involvement in the field of international environmental law. This remains one of our key priorities, it is something from which we will not retreat. We will endeavour to catalyze yet newer and more effective means of creating international legal regimes.

MONOGRAPH ON CAPACITY BUILDING IN ENVIRONMENTAL LAW

INTRODUCTION

Endogenous capacity building for sustainable development elaborated by the United Nations Conference on Environment and Development in Agenda 21 demands a concerted and coherent approach linking a number of components. Genuine capacity building requires a systemic analysis which links several components. Among them are: The establishment of environmental institutions and machinery; the development of policies and strategies; the preparation and enforcement of laws and regulations; use of economic instruments and market-based incentives; mechanisms for gathering, assimilating and dissemination of information; training of human resources in relevant technical disciplines, the development of new analytical tools, such as; national environmental profiles; impact assessment; environmental accounting; environmental audits; environmental indicators; environmental education; community involvement; technology development and transfer; financing.

The essence of UNEP's response to these challenges in the area of capacity building lies in a shift of focus from pollution control and environmental management to the broader area of sustainable development and the more concerted, coherent and consistent approach it has adopted, in partnership with relevant UN and other agencies, with emphasis on regional delivery. Environmental Law - both international and national - constitutes just one of these components of capacity building in this new context. By itself, even the best legal regime can not do much to advance the pursuit of sustainable development goals. However, as

Agenda 21 points out, laws and regulations suited to country-specific conditions could be among the most important instruments for transforming environment and development policies into action if they are used - in conjunction with the requisite human and other resource capabilities. They include capacities for the development and application of appropriate policies, strategies and activities to achieve a clean environment, natural resource security and integration of environment and development.

Capacity building in environmental law encompasses three distinct but closely interrelated areas of activity crucial to the realisation of sustainable development. They are:

- The development of national policies and strategies for pursuing the goals of sustainable development upon which national legislative and institutional regimes must be based;
- Formulation, enactment, implementation and enforcement of country-specific national legislation and institutions for environmental management for sustainable development; and
- Active participation of States in the negotiation and adoption of international legal instruments on sustainable development, and their effective implementation.

Agenda 21 echoes the concerns expressed in several national reports to the United Nations Conference on Environment and Development, that the inadequacy and ineffectiveness of existing national environmental law is a major hindrance to effective environmental management for sustainable development. Agenda 21 also emphasises the essential importance of the participation in, and the contribution by all countries, including the developing countries, to treaty making in the field of international law on sustainable development. It states in Chapter 39, that many of the existing international legal instruments and agreements in the field of environment have been developed without adequate participation and contribution of developing countries, and calls for provision of technical and/or financial assistance to enable these countries to effectively participate in the international law making process. It calls for developing countries to be given "headstart" support not only in their national efforts to implement international agreements or instruments, but also to participate effectively in the negotiation of new or revised agreements or instruments and in the actual international operation of such agreements or instruments. Such support should include assistance in building up expertise in international law, particularly in relation to sustainable development, and in ensuring access to the necessary reference information and scientific/technical expertise.

The legal and institutional capacities to cope with the challenging tasks of achieving a cleaner environment, natural resource security and the integration of environment and development are often either lacking, or weak and inadequate in many developing countries. Further, the legislative and institutional mechanisms for the implementation of global and regional environmental conventions are all too often non-existent or inadequate such agreements being implemented, generally, through administrative directives. Full and effective participation in treaty making processes is often hampered by inadequate information and perhaps also by inadequate consultations among relevant national institutions and interest groups.

Where governments have succeeded in developing environmental legislation and institutions which incorporate some modern concepts of conservation and natural resource management, these often remain unimplemented or inadequately implemented for several reasons. Principal among these are, the piecemeal formulation of legislation without adequate consultation among all relevant national institutions and interest groups to forge, national consensus on the policies upon which to base such legislation, including, inter-relationships among national, state, provincial and local institutions involved in the implementation of such legislation; lack of essential material resources, equipment and trained personnel; and inability to mobilise sufficient public interest and participation.

Environmental legislation is among the most pervasive elements of cross-sectoral importance in environmental management for sustainable development. Environment touches upon

most sectors of development related activity, for instance water management, soil protection, agriculture development, livestock management, mineral activity, transport, energy generation and distribution, industrial development, forestry, fisheries, wildlife utilisation, tourism, management of human settlements etc. In addition to having an important contribution in each of these individual sectors and in their inter-relationships and integration, the development and implementation of sound and effective environmental law may involve interaction with legislation, and administrative practices and institutions even beyond these sectors. For example, it may be necessary in this process to coordinate the provisions, or the application of, environmental norms with the legal regimes dealing with property rights, land tenure, taxation, local government, customary institutions and practices, and with administrative practices in the areas of national planning, fiscal policy development, natural resource accounting etc.

Thus, a sound and implementable legislative and institutional regime at the national plane which is country-specific is indispensable for effective environmental management for sustainable development. It is particularly important not only to ensure that the network of environmental legislation and related institutions are substantively adequate and implementable, but also that the implementing agency/agencies have the capacity in terms of human and material resources to carry out their functions effectively. Laws which are not properly implemented simply serve to weaken the compliance morality of the population and undermine governmental policies and achievements in the environment and development field. Further, the full participation of all States in the development of international legal instruments, including global and regional conventions in the field of sustainable development, is essential for achieving wider adherence to, and efficient implementation of, such legal instruments.

Environmental law undergirds and guarantees actions taken by governments and aid donors to help achieve a cleaner environment, natural resource security, and the integration of environment and development. Giving legal backing to these policies and programmes, provides those engaged in them with justification, stimulation and even protection, since the agency or ministry concerned can have recourse to the law as a mandate for resource mobilisation and action. It also provides a sound basis for implementation and enforcement of national policies. The relevant institutions can also serve a catalytic function, energising governmental, administrative and public involvement in environmental management for sustainable development.

Clearly, there is a need for a coordinated, cohesive, structured and sustained capacity building programme to assist developing countries and countries with economies in transition to develop and effectively implement legal and institutional responses at both international and national levels to the new challenges for achieving environmental management for sustainable development. Having regard to the fact that the effect of having laws which are not implemented could be even worse than having no laws at all, it is essential that programmes for the development of national legislative and institutional regimes culminate in galvanising international cooperation for the mobilisation of the requisite human, material and other resources to augment, national efforts to realise effective implementation.

Following the mandate it received from the United Nations General Assembly Resolution 3436 (XXX) to ".... take measures designed to provide technical assistance to developing countries, at their request, for the development of their national environmental legislation ....", reiterated at successive sessions of its Governing Council, UNEP has provided assistance to some seventy five or more developing countries, at their request, to develop national environmental legislation and related institutions. Such assistance includes review of existing national legislation and related institutions, drafting of general and sectoral environmental legislation and/or elements for use in drafting legislation, preparation of legal components of national environmental and conservation strategies and legal advice on appropriate legislation and institutions for environmental management. Having regard to the comparative advantage it has in this field, Agenda 21 has identified as some of the priority areas on which UNEP should concentrate: the ".... provision of technical, legal and institutional advice to governments, upon request, in establishing and enhancing their national legal and institutional framework, in particular, in cooperation with UNDP Capacity Building efforts ...."

The wealth of experience and expertise that has been gathered over a period of some twenty years has firmly established UNEP as an acknowledged leader in the area of capacity building in environmental law. This was recognised in Agenda 21 (Chapter 38.22) which listed this activity as one of the priority areas on which UNEP should concentrate. The same has recently been echoed in the Secretary-General's Report on the Indepth Evaluation of UNEP's Programme, endorsed by the Committee for Programme Coordination, which listed capacity building in environmental law as one of two areas of capacity building on which UNEP should focus (Recommendation 14)[7]. A practical demonstration of this recognition is the lead role given to UNEP in the design and implementation of the Government of the Netherlands funded UNEP/UNDP Joint Project in Environmental Law in Africa in partnership with the World Bank, IUCN and FAO. Maintaining and further strengthening this leadership role is the principal responsibility of UNEP's Environmental Law and Institutions Programme Activity Centre (ELI/PAC).

Assistance in the development of relevant sectoral legislation has also been rendered by several UN agencies such as FAO, WHO, UNESCO, etc. International organizations such as IUCN have also made a significant contribution in the development of national environmental legislation in several developing countries. The World Bank and Regional Development Banks have also assisted in development of sectoral legislation related to their loan agreements.

ESSENTIAL CAPACITY REQUIREMENTS IN ENVIRONMENTAL LAW

The aim of capacity building in environmental law and institutions is to develop as appropriate, human and material resource capabilities of countries, particularly developing countries and countries with economies in transition, to achieve the following goals:

- To secure, in the light of their respective country-specific conditions, the development of national policies and strategies for environment and development, and facilitate their integration through appropriate legal and regulatory policies, instruments and enforcement mechanisms at national, State, provincial and local levels;
- To secure the effective implementation and enforcement of international and national legal and institutional regimes in the field of sustainable development; and
- To secure the effective participation of these countries in the negotiation of new international legal instruments in the field of sustainable development and the review, and where necessary, revision of existing instruments, their international operation and effective implementation at national levels.

In pursuit of the above objectives, UNEP's capacity building programmes have been founded on the following fundamental considerations.

1. Capacity building in environmental law must be integrated within the larger framework of capacity building for sustainable development.
2. The programmes must be appropriately designed and executed with a view to inspiring a greater interest in and commitment towards the use of environmental law as an instrument for translating sustainable development policies into action and enabling national institutions and individuals to take appropriate initiatives, on a well informed basis, towards this end. They must be appropriately focussed on the requirements of each target group, be result-oriented and be pursued on a sustained basis until results are achieved. Investments in capacity building have failed too often due to the absence of follow-up action.
3. Capacity building should be directed at countries that demonstrate a serious and sustained commitment to pursuing the goals of environmental management for sustainable development, having regard to their respective absorptive capacities. Preference should be given to the Least Developed Countries and to those in which UN agencies and bodies and other international organizations have major activities

on environment and development in general, and in capacity building in particular. Such programmes should be carried out in languages which promote effective communication.

4. Inter-agency cooperation and collaboration in the design and implementation of capacity building is emphasised in Agenda 21 with a view to avoiding duplication, enhancing effectiveness and promoting a holistic, cohesive and integrated approach to capacity building for sustainable development applying the best available expertise. Such collaboration is crucial to the success of capacity building in environmental law and institutions.

5. An essential component of the strategy for capacity building, particularly in the legal and institutional field, is the central role to be assigned to national experts in these areas to steer the whole process. It is they who are the best judges of national needs and possible options for action as seen within their own particular national milieu. In addition, the full participation of national experts invests in them the authorship in the final product, which helps advance the implementation process. It also provides them with the much needed exposure and experience required to deal with national sustainable development issues with greater confidence and facility. External expertise, wherever possible from the region, should be used to support what is essentially a national undertaking.

Essential Capacity Building Requirements in the Area of National Legislation and Institutions

- Capacity to effectively integrate environment and development in policies and practices of each country. Towards this end, to promote consultative processes which leads to the forging of consensus on national policies and institutional regimes upon which national legislation is to be based.
- To review existing legal and institutional mechanisms, established, in most cases, long before the urgency for taking measures to achieve sustainable development became imperative, with a view to restructuring such regimes to promote the realisation of the goals of sustainable development.
- To promote the development of appropriate, country-specific, legal and regulatory policies, legislation and enforcement mechanisms for the integration of environment and development, at national, state, provincial and local levels.
- Having regard to the need for countries to develop their own priorities, in accordance with their specific needs, to disseminate information and practices of States in the field of environment and development, including appropriate instruments and compliance incentives, with a view to encouraging their adaptation and use, as appropriate, at national, state, provincial and local levels through national training programmes and other means.
- To disseminate information on judicial decisions touching upon legal and institutional aspects of sustainable development to judicial officers, with a view to advancing the frontiers of environmental law for sustainable development through judicial interpretation and decisions.

Essential Capacity Building Requirements in the Area of International Legal Instruments

1. Dissemination of information on scientific, technical, legal, institutional and other developments which constitute a backdrop to the development of international legal regimes for sustainable development.

2. Promotion of national consultative processes leading to the examination of relevant issues from a wider national perspective, paying due regard to regional and global perspectives, and consequently, developing relevant national policies on a more informed basis.

3. Assistance to participate in international negotiating processes of new or revised agreements or instruments.

4. Assistance to implement international legal regimes, including development of appropriate legal, administrative and institutional mechanisms.

5. Assistance to build up expertise in international law, particularly in relation to the broad range of legal and institutional issues connected with sustainable development, through appropriate training and education programmes, as well as, dissemination of necessary reference information and provision of access to scientific and technical expertise.

Target Groups

To achieve the aims and objectives of capacity building in environmental law and to integrate it within the larger framework of endogenous capacity building for sustainable development, programmes must be appropriately designed to respond to the specific requirements of the following target groups.

1. Policy-makers, decision-makers and senior government officers, whether at the national or local level, responsible for the formulation of environmental and development policies requiring the assessment of the need for, and scope of, legislation and related institutions, and also, national positions for the development of international legal instruments.

2. Legal officers and legal draftsmen with responsibility for the preparation of draft legislation in the field of environment and development, who would receive technical advice and professional enhancement support.

3. Authorities and agencies, and their individual staff members, that have responsibility for administering, implementing and enforcing laws relating to environmental protection, natural resource management and integration of environment and development, who will benefit from training, information networking and professional enhancement services.

4. Grass-roots organizations, especially those representing local communities, women and youth, in addition to being stimulated to play a more active and fuller role in environmental management, decision making, and the development, implementation and enforcement of environmental law at the local level, could also provide an important source of traditional knowledge relating to environmental management for sustainable development.

5. Non-governmental organizations active in regard to the development and implementation of policy, legal and institutional aspects of environment and development. Their effective participation in the decision-making process and in environmental management tasks generally should be encouraged. The media should also be encouraged to play its role effectively to stimulate the development and effective implementation of environmental law.

6. The private sector, especially with regard to industrial compliance, should also be encouraged to take a leadership role in community activities aimed at achieving the objectives of sustainable development.

7. Universities and other institutions specialising in environment and development studies which have programmes in environmental law and management should be further strengthened and in regard to the teaching of these subjects and their active engagement in offering assistance and training to national environmental institutions.

8. Developments in the field of environmental law, especially those attributable to judicial interpretation and decisions should be made accessible to members of judicial bodies with a view to promoting the harmonisation of environmental law through the application of the doctrine of precedent in judicial interpretation and decisions.

NEW APPROACHES TO CAPACITY BUILDING IN ENVIRONMENTAL LAW

The Post-UNCED context demands a heightened role for UNEP as the leading instrument of the international community to raise the world's consciousness regarding actions that are creating negative environmental impacts and to catalyse the development and implementation of policy options to respond to urgent environmental issues, in the context of sustainable development. Capacity building to enable nations to pursue sustainable development paths is central to UNEP's mandate. It constitutes a linchpin of its restructured

programme "UNEP: The New Way Forward" which is designed to respond to the new challenges of UNCED. The principal strategic elements of this new programme are an integrated and coordinated approach, needs- responsive and result-oriented programme design, partnership with UN and other agencies, and regional delivery.

Against this background UNEP's new strategies for capacity building in environmental law underscore the following fundamentals:

1. Integration of capacity building in the legal and institutional field within the larger framework of endogenous capacity building for sustainable development as elaborated in Agenda 21 and towards that end, to harmonise ELI/PAC's capacity building activities in a multiprogramme approach with those of UNEP's other divisions, units and regional offices;

2. Partnership with the secretariats of major environmental conventions, as well as other UN bodies, agencies and intergovernmental and non-governmental organizations active in the area of environmental law and institutions so as to ensure cohesion, complementarity and continuity of the programme, avoid duplication of efforts and resources, and heighten effectiveness;

3. Design and implement programmes in partnership with national/regional experts, which respond to the specific requirements of each country/region, taking full account of their respective absorptive capacities and towards that end to fully engage the specialised knowledge of UNEP's regional offices regarding the needs and requirements of countries in each region in both the design and delivery of such programmes; and

4. Investing in national experts the full responsibility for developing and steering the process of legal and institutional development through national consultative and participatory processes, with UNEP in partnership with other agencies, facilitating their work through the provision of technical advice, and a range of legal information and material.

Within these key parameters, UNEP's capacity building activities in environmental law had been directed at the following:

(i) Identifying the existing lacunae and shortcomings in domestic environmental law, its implementation and enforcement and in the related institutional structures, taking careful account of the work which has been undertaken in this respect by the governments and other international agencies, and the capacity of each country to develop and effectively implement country-specific legal and institutional regimes for environmental management for sustainable development;

(ii) The provision of assistance for the formulation, enactment and enforcement of national environmental legislation and the establishment or enhancement of related institutional structures for effective environmental management to achieve sustainable development, covering general, cross-sectoral and sectoral issues and, including the implementation of international environmental agreements;

(iii) The facilitation of advice and through inter-agency collaboration - in particular with UNDP's Capacity 21 and the World Bank's National Environmental Action Plans, - assistance required by the governments to effectively and efficiently implement the legislative and institutional regimes, including provision of equipment and other material resources required for carrying out effective environmental management, within the framework of the legal and institutional regime;

(iv) Providing legal training and other human resource development programmes in the field of environmental law and institutions, to enable the authorities and individuals dealing with these matters to discharge their functions with greater effectiveness and efficiency;

(v) Providing a network of information and resources to assist in the development and implementation of environmental legislation and related institutions including the development, adoption and application of environmental standards; and

(vi) Enhancing the capacity to participate effectively in the negotiation, development and implementation of international environmental agreements.

UNEP'S ACTIVITIES IN CAPACITY BUILDING IN ENVIRONMENTAL LAW

National Legislation

UNEP has substantially restructured its assistance programme to focus on sustainable development issues, as against pollution control and environmental management, which was the principal focus of its pre-UNCED programme. In addition, these activities are linked to bilateral and multilateral cooperation programmes, such as the World Bank's National Environmental Action Plans in order to maximise synergies and ensure an integrated and systemic response to countries' needs. New areas being addressed in the development of national legislative and institutional regimes include, institutional mechanisms for integration of environment and development in decision making at national, state and provincial and local levels, economic instruments for promoting sustainable development, such as, Environmental Impact Assessment and green audits, industrial compliance and enforcement, public participation, including, citizens' suits, and innovative funding and dispute avoidance and settlement measures.

The previous practice of relying on foreign consultants to develop national laws has been replaced by investing the responsibility for this work on a representative Task Force of national experts. It is they who, through participatory and consultative processes, develop the necessary national legislative and institutional mechanisms in the context of the particular circumstances and administrative practices of their respective countries. Technical assistance, legal material and information is provided to the Task Force, as may be required, by ELI/PAC staff in collaboration with the partner agencies. Such programmes have been carried out in more than twenty-five countries, at their request, during the three years since UNCED. These include: in Africa - Burundi, Central African Republic, Chad, The Gambia, Ghana, Kenya, Lesotho, Malawi, Nigeria, Sao Tome and Principe, Mozambique, Sierra Leone, Sudan, Tanzania and Zambia; in Latin America and the Caribbean - Barbados, Bolivia, Chile, Trinidad and Tobago; and, in West Asia and Asia and Pacific regions - Cambodia, Jordan, Kiribati, Lebanon, Oman, The Philippines and Sri Lanka.

Human Resource Development

The strengthening of human and material resource capabilities of countries, especially developing countries and countries with economies in transition to develop and effectively implement environmental law at international and national levels in the new context of sustainable development is the avowed aim of UNEP's programmes in this field. Activities in this area since UNCED include two Global Training Programmes and four regional training programmes. Two regional training programmes and one at national level are planned for later this year. Several innovative measures have been included in the post-UNCED period to make these programmes more focussed and result-oriented. The regional and national programmes, in particular, are focussed on specific aspects of law of special relevance to them, such as, the workshop held in China on Industrial Compliance for countries in Asia with rapidly advancing economies, and those held in Western Samoa and Bahrain which focussed on national environmental legislation of the Pacific Island States and West Asia, respectively. In designing each programme, basic prerequisites are ensured: ie. adequate advance preparation of participants, appropriate teaching methodologies and focussed and sustained follow-up action. Some innovative mechanisms have been introduced. Environmental problems and issues of concern to the participants are received in advance of the Programme, which enables Resource Persons to focus on real issues, promote vibrant interaction and enhance the usefulness of the programmes to the participants. Participatory and experiential teaching methodologies are applied having regard to the high level of participation that these programmes attract. Follow-up programmes are designed for each participant based on continuing support for accomplishing "special assignments" and for responding to their legal information/material requirements. Arrangements have also been

made with UN agencies and bodies and other international organizations to provide necessary assistance to the trainees. A training-by-attachment programme which provides a 4-6 week exposure to selected senior officials of developing countries and countries with economies in transition at UNEP's Legal Offices, Convention Secretariats and other UN agencies and bodies began in 1992. Eight participants from Egypt, Barbados, Fiji, Jordan, Malawi, Cuba, Mozambique, and Burundi have benefited from this programme so far. With a view to strengthening the teaching of environmental law at universities, this programme is being expanded to include University professors, who will be attached to Law Faculties of other Universities in their respective regions which have well developed teaching programmes in Environmental Law.

The principal objective of the legal information and publications programme is enhancing the information and knowledge base of those working in the field of environmental law in government, universities and other institutions, and the public generally, especially in developing countries and countries with economies in transition. It also provides an essential support service to UNEP staff, particularly those working in the legal and institutional field. Among the information tools of particular relevance developed since UNCED, are the Computerised Environmental Law Information Base (CELIB), which contains legal information collected by UNEP over a period of over twenty years in both international and national environmental law; the texts of over 200 International Environmental Conventions and Agreements, as well as the Register of Environmental Treaties. Two indexed compendia of national framework legislation and E.I.A. legislation have been compiled and a biannual bulletin serves to inform those interested in environmental law worldwide of UNEP's activities in this field. Collaboration with Convention Secretariats in the development and dissemination of information, and with other organizations, particularly IUCN, with a view to enhancing efficiency and avoiding duplication, constitute a cornerstone of this programme.

Partnership

Since UNCED, UNEP's Environmental Law Programme has pursued collaborative partnerships not only with governments but with several UN agencies and bodies and international organizations, universities and professional bodies. The aim of such partnership is to draw on the experience of various UN and other organizations to mutually reinforce the effectiveness of the respective programmes, to build upon the work already carried out by various agencies, and to avoid wasteful duplication . The UNEP/UNDP Joint Project on Environmental Law in Africa, funded by the Government of The Netherlands and implemented in collaboration with the World Bank, FAO, WHO and IUCN described elsewhere in this publication was the first major joint undertaking in this field and has paved the way for closer collaboration with these and other organizations in several other legal activities as well. This was followed by the signing of an Agreement for Cooperation in the Field of Environmental Law between UNEP and IUCN, which provides a framework for cooperation between the two organizations in several areas including development of international environmental law, legal training, and dissemination of legal information. Partnerships have also been forged with the United Nations Institute for Training and Research (UNITAR) and The United Nations Commission on Human Settlements (Habitat) which have collaborated in the design and conduct of two major Global Training Programmes in Environmental Law attracting participants from over 50 developing countries and countries with economies in transition. Over 450 applications were received for participation in these two Global Training Programmes. UNEP is working in partnership with IUCN, the University of Singapore, The United Nations University (UNU) and ESCAP to develop and carry out regional capacity building programmes at The Asia-Pacific Centre for Environmental Law established at the University of Singapore. UNU's expertise is also being drawn into UNEP's initiatives to develop environmental law curricula and strengthen the teaching of environmental law in Universities particularly of developing countries. The two organizations regularly provide resource persons for each others' training programmes in the field of environmental law, thereby, contributing to creating a judicious balance between the academic and practical aspects of environmental law in the training programmes.

In its programme for the development of international environmental law, UNEP is working closely with several recognised institutions active in the field, such as, the Foundation for International Environmental Law and Development (FIELD), the Centre for International

Environmental Law (CIEL), and the Environmental Law Centre at the Georgetown University in Washington D.C. A workshop on Implementation and Compliance was convened in collaboration with FIELD early in 1995, and two workshops on the Development of International Law in the direction of Sustainable Development will be convened jointly with CIEL and the Georgetown University Law Centre later this year. Relations with National Law Institutes are also being strengthened through joint sponsorship of mutual programmes, as for example, the sponsorship of the Indian Law Institute's International Symposium on Environmental Law.

Note

1. Document No. E/AC.51/1995/3

PART II

INTERNATIONAL CONVENTIONS AND OTHER LEGAL INSTRUMENTS IN THE FIELD OF ENVIRONMENT AND DEVELOPMENT

SECTION 1

DECLARATIONS

1. Declaration of the United Nations on the Human Environment, Stockholm, 1972

2. World Charter for Nature, Nairobi, 1982

3. Nairobi Declaration, 1982

4. Rio Declaration on Environment and Development, Rio de Janeiro, 1992

5. Washington Declaration on Protection of the Marine Environment From Land-based Activities, 1995

DECLARATION OF THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT, STOCKHOLM, 1972

The United Nations Conference on the Human Environment,

Having met at Stockholm from 5 to 16 June 1972,

Having considered the need for a common outlook and for common principles to inspire and guide the peoples of the world in the preservation and enhancement of the human environment,

I

Proclaims that:

1. Man is both creature and moulder of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet a stage has been reached when, through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights—even the right to life itself.

2. The protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world; it is the urgent desire of the peoples of the whole world and the duty of all Governments.

3. Man has constantly to sum up experience and go on discovering, inventing, creating and advancing. In our time, man's capability to transform his surroundings, if used wisely, can bring to all peoples the benefits of development and the opportunity to enhance the quality of life. Wrongly or heedlessly applied, the same power can do incalculable harm to human beings and the human environment. We see around us growing evidence of man-made harm in many regions of the earth: dangerous levels of pollution in water, air, earth and living beings; major and undesirable disturbances to the ecological balance of the biosphere; destruction and depletion of irreplaceable resources; and gross deficiencies, harmful to the physical, mental and social health of

man, in the man-made environment, particularly in the living and working environment.

4. In the developing countries most of the environmental problems are caused by under-development. Millions continue to live far below the minimum levels required for a decent human existence, deprived of adequate food and clothing, shelter and education, health and sanitation. Therefore, the developing countries must direct their efforts to development, bearing in mind their priorities and the need to safeguard and improve the environment. For the same purpose, the industrialized countries should make efforts to reduce the gap themselves and the developing countries. In the industrialized countries, environmental problems are generally related to industrialization and technological development.

5. The natural growth of population continuously presents problems for the preservation of the environment, and adequate policies and measures should be adopted, as appropriate, to face these problems. Of all things in the world, people are the most precious. It is the people that propel social progress, create social wealth, develop science and technology and, through their hard work, continuously transform the human environment. Along with social progress and the advance of production, science and technology, the capability of man to improve the environment increases with each passing day.

6. A point has been reached in history when we must shape our actions throughout the world with a more prudent care for their environmental consequences. Through ignorance or indifference we can do massive and irreversible harm to the earthly environment on which our life and well-being depend. Conversely, through fuller knowledge and wiser action, we can achieve for ourselves and our posterity a better life in an environment more in keeping with human needs and hopes. There are broad vistas for the enhancement of environmental quality and the creation of a good life. What is needed is an enthusiastic but calm state of mind and intense but orderly work. For the purpose of attaining freedom in the world of nature, man must use knowledge to build, in collaboration with nature, a better environment. To defend and improve the human environment for present and future generations has become an imperative goal for mankind—a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of worldwide economic and social development.

7. To achieve this environmental goal will demand the acceptance of responsibility by citizens and communities and by enterprises and institutions at every level; all sharing equitably in common efforts. Individuals in all walks of life as well as organizations in many fields, by their values and the sum of their actions, will shape the world environment of the future. Local and national governments will bear the greatest burden for large-scale environmental policy and action within their jurisdictions. International co-operation is also needed in order to raise resources to support the developing countries in carrying out their responsibilities in this field. A growing class of environmental problems, because they are regional or global in extent or because they affect the common international realm, will require extensive co-operation among nations and action by international organizations in the common interest. The Conference calls upon Governments and peoples to exert common efforts for the preservation and improvement of the human environment, for the benefit of all the people and for their posterity.

II

PRINCIPLES

States the common conviction that:

PRINCIPLE 1

Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated.

PRINCIPLE 2

The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate.

PRINCIPLE 3

The capacity of the earth to produce vital renewable resources must be maintained and, wherever practicable, restored or improved.

PRINCIPLE 4

Man has a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat, which are now gravely imperilled by a combination of adverse factors. Nature conservation, including wildlife, must therefore receive importance in planning for economic development.

PRINCIPLE 5

The non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind.

PRINCIPLE 6

The discharge of toxic substances or of other substances and the release of heat, in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems. The just struggle of the peoples of all countries against pollution should be supported.

PRINCIPLE 7

States shall take all possible steps to prevent pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

PRINCIPLE 8

Economic and social development is essential for ensuring a favourable living and working environment for man and for creating conditions on earth that are necessary for the improvement of the quality of life.

PRINCIPLE 9

Environmental deficiencies generated by the conditions of under-development and natural disasters pose grave problems and can best be remedied by accelerated development through the transfer of substantial quantities of financial and technological assistance as a supplement to the domestic effort of the developing countries and such timely assistance as may be required.

PRINCIPLE 10

For the developing countries, stability of prices and adequate earnings for primary commodities and raw materials are essential to environmental management since economic factors as well as ecological processes must be taken into account.

PRINCIPLE 11

The environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries, nor should they hamper the attainment of better living conditions for all, and appropriate steps should be taken by States and international organizations with a view to reaching agreement on meeting the possible national and international economic consequences resulting from the application of environmental measures.

PRINCIPLE 12

Resources should be made available to preserve and improve the environment, taking into account the circumstances and particular requirements of developing countries and any costs which may emanate from their incorporating environmental safeguards into their development planning and the need for making available to them, upon their request, additional international technical and financial assistance for this purpose.

PRINCIPLE 13

In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and co-ordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population.

PRINCIPLE 14

Rational planning constitutes an essential tool for reconciling any conflict between the needs of development and the need to protect and improve the environment.

PRINCIPLE 15

Planning must be applied to human settlements and urbanization with a view to avoiding adverse effects on the environment and obtaining maximum social, economic and environmental benefits for all. In this respect, projects which are designed for colonialist and racist domination must be abandoned.

PRINCIPLE 16

Demographic policies which are without prejudice to basic human rights and which are deemed appropriate by Governments concerned should be applied in those regions where the rate of population growth or excessive population concentrations are likely to have adverse effects on the environment of the human environment and impede development.

PRINCIPLE 17

Appropriate national institutions must be entrusted with the task of planning, managing or controlling the environmental resources of States with a view to enhancing environmental quality.

PRINCIPLE 18

Science and technology, as part of their contribution to economic and social development, must be applied to the identification, avoidance and control of environmental risks and the solution of environmental problems and for the common good of mankind.

PRINCIPLE 19

Education in environmental matters, for the younger generation as well as adults, giving due consideration to the underprivileged, is essential in order to broaden the basis for an enlightened opinion and responsible conduct by individuals, enterprises and communities in protecting and improving the environment in its full human dimension. It is also essential that mass media of communications avoid contributing to the deterioration of the environment, but, on the contrary, disseminate information of an educational nature on the need to protect and improve the environment in order to enable man to develop in every respect.

PRINCIPLE 20

Scientific research and development in the context of environmental problems, both national and multinational, must be promoted in all countries, especially the developing countries. In this connection, the free flow of up-to-date scientific information and transfer of experience must be supported and assisted, to facilitate the solution of environmental problems; environmental technologies should be made available to developing countries on terms which would encourage their wide dissemination without constituting an economic burden on the developing countries.

PRINCIPLE 21

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

PRINCIPLE 22

States shall co-operate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such States to areas beyond their jurisdiction.

PRINCIPLE 23

Without prejudice to such criteria as may be agreed upon by the international community, or to standards which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country, and the extent of the applicability of standards which are valid for the most advanced countries but which may be inappropriate and of unwarranted social cost for the developing countries.

PRINCIPLE 24

International matters concerning the protection and improvement of the environment should be handled in a co-operative spirit by all countries, big and small, on an equal footing. Co-operation through multilateral or bilateral arrangements or other appropriate means is essential to effectively control, prevent, reduce and eliminate adverse environmental effects resulting from activities conducted in all spheres, in such a way that due account is taken of the sovereignty and interests of all States.

PRINCIPLE 25

States shall ensure that international organizations play a co-ordinated, efficient and dynamic role for the protection and improvement of the environment.

PRINCIPLE 26

Man and his environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement, in the relevant international organs, on the elimination and complete destruction of such weapons.

21st plenary meeting
16 June 1972

WORLD CHARTER FOR NATURE, 1982

(UN GENERAL ASSEMBLY RESOLUTION 37/7)

The General Assembly,

Reaffirming the fundamental purposes of the United Nations, in particular the maintenance of international peace and security, the development of friendly relations among nations and the achievement of international cooperation in solving international problems of an economic, social, cultural, technical, intellectual or humanitarian character,

Aware that:

(a) Mankind is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients,

(b) Civilization is rooted in nature, which has shaped human culture and influenced all artistic and scientific achievements, and living in harmony with nature gives man the best opportunities for the development of his creativity, and for rest and recreation,

Convinced that:

(a) Every form of life is unique, warranting respect regardless of its worth to man, and, to accord other organisms such recognition, man must be guided by a moral code of action,

(b) Man can alter nature and exhaust natural resources by his action or its consequences and, therefore, must fully recognize the urgency of maintaining the stability and quality of nature and of conserving natural resources,

Persuaded that:

(a) Lasting benefits from nature depend upon the maintenance of essential ecological processes and life support systems, and upon the diversity of life forms, which are jeopardized through excessive exploitation and habitat destruction by man,

(b) The degradation of natural systems owing to excessive consumption and misuse of natural resources, as well as to failure to establish an appropriate economic order among peoples and among States, leads to the breakdown of the economic, social and political framework of civilization,

(c) Competition for scarce resources creates conflicts, whereas the conservation of nature and natural resources contributes to justice and the maintenance of peace and cannot be achieved until mankind learns to live in peace and to forsake war and armaments,

Reaffirming that man must acquire the knowledge to maintain and enhance his ability to use natural resources in a manner which ensures the preservation of the species and

ecosystems for the benefit of present and future generations,

Firmly convinced of the need for appropriate measures, at the national and international, individual and collective, and private and public levels, to protect nature and promote international co-operation in this field,

Adopts, to these ends, the present World Charter for Nature, which proclaims the following principles of conservation by which all human conduct affecting nature is to be guided and judged.

I. GENERAL PRINCIPLES

1. Nature shall be respected and its essential processes shall not be impaired.

2. The genetic viability on the earth shall not be compromised; the population levels of all life forms, wild and domesticated, must be at least sufficient for their survival, and to this end necessary habitat shall be safeguarded.

3. All areas of the earth, both land and sea, shall be subject to these principles of conservation; special protection shall be given to unique areas, to representative samples of all the different types of ecosystems and to the habitat of rare or endangered species.

4. Ecosystems and organisms, as well as the land, marine and atmospheric resources that are utilized by man, shall be managed to achieve and maintain optimum sustainable productivity, but not in such a way as to endanger the integrity of those other ecosystems or species with which they coexist.

5. Nature shall be secured against degradation caused by warfare or other hostile activities.

II. FUNCTIONS

6. In the decision-making process it shall be recognized that man's needs can be met only by ensuring the proper functioning of natural systems and by respecting the principles set forth in the present Charter.

7. In the planning and implementation of social and economic development activities, due account shall be taken of the fact that the conservation of nature is an integral part of those activities.

8. In formulating long-term plans for economic development, population growth and the improvement of standards of living, due account shall be taken of the long-term capacity of natural systems to ensure the subsistence and settlement of the populations concerned, recognizing that this capacity may be enhanced through science and technology.

9. The allocation of areas of the earth to various uses shall be planned and due account shall be taken of the physical constraints, the biological productivity and diversity and the natural beauty of the areas concerned.

10. Natural resources shall not be wasted, but used with a restraint appropriate to the principles set forth in the present Charter, in accordance with the following rules:

    (a) Living resources shall not be utilized in excess of their natural capacity for regeneration;

    (b) The productivity of soils shall be maintained or enhanced through measures which safeguard their long-term fertility and the process of organic decomposition, and prevent erosion and all other forms of degradation;

    (c) Resources, including water, which are not consumed as they are used shall be reused or recycled;

(d) Non-renewable resources which are consumed as they are used shall be exploited with restraint, taking into account their abundance, their rational possibilities of converting them for consumption, and the compatibility of their exploitation with the functioning of natural systems.

11. Activities which might have an impact on nature shall be controlled, and the best available technologies that minimize significant risks to nature or other adverse effects shall be used; in particular:

(a) Activities which are likely to cause irreversible damage to nature shall be avoided;

(b) Activities which are likely to pose a significant risk to nature shall be preceded by an exhaustive examination; their proponents shall demonstrate that expected benefits outweigh potential damage to nature, and where potential adverse effects are not fully understood, the activities should not proceed;

(c) Activities which may disturb nature shall be preceded by assessment of their consequences, and environmental impact studies of development projects shall be conducted sufficiently in advance, and if they are to be undertaken, such activities shall be planned and carried out so as to minimize potential adverse effects;

(d) Agriculture, grazing, forestry and fisheries practices shall be adapted to the natural characteristics and constraints of given areas;

(e) Areas degraded by human activities shall be rehabilitated for purposes in accord with their natural potential and compatible with the well-being of affected populations.

12. Discharge of pollutants into natural systems shall be avoided and:

(a) Where this is not feasible, such pollutants shall be treated at the source, using the best practicable means available;

(b) Special precautions shall be taken to prevent discharge of radioactive or toxic wastes.

13. Measures intended to prevent, control or limit natural disasters, infestations and diseases shall be specifically directed to the causes of these scourges and shall avoid averse side-effects on nature.

III. IMPLEMENTATION

14. The principles set forth in the present Charter shall be reflected in the law and practice of each State, as well as at the international level.

15. Knowledge of nature shall be broadly disseminated by all possible means, particularly by ecological education as an integral part of general education.

16. All planning shall include, among its essential elements, the formulation of strategies for the conservation of nature, the establishment of inventories of ecosystems and assessments of the effects on nature of proposed policies and activities; all of these elements shall be disclosed to the public by appropriate means in time to permit effective consultation and participation.

17. Funds, programmes and administrative structures necessary to achieve the objective of the conservation of nature shall be provided.

18. Constant efforts shall be made to increase knowledge of nature by scientific research and to disseminate such knowledge unimpeded by restrictions of any kind.

19. The status of natural processes, ecosystems and species shall be closely monitored to enable early detection of degradation or threat, ensure timely intervention and facilitate the evaluation of conservation policies and methods.

20. Military activities damaging to nature shall be avoided.

21. States and, to the extent they are able, other public authorities, international organizations, individuals, groups and corporations shall:

    (a) Co-operate in the task of conserving nature through common activities and other relevant actions, including information exchange and consultations;

    (b) Establish standards for products and other manufacturing processes that may have adverse effects on nature, as well as agreed methodologies for assessing these effects;

    (c) Implement the applicable international legal provisions for the conservation of nature and the protection of the environment;

    (d) Ensure that activities within their jurisdictions or control do not cause damage to the natural systems located within other States or in the areas beyond the limits of national jurisdiction;

    (e) Safeguard and conserve nature in areas beyond national jurisdiction.

22. Taking fully into account the sovereignty of States over their natural resources, each State shall give effect to the provisions of the present Charter through its competent organs and in co-operation with other States.

23. All persons, in accordance with their national legislation, shall have the opportunity to participate, individually or with others, in the formulation of decisions of direct concern to their environment, and shall have access to means of redress when their environment has suffered damage or degradation.

24. Each person has a duty to act in accordance with the provisions of the present Charter, acting individually, in association with others or through participation in the political process, each person shall strive to ensure that the objectives and requirements of the present Charter are met.

NAIROBI DECLARATION, 1982

Declaration adopted by the session of a special character

The world community of States, assembled in Nairobi from 10 to 18 May 1982 to commemorate the tenth anniversary of the United Nations Conference on the Human Environment, held in Stockholm, having reviewed the measures taken to implement the Declaration and Action Plan adopted at that Conference, solemnly requests Governments and peoples to build on the progress so far achieved, but expresses its serious concern about the present state of the environment world-wide, and recognizes the urgent necessity of intensifying the efforts at the global, regional and national levels to protect and improve it.

1. The Stockholm Conference was a powerful force in increasing public awareness and understanding of the fragility of the human environment. The years since then have witnessed significant progress in environmental sciences; education, information dissemination and training have expanded considerably; in nearly all countries, environmental legislation has been adopted, and a significant number of countries have incorporated within their constitutions provisions for the protection of the environment. Apart from the United Nations Environment Programme, additional governmental and non-governmental organizations have been established at all levels, and a number of important international agreements in respect of environmental cooperation have been concluded. The principles of the Stockholm Declaration are as valid today as they were in 1972. They provide a basic code of environmental conduct for the years to come.

2. However, the Action Plan has only been partially implemented, and the results cannot be considered as satisfactory, due mainly to inadequate foresight and understanding

of the long-term benefits of environmental protection, to inadequate coordination of approaches and efforts, and to unavailability and inequitable distribution of resources. For these reasons, the Action Plan has not had sufficient impact on the international community as a whole. Some uncontrolled or unplanned activities of man have increasingly caused environmental deterioration. Deforestation, soil and water degradation and desertification are reaching alarming proportions, and seriously endanger the living conditions in large parts of the world. Diseases associated with adverse environmental conditions continue to cause human misery. Changes in the atmosphere - such as those in the ozone layer, the increasing concentration of carbon dioxide, and acid rain - pollution of the seas and inland waters, careless use and disposal of hazardous substances and the extinction of animal and plant species constitute further grave threats to the human environment.

3. During the last decade, new perceptions have emerged: the need for environmental management and assessment, the intimate and complex interrelationship between environment, development, population and resources and the strain on the environment generated, particularly in urban areas, by increasing population have become widely recognized. A comprehensive and regionally integrated approach that emphasizes this interrelationship can lead to environmentally sound and sustainable socio-economic development.

4. Threats to the environment are aggravated by poverty as well as by wasteful consumption patterns: both can lead people to over-exploit their environment. The International Development Strategy for the Third United Nations Development Decade and the establishment of a new international economic order are thus among the major instruments in the global effort to reverse environmental degradation. Combinations of market and planning mechanisms can also favour sound development and rational environmental and resource management.

5. The human environment would greatly benefit from an international atmosphere of peace and security, free from the threats of any war, especially nuclear war, and the waste of intellectual and natural resources on armaments, as well as from *apartheid*, racial segregation and all forms of discrimination, colonial and other forms of oppression and foreign domination.

6. Many environmental problems transcend national boundaries and should, when appropriate, be resolved for the benefit of all through consultations amongst States and concerted international action. Thus, States should promote the progressive development of environmental law, including conventions and agreements, and expand cooperation in scientific research and environmental management.

7. Environmental deficiencies generated by conditions of underdevelopment, including external factors beyond the control of the countries concerned, pose grave problems which can be combated by a more equitable distribution of technical and economic resources within and among States. Developed countries, and other countries in a position to do so, should assist developing countries, affected by environmental disruption in their domestic efforts to deal with their most serious environmental problems. Utilization of appropriate technologies, particularly from other developing countries, could make economic and social progress compatible with conservation of natural resources.

8. Further efforts are needed to develop environmentally sound management and methods for the exploitation and utilization of natural resources and to modernize traditional pastoral systems. Particular attention should be paid to the role of technical innovation in promoting resource substitution, recycling and conservation. The rapid depletion of traditional and conventional energy sources poses new and demanding challenges for the effective management and conservation of energy and the environment. Rational energy planning among nations or groups of nations could be beneficial. Measures such as the development of new and renewable sources of energy will have a highly beneficial impact on the environment.

9. Prevention of damage to the environment is preferable to the burdensome and expensive repair of damage already done. Preventive action should include proper

planning of all activities that have an impact on the environment. It is also important to increase public and political awareness of the importance of the environment through information, education and training. Responsible individual behaviour and involvement are essential in furthering the cause of the environment. Non-governmental organizations have a particularly important and often inspirational role to play in this sphere. All enterprises, including multinational corporations, should take account of their environmental responsibilities when adopting industrial production methods or technologies, or when exporting them to other countries. Timely and adequate legislative action is important in this regard.

10. The world community of States solemnly reaffirms its commitment to the Stockholm Declaration and Action Plan, as well as to the further strengthening and expansion of national efforts and international cooperation in the field of environmental protection. It also reaffirms its support for strengthening the United Nations Environment Programme as the major catalytic instrument for global environmental cooperation, and calls for increased resources to be made available, in particular through the Environment Fund, to address the problems of the environment. It urges all Governments and peoples of the world to discharge their historical responsibility, collectively and individually, to ensure that our small planet is passed over to future generations in a condition which guarantees a life in human dignity for all.

RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT,

Rio de Janeiro, 1992

PREAMBLE

The United Nations Conference on Environment and Development,

Having met at Rio de Janeiro from 3 to 14 June 1992,

Reaffirming the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972, and seeking to build upon it,

With the goal of establishing a new and equitable global partnership through the creation of new levels of cooperation among States, key sectors of societies and people,

Working towards international agreements which respect the interests of all and protect the integrity of the global environmental and developmental system,

Recognizing the integral and interdependent nature of the Earth, our home,

Proclaims that:

PRINCIPLE 1

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

PRINCIPLE 2

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

PRINCIPLE 3

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

PRINCIPLE 4

In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.

PRINCIPLE 5

All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.

PRINCIPLE 6

The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries.

PRINCIPLE 7

States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.

PRINCIPLE 8

To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.

PRINCIPLE 9

States should cooperate to strengthen endogenous capacity-building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.

PRINCIPLE 10

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

PRINCIPLE 11

States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.

PRINCIPLE 12

States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus.

PRINCIPLE 13

States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.

PRINCIPLE 14

States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health.

PRINCIPLE 15

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

PRINCIPLE 16

National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.

PRINCIPLE 17

Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.

PRINCIPLE 18

States shall immediately notify other States of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Every effort shall be made by the international community to help States so afflicted.

PRINCIPLE 19

States shall provide prior and timely notification and relevant information to potentially affected States on activities that may have a significant adverse transboundary environmental effect and shall consult with those States at an early stage and in good faith.

PRINCIPLE 20

Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.

PRINCIPLE 21

The creativity, ideals and courage of the youth of the world should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better future for all.

PRINCIPLE 22

Indigenous people and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

PRINCIPLE 23

The environment and natural resources of people under oppression, domination and occupation shall be protected.

PRINCIPLE 24

Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary.

PRINCIPLE 25

Peace, development and environmental protection are interdependent and indivisible.

PRINCIPLE 26

States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations.

PRINCIPLE 27

States and people shall cooperate in good faith and in a spirit of partnership in the fulfilment of the principles embodied in this Declaration and in the further development of international law in the field of sustainable development.

WASHINGTON DECLARATION ON PROTECTION OF THE MARINE ENVIRONMENT FROM LAND-BASED ACTIVITIES[1]

The representatives of Governments and the European Commission participating in the Conference held in Washington from 23 October to 3 November 1995.

Affirming the need and will to protect and preserve the marine environment for present and future generations,

Reaffirming the relevant provisions of chapters 17, 33 and 34 of Agenda 21 and the Rio Declaration on Environment and Development,

Recognizing the interdependence of human populations and the coastal and marine environment, and the growing and serious threat from land-based activities, to both human health and well-being and the integrity of coastal and marine ecosystems and biodiversity,

Further recognizing the importance of integrated coastal area management and the catchment-area-based approach as means of coordinating programmes aimed at preventing marine degradation from land-based activities with economic and social development programmes,

Also recognizing that the alleviation of poverty is an essential factor in addressing the impacts of land-based activities on coastal and marine areas,

Noting that there are major differences among the different regions of the world and the States which they comprise in terms of environmental, economic and social conditions and level of development which will lead to different judgements on priorities in addressing problems related to the degradation of the marine environment by land-based activities,

Acknowledging the need to involve major groups in national, regional and international activities to address degradation of the marine environment by land-based activities,

Strongly supporting the processes set forth in decisions 18/31 and 18/32 of the Governing Council of the United Nations Environment Programme for addressing at the global level the priority issues of persistent organic pollutants and adequate treatment of waste water,

Having therefore adopted the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,

Hereby declare their commitment to protect and preserve the marine environment from the impacts of land-based activities, and

Declare their intention to do so by:

1. Setting as their common goal sustained and effective action to deal with all land-based impacts upon the marine environment, specifically those resulting from sewage, persistent organic pollutants, radioactive substances, heavy metal, oils (hydrocarbons), nutrients, sediment mobilization, litter, and physical alteration and destruction of habitat;

2. Developing or reviewing national action programmes within a few years on the basis of national priorities and strategies;

3. Taking forward action to implement these programmes in accordance with national capacities and priorities;

4. Cooperating to build capacities and mobilize resources for the development and implementation of such programmes, in particular for developing countries, especially the least developed countries, countries with economies in transition and small island developing States (hereinafter referred to as "countries in need of assistance");

5. Taking immediate preventive and remedial action, wherever possible, using existing knowledge, resources, plans and processes;

6. Promoting access to cleaner technologies, knowledge and expertise to address land-based activities that degrade the marine environment, in particular for countries in need of assistance;

7. Cooperating on a regional basis to coordinate efforts for maximum efficiency and to facilitate action at the national level, including, where appropriate, becoming parties to and strengthening regional cooperative agreements and creating new agreements where necessary;

8. Encouraging cooperative and collaborative action and partnerships, among governmental institutions and organizations, communities, the private sector and non-governmental organizations which have relevant responsibilities and/or experience;

9. Encouraging and/or making available external financing, given that funding from domestic sources and mechanisms for the implementation of the Global Programme of Action by countries in need of assistance may be insufficient;

10. Promoting the full range of available management tools and financing options in implementing national or regional programmes of action, including innovative managerial and financial techniques, while recognizing the differences between countries in need of assistance and developed States;

11. Urging national and international institutions and the private sector, bilateral donors

and multilateral funding agencies to accord priority to projects within national and regional programmes to implement the Global Programme of Action and encouraging the Global Environment Facility to support these projects;

12. Calling upon the United Nations Environment Programme, the United Nations Development Programme, the World Bank, the regional development banks, as well as the agencies within the United Nations system to ensure that their programmes support (through, *inter alia*, financial cooperation, capacity-building and institutional-strengthening mechanisms) the regional structures in place for the protection of the marine environment;

13. According priority to implementation of the Global Programme of Action within the United Nations system, as well as in other global and regional institutions and organizations with responsibilities and capabilities for addressing marine degradation from land-based activities, and specifically:

    (a) Securing formal endorsement of those parts of the Global Programme of Action that are relevant to such institutions and organizations and incorporating the relevant provisions into their work programmes;

    (b) Establishing a clearing-house mechanism to provide decision makers in all States with direct access to relevant sources of information, practical experience and scientific and technical expertise and to facilitate effective scientific, technical and financial cooperation as well as capacity-building; and

    (c) Providing for periodic intergovernmental review of the Global Programme of Action, taking into account regular assessments of the state of the marine environment;

14. Promoting action to deal with the consequences of sea-based activities, such as shipping, offshore activities and ocean dumping, which require national and/or regional actions on land, including establishing adequate reception and recycling facilities;

15. Giving priority to the treatment and management of waste water and industrial effluents, as part of the overall management of water resources, especially through the installation of environmentally and economically appropriate sewage systems, including studying mechanisms to channel additional resources for this purpose expeditiously to countries in need of assistance;

16. Requesting the Executive Director of the United Nations Environment Programme, in close partnership with the World Health Organization, the United Nations Centre for Human Settlements (Habitat), the United Nations Development Programme and other relevant organizations, to prepare proposals for a plan to address the global nature of the problem of inadequate management and treatment of waste water and its consequences for human health and the environment, and to promote the transfer of appropriate and affordable technology drawn from the best available techniques;

17. Acting to develop, in accordance with the provisions of the Global Programme of Action, a global, legally binding instrument for the reduction and/or elimination of emissions, discharges and, where appropriate the elimination of the manufacture and use of the persistent organic pollutants identified in decision 18/32 of the Governing Council of the United Nations Environment Programme. The nature of the obligations undertaken must be developed recognizing the special circumstances of countries in need of assistance. Particular attention should be devoted to the potential need for the continued use of certain persistent organic pollutants to safeguard human health, sustain food production and to alleviate poverty in the absence of alternatives and the difficulty of acquiring substitutes and transferring of technology for the development and/or production of those substitutes; and

18. Elaborating the steps relating to institutional follow-up, including the clearing-house mechanism, in a resolution of the United Nations General Assembly at its fifty-first session, and in that regard, States should coordinate with the United Nations

Environment Programme, as secretariat of the Global Programme of Action, and other relevant agencies within the United Nations system in the development of the resolution and include it on the agenda of the Commission on Sustainable Development at its inter-sessional meeting in February 1996 and its session in April 1996.

Washington, D.C.,
1 November 1995

Note

1. As adopted on 1 November 1995 at the High-level Segment of the Intergovernmental Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land-based Activities.

SECTION 2

TREATIES/ INTERNATIONAL AGREEMENTS

1. List of selected multilateral treaties and other agreements in the field of the environment

2. Texts of selected treaties and other agreements in the field of the environment

LIST OF SELECTED MULTILATERAL TREATIES AND OTHER AGREEMENTS IN THE FIELD OF THE ENVIRONMENT

1. Convention Concerning the Use of White Lead in Painting, Geneva, 1921

2. Convention Relative to the Preservation of Fauna and Flora in Their Natural State, London, 1933

3. Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, Washington, 1940

4. International Convention for the Regulation of Whaling (as amended), Washington, 1946

5. Convention for the Establishment of an Inter-American Tropical Tuna Commission, Washington, 1949

6. Agreement for the Establishment of a General Fisheries Council for the Mediterranean (as amended), Rome, 1949

7. International Convention for the Protection of Birds, Paris, 1950

8. Convention for the Establishment of the European and Mediterranean Plant Protection Organization (as amended), Paris, 1951

9. International Plant Protection Convention, Rome, 1951

10. Agreement Concerning Measures for Protection of the Stocks of Deep-sea Prawns (Pandalus borealis), European Lobsters (Homarus vulgaris), Norway Lobsters (Nephrops norvegicus) and Crabs (Cancer pagurus) (as amended), Oslo, 1952

11. International Convention for the High Seas Fisheries of the North Pacific Ocean (as amended), Tokyo, 1952

12. Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean, Tokyo, 1978

13. International Convention for the Prevention of Pollution of the Sea by Oil, London, 1954 (as amended on 11 April 1962 and 21 October 1969)

14. Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, Concerning Tank Arrangements and Limitation of Tank Size, London, 1971

15. Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, Concerning the Protection of the Great Barrier Reef, London, 1971

16. Plant Protection Agreement for the South-East Asia and Pacific Region (as amended), Rome, 1956

17. Interim Convention on Conservation of North Pacific Fur Seals (as amended), Washington, 1957

18. Convention Concerning Fishing in the Waters of the Danube, Bucharest, 1958

19. Convention on the Continental Shelf, Geneva, 1958

20. Convention on Fishing and Conservation of the Living Resources of the High Seas, Geneva, 1958

21. Convention on the High Seas, Geneva, 1958

22. North-East Atlantic Fisheries Convention, London, 1959

23. Convention Concerning Fishing in the Black Sea (as amended), Varna, 1959

24. The Antarctic Treaty, Washington, 1959

25. Protocol to the Antarctic Treaty on Environmental Protection, Madrid, 1991

26. Agreement Concerning Cooperation in the Quarantine of Plants and Their Protection against Pests and Diseases, Sofia, 1959

27. Convention Concerning the Protection of Workers against Ionizing Radiations, Geneva, 1960

28. Convention on Third Party Liability in the Field of Nuclear Energy (as amended), Paris, 1960

29. Convention Supplementary to the Paris Convention on Third Party Liability in the Field of Nuclear Energy (as amended), Brussels, 1963

30. Protocol Concerning the Constitution of an International Commission for the Protection of the Mosel against Pollution, Paris, 1961

31. International Convention for the Protection of New Varieties of Plants, Paris, 1961

32. Convention on the African Migratory Locust, Kano, 1962

33. Agreement Concerning Cooperation in Marine Fishing, Warsaw, 1962

34. Agreement Concerning the International Commission for the Protection of the Rhine against Pollution (as amended), Berne, 1963

35. Vienna Convention on Civil Liability for Nuclear Damage, Vienna, 1963

36. Optional Protocol Concerning the Compulsory Settlement of Disputes, Vienna, 1963

37. Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, Moscow, 1963

38. Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South-West Asia (as amended), Rome, 1963

39. Convention and Statute Relating to the Development of the Chad Basin (as amended), Fort-Lamy (N'Djamena), 1964

40. Convention for the International Council for the Exploration of the Sea (as amended), Copenhagen, 1964

41. Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Near East (as amended), Rome, 1965

42. International Convention for the Conservation of Atlantic Tunas, Rio de Janeiro, 1966

43. Protocol Amending the International Convention for the Conservation of Atlantic Tunas, Rome, 1984

44. Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space Including the Moon and Other Celestial Bodies, London, Moscow, Washington, 1967

45. Phyto-Sanitary Convention for Africa, Kinshasa, 1967

46. African Convention on the Conservation of Nature and Natural Resources, Algiers, 1968

47. European Agreement on the Restriction of the Use of Certain Detergents in Washing and Cleaning Products, Strasbourg, 1968

48. European Convention for the Protection of Animals During International Transport, Paris, 1968

49. Additional Protocol the European Convention for the Protection of Animals During International Transport, Strasbourg, 1979

50. European Convention on the Protection of the Archeological Heritage, London, 1969

51. Agreement for Cooperation in dealing with Pollution of the North Sea by Oil, Bonn, 1969

52. Convention on the Conservation of the Living Resources of the South-East Atlantic, Rome, 1969

53. International Convention on Civil Liability for Oil Pollution Damage (as amended), Brussels, 1969

54. International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, Brussels, 1969

55. Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil, London, 1973

56. Benelux Convention on the Hunting and Protection of Birds (as amended), Brussels, 1970

57. Agreement for the Establishment of a Commission for Controlling the Desert Locust in North-West Africa (as amended), Rome, 1970

58. Convention on Wetlands of International Importance Especially as Waterfowl Habitat, Ramsar, 1971

59. Protocol to Amend the Convention on Wetlands of International Importance Especially as Waterfowl Habitat, Paris, 1982

60. Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea Bed and the Ocean Floor and in the Subsoil thereof, London, Moscow, Washington, 1971

61. Convention Relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material, Brussels, 1971

62. International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (as amended), Brussels, 1971

63. Convention Concerning Protection against Hazards of Poisoning Arising from Benzene, Geneva, 1971

64. Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft (as amended), Oslo, 1972

65. Convention Concerning the Status of the Senegal River, and Convention Establishing the Senegal River Development Organization (as amended), Nouakchott, 1972

66. Convention for the Conservation of Antarctic Seals, London, 1972

67. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons, and on Their Destruction, London, Moscow, Washington, 1972

68. Convention Concerning the Protection of the World Cultural and Natural Heritage, Paris, 1972

69. Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (as amended), London, Mexico City, Moscow, [Washington], 1972

70. Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973

71. Convention Establishing a Permanent Inter-State Drought Control Committee for the Sahel, Ouagadougou, 1973

72. Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and Belts, Gdansk, 1973

73. International Convention for the Prevention of Pollution from Ships, London, 1973

74. Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1973

75. Agreement on Conservation of Polar Bears, Oslo, 1973

76. Convention on the Protection of the Environment between Denmark, Finland, Norway and Sweden, Stockholm, 1974

77. Convention on the Protection of the Marine Environment of the Baltic Sea Area, Helsinki, 1974

78. Convention for the Prevention of Marine Pollution from Land-based Sources, Paris, 1974

79. Convention Concerning Prevention and Control of Occupational Hazards Caused by Carcinogenic Substances and Agents, Geneva, 1974

80. Agreement on an International Energy Programme, Paris, 1974

81. Convention for the Protection of the Mediterranean Sea against Pollution, Barcelona, 1976

82. Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, Barcelona, 1976

83. Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in cases of Emergency, Barcelona, 1976

84. Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources, Athens, 1980

85. Protocol Concerning Mediterranean Specially Protected Areas, Geneva, 1982

86. Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Sea Bed and its Subsoil, Madrid, 1994

87. European Convention for the Protection of Animals Kept for Farming Purposes, Strasbourg, 1976

88. Protocol of Amendment to the European Convention for the Protection of Animals Kept for Farming Purposes, Strasbourg, 1992

89. Agreement Concerning the Protection of the Waters of the Mediterranean Shores, Monaco, 1976

90. Convention on Conservation of Nature in the South Pacific, Apia, 1976

91. Convention on the Protection of the Archeological, Historical, and Artistic Heritage of the American Nations (Convention of San Salvador), Santiago, 1976

92. Convention on the Protection of the Rhine against Chemical Pollution, Bonn, 1976

93. Convention Concerning the Protection of the Rhine against Pollution by Chlorides, Bonn, 1976

94. Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, Geneva, 1976

95. Convention on Civil Liability for Oil Pollution Damage Resulting from Exploration for and Exploitation of Sea Bed Mineral Resources, London, 1977

96. Convention Concerning the Protection of Workers against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration, Geneva, 1977

97. Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution, Kuwait, 1978

98. Protocol Concerning Regional Cooperation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency, Kuwait, 1978

99. Protocol Concerning Marine Pollution resulting from Exploration and Exploitation of the Continental Shelf, Kuwait, 1989

100. Protocol for the Protection of the Marine Environment against Pollution from Land-Based Sources, Kuwait, 1990

101. Treaty for Amazonian Cooperation, Brasilia, 1978

102. Convention on Future Multilateral Cooperation in the North-West Atlantic Fisheries, Ottawa, 1978

103. Convention on the Conservation of Migratory Species of Wild Animals, Bonn, 1979

104. European Convention for the Protection of Animals for Slaughter, Strasbourg, 1979

105. Convention on the Conservation of European Wildlife and Natural Habitats, Berne, 1979

106. Convention on the Physical Protection of Nuclear Material, Vienna, 1979

107. Convention on Long-range Transboundary Air Pollution, Geneva, 1979

108. Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Long-term Financing of the Co-operative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP), Geneva, 1984

109. Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on the Reduction of Sulphur Emissions or Their Transboundary Fluxes by at least 30 per cent, Helsinki, 1985

110. Protocol to the 1979 Convention on Long-range Transboundary Air Pollution Concerning the Control of Emissions of Nitrogen or Their Transboundary Fluxes, Sofia, 1988

111. Protocol to the 1979 Convention on Long-range Transboundary Air Pollution Concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes, Geneva, 1991

112. Convention for the Conservation and Management of the Vicuna, Lima, 1979

113. Convention on the Conservation of Antarctic Marine Living Resources, Canberra, 1980

114. European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities, Madrid, 1980

115. Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries, London, 1980

116. Convention Creating the Niger Basin Authority and Protocol Relating to the Development Fund of the Niger Basin, Faranah, 1980

117. Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region, Abidjan, 1981

118. Protocol Concerning Cooperation in Combating Pollution in Cases of Emergency, Abidjan, 1981

119. Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific, Lima, 1981

120. Agreement on Regional Cooperation in Combating Pollution of the South-East Pacific by Hydrocarbons and Other Harmful Substances in Cases of Emergency, Lima, 1981

121. Supplementary Protocol to the Agreement on Regional Cooperation in Combating Pollution of the South-East Pacific by Hydrocarbons and Other Harmful Substances in Cases of Emergency, Quito, 1983

122. Protocol for the Protection of the South-East Pacific against Pollution from Land-based Sources, Quito, 1983

123. Protocol for the Conservation and Management of the Protected Marine and Coastal Areas of the South-East Pacific, Paipa, 1989

124. Protocol for the Protection of the South-East Pacific against Radioactive Contamination, Paipa, 1989

125. Convention Concerning Occupational Safety and Health and the Working Environment, Geneva, 1981

126. Regional Convention for the conservation of the Red Sea and Gulf of Aden Environment, Jeddah, 1982

127. Protocol Concerning Regional Cooperation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency, Jeddah, 1982

128. Convention for the Conservation of Salmon in the North Atlantic Ocean, Reykjavik, 1982

129. Benelux Convention on Nature Conservation and Landscape Protection, Brussels, 1982

130. United Nations Convention on the Law of the Sea, Montego Bay, 1982

131. Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, Cartagena de Indias, 1983

132. Protocol Concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region, Cartagena de Indias, 1983

133. Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, Kingston, 1990

134. Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances, Bonn, 1983

135. International Tropical Timber Agreement, Geneva, 1983

136. Vienna Convention for the Protection of the Ozone Layer, Vienna, 1985

137. Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal, 1987

138. London Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, London, 1990

139. Copenhagen Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Copenhagen, 1992

140. Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, Nairobi, 1985

141. Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region, Nairobi, 1985

142. Protocol Concerning Cooperation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region, Nairobi, 1985

143. Convention Concerning Occupational Health Services, Geneva, 1985

144. South Pacific Nuclear Free Zone Treaty, Raratonga, 1985

145. ASEAN Agreement on the Conservation of Nature and Natural Resources, Kuala Lumpur, 1985

146. Convention Concerning Safety in the Use of Asbestos, Geneva, 1986

147. Convention on Early Notification of a Nuclear Accident, Vienna, 1986

148. Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, Vienna, 1986

149. United Nations Convention on Conditions for the Registration of Ships, Geneva, 1986

150. Agreement on the Preservation of Confidentiality of Data Concerning Deep Sea Bed Areas, Moscow, 1986

151. Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, Noumea, 1986

152. Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, Noumea, 1986

153. Protocol Concerning Cooperation in Combating Pollution Emergencies in the South Pacific Region, Noumea, 1986

154. The European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific purposes, Strasbourg, 1986

155. Agreement on the Action Plan for the Environmentally Sound Management of the Common Zambezi River System, Harare, 1987

156. European Convention for the Protection of Pet Animals, Strasbourg, 1987

157. Convention on the Regulation of Antarctic Mineral Resource Activities, Wellington, 1988

158. Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention, Vienna, 1988

159. Agreement on the Network of Aquaculture Centres in Asia and the Pacific, Bangkok, 1988

160. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Basel, 1989

161. Convention on the Prohibition of Fishing with Long Drift Nets in the South Pacific, Wellington, 1989

162. Protocol I to Convention on the Prohibition of Fishing with Long Drift Nets in the South Pacific, Noumea, 1990

163. Protocol II to Convention on the Prohibition of Fishing with Long Drift Nets in the South Pacific, Noumea, 1990

164. International Convention on Salvage, London, 1989

165. Convention on Civil Liability for Damage Caused During Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels, Geneva, 1989

166. Fourth ACP-EEC Convention, Lome, 1989

167. Convention Concerning Safety in the Use of Chemicals at Work, Geneva, 1990

168. Agreement on the Conservation of Seals in the Wadden Sea, Bonn, 1990

169. International Convention on Oil Pollution Preparedness, Response and Cooperation, London, 1990

170. Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, Bamako, 1991

171. Convention on Environmental Impact Assessment in a Transboundary Context, Espoo, 1991

172. Convention Concerning the Protection of Alps, Salzbourg, 1991

173. Treaty Establishing the African Economic Community, Abuja, 1991

174. Agreement on the Conservation of Bats in Europe, London, 1991

175. European Convention on the Protection of the Archaeological Heritage (Revised), Valletta, 1992

176. Convention for the Conservation of Anadromous Stocks, Moscow, 1992

177. Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas, New York, 1992

178. Convention on the Transboundary Effects of Industrial Accidents, Helsinki, 1992

179. Convention on the Protection and Use of Transboundary Watercourses and International Lakes, Helsinki, 1992

180. Convention on the Protection of the Marine Environment of the Baltic Sea Area, Helsinki, 1992

181. Convention on the Protection of the Black Sea against Pollution, Bucharest, 1992

182. Protocol on Protection of the Black Sea Marine Environment against Pollution from Land-based Sources, Bucharest, 1992

183. Protocol on Cooperation in Combating Pollution of the Black Sea Marine Environment by Oil and Other Harmful Substances in Emergency Situations, Bucharest, 1992

184. Protocol on Protection of the Black Sea Marine Environment against Pollution by Dumping, Bucharest, 1992

185. United Nations Framework Convention on Climate Change, New York, 1992

186. Convention on Biological Diversity, Rio de Janeiro, 1992

187. Convention Concerning the Conservation of the Biodiversity and the Protection of Priority Forestry Areas of Central America, Managua, 1992

188. Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, Madrid, 1992

189. Convention for the Protection of the Marine Environment for the North-East Atlantic, Paris, 1992

190. North American Free Trade Agreement, 1992 (the Agreement contains provisions on, *inter alia*, relation to environmental agreements, sanitary and phyto-sanitary measures and technical barriers to trade, including standards-related measures)

191. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction, Paris, 1993

192. Agreement for the Establishment of the Near East Plant Protection Organization, Rabat, 1993

193. Agreement Establishing the South Pacific Regional Environment Programme, Apia, 1993

194. Convention for the Conservation of Southern Bluefin Tuna, Canberra, 1993

195. Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment, Lugano, 1993

196. North American Agreement on Environmental Cooperation, 1993

197. Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, Rome, 1993

198. Agreement for the Establishment of the Indian Ocean Tuna Commission, Rome, 1993

199. Convention on Nuclear Safety, Vienna, 1994

200. Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, Paris, 1994

201. Convention for the Establishment of the Lake Victoria Fisheries Organization, Kisumu, 1994

202. Agreement Relating to the Implementation of Part XI of the United Nations Convention on the law of the Sea of 10 December 1982, New York, 1994

203. Agreement on the Preparation of a Tripartite Environmental Mangement Programme for Lake Victoria, Arusha, 1994

204. Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, Lusaka, 1994

TEXTS OF SELECTED TREATIES AND OTHER AGREEMENTS IN THE FIELD OF THE ENVIRONMENT

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

TEXT OF THE CONVENTION

(as amended in 1979, and provisionally in 1983)

The Contracting States,

RECOGNIZING that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

CONSCIOUS of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

RECOGNIZING that peoples and States are and should be the best protectors of their own wild fauna and flora;

RECOGNIZING, in addition, that international cooperation is essential for the protection of certain species of wild fauna and flora against overexploitation through international trade;

CONVINCED of the urgency of taking appropriate measures to this end;

HAVE AGREED as follows:

ARTICLE I

DEFINITIONS

For the purpose of the present Convention, unless the context otherwise requires:

a) "Species" means any species, sub-species, or geographically separate population thereof;

b) "Specimen" means:

   (i) an animal or plant, whether alive or dead;

   (ii) in the case of an animal: for species included in Appendices I and II, any readily recognizable part or derivative thereof; and for species included in Appendix III, any readily recognizable part or derivative thereof specified in Appendix III in relation to the species; and

   (iii) in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species;

c) "Trade" means export, re-export, import and introduction from the sea;

d) "Re-export" means export of any specimen that has previously been imported;

e) "Introduction from the sea" means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State;

f) "Scientific Authority" means a national scientific authority designated in accordance with Article IX;

g) "Management Authority" means a national management authority designated in accordance with Article IX;

h) "Party" means a State for which the present Convention has entered into force.

ARTICLE II

FUNDAMENTAL PRINCIPLES

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.

2. Appendix II shall include:

   a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

   b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in subparagraph (a) of this paragraph may be brought under effective control.

3. Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purposes of preventing or restricting exploitation, and as needing the cooperation of other parties in the control of trade.

4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention.

ARTICLE III

REGULATION OF TRADE IN SPECIMENS OF SPECIES INCLUDED IN APPENDIX I

1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

   a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

   b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;

   c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

   d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.

3. The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:

   a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;

b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and

c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.

4. The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a reexport certificate. A re-export certificate shall only be granted when the following conditions have been met:

a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;

b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

c) a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.

5. The introduction from the sea of any specimen of a species included in Appendix I shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved;

b) a Management Authority of the State of introduction is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and

c) a Management Authority of the State of introduction is satisfied that the specimen is not to be used for primarily commercial purposes.

ARTICLE IV

REGULATION OF TRADE IN SPECIMENS OF SPECIES INCLUDED IN APPENDIX II

1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and

c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for

inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.

4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.

5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a reexport certificate. A re-export certificate shall only be granted when the following conditions have been met:

   a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and

   b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

   a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and

   b) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.

7. Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.

ARTICLE V

REGULATION OF TRADE IN SPECIMENS OF SPECIES INCLUDED IN APPENDIX III

1. All trade in specimens of species included in Appendix III shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix III from any State which has included that species in Appendix III shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

   a) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and

   b) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. The import of any specimen of a species included in Appendix III shall require, except in circumstances to which paragraph 4 of this Article applies, the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.

4. In the case of re-export, a certificate granted by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

ARTICLE VI

PERMITS AND CERTIFICATES

1. Permits and certificates granted under the provisions of Articles III, IV and V shall be in accordance with the provisions of this Article.

2. An export permit shall contain the information specified in the model set forth in Appendix IV, and may only be used for export within a period of six months from the date on which it was granted.

3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.

4. Any copies of a permit or certificates issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.

5. A separate permit or certificate shall be required for each consignment of specimens.

6. A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.

7. Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

ARTICLE VII

EXEMPTIONS AND OTHER SPECIAL PROVISIONS RELATING TO TRADE

1. The provisions of Articles III, IV and V shall not apply to the transit or trans-shipment of specimens through or in the territory of a Party while the specimens remain in Customs control.

2. Where a Management Authority of the State of export or reexport is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.

3. The provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects. This exemption shall not apply where:

    a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or

    b) in the case of specimens of species included in Appendix II:

        (i) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred;

        (ii) they are being imported into the owner's State of usual residence; and

        (iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens;

    unless a Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens.

4. Specimens of an animal species included in Appendix I bred in captivity for

commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.

5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Articles III, IV or V.

6. The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label Issued or approved by a Management Authority.

7. A Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that:

   a) the exporter or importer registers full details of such specimens with that Management Authority;

   b) the specimens are in either of the categories specified in paragraphs 2 and 5 of this Article; and

   c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.

ARTICLE VIII

MEASURES TO BE TAKEN BY THE PARTIES

1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:

   a) to penalize trade in, or possession of, such specimens, or both; and

   b) to provide for the confiscation or return to the State of export of such specimens.

2. In addition to the measures taken under paragraph 1 of this Article a Party may, when it deems it necessary, provide for any method of internal reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.

3. As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a Party may designate ports of exit and ports of entry at which specimens must be presented for clearance. The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.

4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:

   a) the specimen shall be entrusted to a Management Authority of the State of confiscation;

   b) the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue

centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention; and

c) the Management Authority may obtain the advice of a Scientific Authority, or may, wherever it considers it desirable, consult the Secretariat in order to facilitate the decision under sub-paragraph (b) of this paragraph, including the choice of a rescue centre or other place.

5. A rescue centre as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.

6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:

a) the names and addresses of exporters and importers; and

b) the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.

7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:

a) an annual report containing a summary of the information specified in sub-paragraph (b) of paragraph 6 of this Article; and

b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.

8. The information referred to in paragraph 7 of this Article shall be available to the public where this is not inconsistent with the law of the Party concerned.

ARTICLE IX

MANAGEMENT AND SCIENTIFIC AUTHORITIES

1. Each Party shall designate for the purposes of the present Convention:

a) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and

b) one or more Scientific Authorities.

2. A State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.

3. Any changes in the designations or authorizations under the provisions of this Article shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties.

4. Any Management Authority referred to in paragraph 2 of this Article shall if so requested by the Secretariat or the Management Authority of another Party, communicate to it impression of stamps, seals or other devices used to authenticate permits or certificates.

ARTICLE X

TRADE WITH STATES NOT PARTY TO THE CONVENTION

Where export or re-export is to, or import is from, a State not a Party to the present

Convention, comparable documentation issued by the competent authorities in that State which substantially conforms with the requirements of the present Convention for permits and certificates may be accepted in lieu thereof by any Party.

ARTICLE XI

CONFERENCE OF THE PARTIES

1. The Secretariat shall call a meeting of the Conference of the Parties not later than two years after the entry into force of the present Convention.

2. Thereafter the Secretariat shall convene regular meetings at least once every two years, unless the Conference decides otherwise, and extraordinary meetings at any time on the written request of a least one-third of the Parties.

3. At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:

   a) make such provision as may be necessary to enable the Secretariat to carry out its duties, and adopt financial provisions;

   b) consider and adopt amendments to Appendices I and II in accordance with Article XV;

   c) review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;

   d) receive and consider any reports presented by the Secretariat or by any Party; and

   e) where appropriate, make recommendations for improving the effectiveness of the present Convention.

4. At each regular meeting, the Parties may determine the time and venue of the next regular meeting to be held in accordance with the provisions of paragraph 2 of this Article.

5. At any meeting, the Parties may determine and adopt rules of procedure for the meeting.

6. The United Nations, its Specialized Agencies and the International Atomic Energy Agency, as well as any State not a Party to the present Convention, may be represented at meetings of the Conference by observers, who shall have the right to participate but not to vote.

7. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

   a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and

   b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located. Once admitted, these observers shall have the right to participate but not to vote.

ARTICLE XII

THE SECRETARIAT

1. Upon entry into force of the present Convention, a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme. To the extent

and in the manner he considers appropriate, he may be assisted by suitable intergovernmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.

2. The functions of the Secretariat shall be:

   a) to arrange for and service meetings of the Parties;

   b) to perform the functions entrusted to it under the provisions of Articles XV and XVI of the present Convention;

   c) to undertake scientific and technical studies in accordance with programmes authorized by the Conference of the Parties as will contribute to the implementation of the present Convention, including studies concerning standards for appropriate preparation and shipment of living specimens and the means of identifying specimens;

   d) to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the present Convention;

   e) to invite the attention of the Parties to any matter pertaining to the aims of the present Convention;

   f) to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices.

   g) to prepare annual reports to the Parties on its work and on the implementation of the present Convention and such other reports as meetings of the Parties may request;

   h) to make recommendations for the implementation of the aims and provisions of the present Convention, including the exchange of information of a scientific or technical nature;

   i) to perform any other function as may be entrusted to it by the Parties.

ARTICLE XIII

INTERNATIONAL MEASURES

1. When the Secretariat in the light of information received is satisfied that any species included in Appendices I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.

2. When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.

3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.

ARTICLE XIV

EFFECT ON DOMESTIC LEGISLATION AND INTERNATIONAL CONVENTIONS

1. The provisions of the present Convention shall in no way affect the right of Parties to adopt:

   a) stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof; or

   b) domestic measures restricting or prohibiting trade, taking possession, or transport of species not included in Appendices I, II or III.

2. The provisions of the present Convention shall in no way affect the provisions of any domestic measures or the obligations of Parties deriving from any treaty, convention, or international agreement relating to other aspects of trade, taking, possession, or transport of specimens which is in force or subsequently may enter into force for any Party including any measure pertaining to the Customs, public health, veterinary or plant quarantine fields.

3. The provisions of the present Convention shall in no way affect the provisions of, or the obligations deriving from, any treaty, convention or international agreement concluded or which may be concluded between States creating a union or regional trade agreement establishing or maintaining a common external customs control and removing customs controls between the parties thereto insofar as they relate to trade among the States members of that union or agreement.

4. A State Party to the present Convention, which is also a Party to any other treaty, convention or international agreement which is in force at the time of the coming into force of the present Convention and under the provisions of which protection is afforded to marine species included in Appendix II, shall be relieved of the obligations imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix II that are taken by ships registered in that State and in accordance with the provisions of such other treaty, convention or international agreement.

5. Notwithstanding the provisions of Articles III, IV and V, any export of a specimen taken in accordance with paragraph 4 of this Article shall only require a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question.

6. Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

ARTICLE XV

AMENDMENTS TO APPENDICES I AND II

1. The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the Conference of the Parties:

   a) Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at least 150 days before the meeting. The Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of sub-paragraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.

b) Amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.

c) Amendments adopted at a meeting shall enter into force 90 days after that meeting for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

2. The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the Conference of the Parties:

a) Any Party may propose an amendment to Appendix I and II for consideration between meetings by the postal procedures set forth in this paragraph.

b) For marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties. It shall also consult intergovernmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring co-ordination with any conservation measures enforced by such bodies. The Secretariat shall communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.

c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendments, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.

d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under sub-paragraphs (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.

e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.

f) If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of sub-paragraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

g) If an objection by any Party is received by the Secretariat the proposed amendment shall be submitted to a postal vote in accordance with the provisions of sub-paragraphs (h), (i) and (j) of this paragraph.

h) The Secretariat shall notify the Parties that notification of objection has been received.

i) Unless the Secretariat receives the votes for, against or in abstention from at least one-half of the Parties within 60 days of the date of notification under sub-paragraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.

j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.

k) The Secretariat shall notify all Parties of the result of the vote.

l) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

3. During the period of 90 days provided for by sub-paragraph (c) of paragraph 1 or sub-paragraph (l) of paragraph 2 of this Article any Party may by notification in writing to the Depositary Government make a reservation with respect to the amendment. Until such reservation is withdrawn the Party shall be treated as a State not a Party to the present Convention with respect to trade in the species concerned.

ARTICLE XVI

APPENDIX III AND AMENDMENTS THERETO

1. Any Party may at any time submit to the Secretariat a list of species which it identifies as being subject to regulation within its Jurisdiction for the purpose mentioned in paragraph 3 of Article II. Appendix III shall include the names of the Parties submitting the species for inclusion therein, the scientific names of the species so submitted, and any parts or derivatives of the animals or plants concerned that are specified in relation to the species for the purposes of sub-paragraph (b) of Article I.

2. Each list submitted under the provisions of paragraph 1 of this Article shall be communicated to the Parties by the Secretariat as soon as possible after receiving it. The list shall take effect as part of Appendix III 90 days after the date of such communication. At any time after the communication of such list, any Party may by notification in writing to the Depositary Government enter a reservation with respect to any species or any parts or derivatives, and until such reservation is withdrawn, the State shall be treated as a State not a Party to the present Convention with respect to trade in the species or part or derivative concerned.

3. A Party which has submitted a species for inclusion in Appendix III may withdraw it at any time by notification to the Secretariat which shall communicate the withdrawal to all Parties. The withdrawal shall take effect 30 days after the date of such communication.

4. Any Party submitting a list under the provisions of paragraph 1 of this Article shall submit to the Secretariat a copy of all domestic laws and regulations applicable to the protection of such species, together with any interpretations which the Party may deem appropriate or the Secretariat may request. The Party shall, for as long as the species in question is included in Appendix III, submit any amendments of such laws and regulations or any new interpretations as they are adopted.

ARTICLE XVII

AMENDMENT OF THE CONVENTION

1. An extraordinary meeting of the Conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.

2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.

3. An amendment shall enter into force for the Parties which have accepted it 60 days after two-thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depositary Government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment.

ARTICLE XVIII

RESOLUTION OF DISPUTES

1. Any dispute which may arise between two or more Parties with respect to the interpretation or application of the provisions of the present Convention shall be subject to negotiation between the Parties involved in the dispute.

2. If the dispute cannot be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.

ARTICLE XIX

SIGNATURE

The present Convention shall be open for signature at Washington until 30 April 1973 and thereafter at Berne until 31 December 1974.

ARTICLE XX

RATIFICATION, ACCEPTANCE, APPROVAL

The present Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Swiss Confederation which shall be the Depositary Government.

ARTICLE XXI

ACCESSION

The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government.

1. This Convention shall be open for accession by regional economic integration organizations constituted by sovereign States which have competence in respect of the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by this Convention.

2. In their instruments of accession, such organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary Government of any substantial modification in the extent of their competence. Notifications by regional economic integration organizations concerning their competence with respect to matters governed by this Convention and modifications thereto shall be distributed to the Parties by the Depositary Government.

3. In matters within their competence, such regional integration organizations shall exercise the rights and fulfill the obligations which this Convention attributes to their Member States, which are Parties to the Convention. In such cases the Member States of the organizations shall not be entitled to exercise such rights individually.

4. In the fields of their competence, regional economic integration organizations shall exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to the Convention. Such organizations shall not exercise their right to vote if their Member States exercise theirs, and vice versa.

5. Any reference to "Party" in the sense used in Article 1(h) of this Convention to "State"/ "States" or to "State Party"/"States Parties" to the Convention shall be construed as including a reference to any regional economic integration organization having

competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.]**

*** The paragraphs in square brackets are an amendment to the Convention which was adopted at an extraordinary meeting of the Conference of the Parties in Gaborone (Botswana) on 30 April 1983. The amendment is not yet in force. It will enter into force when it has been formally accepted by 54 of the 80 States which were Parties to the Convention on that date. By August 1993 it had been accepted by 31 of those States.*

ARTICLE XXII

ENTRY INTO FORCE

1. The present Convention shall enter into force 90 days after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, with the Depositary Government.

2. For each State which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force 90 days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

ARTICLE XXIII

RESERVATIONS

1. The provisions of the present Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Articles XV and XVI.

2. Any State may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to:

   a) any species included in Appendix I, II, III; or

   b) any parts or derivatives specified in relation to a species included in Appendix III.

3. Until a Party withdraws its reservation entered under the provisions of this Article, it shall be treated as a State not a Party to the present Convention with respect to trade in the particular species or parts or derivatives specified in such reservation.

ARTICLE XXIV

DENUNCIATION

Any Party may denounce the present Convention by written notification to the Depositary Government at any time. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

ARTICLE XXV

DEPOSITARY

1. The original of the present Convention, in the Chinese, English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Depositary Government, which shall transmit certified copies thereof to all States that have signed it or deposited instruments of accession to it.

2. The Depositary Government shall inform all signatory and acceding States and the

Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the present Convention, amendments thereto, entry and withdrawal of reservations and notifications of denunciation.

3. As soon as the present Convention enters into force, a certified copy thereof shall be transmitted by the Depositary Government to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention.

DONE at Washington this third day of March, One Thousand Nine Hundred and Seventy-three.

STATUS OF RATIFICATION

(Status as of 30 June 1995)

Participant	Ratification Acceptance (At) Approval (Ap) Accession (Ac) Succession (S)
Afghanistan	30.10.1985 (Ac)
Algeria	23.11.1983 (Ac)
Argentina	8. 1.1981
Australia	29. 7.1976
Austria	27. 1.1982 (Ac)
Bahamas	20. 6.1979 (Ac)
Bangladesh	20.11.1981
Barbados	9.12.1992 (Ac)
Belgium	3.10.1983
Belize	19. 8.1986 (S)
Benin	28. 2.1984 (Ac)
Bolivia	6. 7.1979
Botswana	14.11.1977 (Ac)
Brazil	6. 8.1975
Brunei Darussalam	4. 5.1990 (Ac)
Bulgaria	16. 1.1991 (Ac)
Burkina Faso	13.10.1989 (Ac)
Burundi	8. 8.1988 (Ac)
Cameroon	5. 6.1981 (Ac)
Canada	10. 4.1975
Central African Republic	27. 8.1980 (Ac)
Chad	2. 2.1989 (Ac)
Chile	14. 2.1975
China	8. 1.1981 (Ac)
Colombia	31. 8.1981
Comoros	23.11.1994 (Ac)
Congo	31. 1.1983 (Ac)
Costa Rica	30. 6.1975
Cote d'Ivoire	21.11.1994 (Ac)
Cuba	20. 4.1990 (Ac)
Cyprus	18.10.1974
Czech Republic	14. 4.1993 (S)
Denmark	26. 7.1977
Djibouti	7. 2.1992 (Ac)
Dominican Republic	17.12.1986 (Ac)
Ecuador	11. 2.1975
Egypt	4. 1.1978
El Salvador	30. 4.1987 (Ac)

Equatorial Guinea	10. 3.1992 (Ac)
Eritrea	24.10.1994 (Ac)
Estonia	22. 7.1992 (Ac)
Ethiopia	5. 4.1989 (Ac)
Finland	10. 5.1976 (Ac)
France	11. 5.1978 (Ap)
Gabon	13. 2.1989 (Ac)
Gambia	26. 8.1977 (Ac)
Germany	22. 3.1976
Ghana	14.11.1975
Greece	8.10.1992 (Ac)
Guatemala	7.11.1979
Guinea	21. 9.1981 (Ac)
Guinea Bissau	16. 5.1990 (Ac)
Guyana	25. 5.1977 (Ac)
Honduras	15. 3.1985 (Ac)
Hungary	29. 5.1985 (Ac)
India	20. 7.1976
Indonesia	28.12.1978 (Ac)
Iran, Islamic Republic of	3. 8.1976
Israel	18.12.1979
Italy	2.10.1979
Japan	6. 8.1980 (At)
Jordan	14.12.1978 (Ac)
Kenya	13.12.1978
Liberia	11. 3.1981 (Ac)
Liechtenstein	30.11.1979 (Ac)
Luxembourg	13.12.1983
Madagascar	20. 8.1975
Malawi	5. 2.1982 (Ac)
Malaysia	20.10.1977 (Ac)
Mali	18. 7.1994 (Ac)
Malta	17. 4.1989 (Ac)
Mauritius	28. 4.1975
Mexico	2. 7.1991 (Ac)
Monaco	19. 4.1978 (Ac)
Morocco	16.10.1975
Mozambique	25. 3.1981 (Ac)
Namibia	18.12.1990 (Ac)
Nepal	18. 6.1975 (Ac)
Netherlands	9. 4.1984
New Zealand	10. 5.1989 (Ac)
Nicaragua	6. 8.1977 (Ac)
Niger	8. 9.1975
Nigeria	9. 5.1974
Norway	27. 7.1976
Pakistan	20. 4.1976 (Ac)
Panama	17. 8.1978
Papua New Guinea	12.12.1975 (Ac)
Paraguay	15.11.1976
Peru	27. 6.1975
Philippines	18. 8.1981
Poland	12.12.1989
Portugal	11.12.1980
Republic of Korea	9. 7.1993 (Ac)
Romania	18. 8.1994 (Ac)
Russian Federation	13. 1.1992 (S)
Rwanda	20.10.1980 (Ac)
Saint Kitts and Nevis	14. 2.1994 (Ac)
Saint Lucia	15.12.1982 (Ac)
Saint Vincent and the Grenadines	30.11.1988 (Ac)
Senegal	5. 8.1977 (Ac)
Seychelles	8. 2.1977 (Ac)
Sierra Leone	28.10.1994 (Ac)
Singapore	30.11.1986 (Ac)

Slovakia	2. 3.1993 (S)
Somalia	2.12.1985 (Ac)
South Africa	15. 7.1975
Spain	30. 5.1986 (Ac)
Sri Lanka	4. 5.1979 (Ac)
Sudan	26.10.1982
Suriname	17.11.1980 (Ac)
Sweden	20. 8.1974
Switzerland	9. 7.1974
Thailand	21. 1.1983
Togo	23.10.1978
Trinidad and Tobago	19. 1.1984 (Ac)
Tunisia	10. 7.1974
Uganda	18. 7.1991 (Ac)
United Arab Emirates	8. 2.1990 (Ac)
United Kingdom	2. 8.1976
United Republic of Tanzania	29.11.1979
United States of America	14. 1.1974
Uruguay	2. 4.1975
Vanuatu	17. 7.1989 (Ac)
Venezuela	24.10.1977
Viet Nam	20. 1.1994 (Ac)
Zaire	20. 7.1976 (Ac)
Zambia	24.11.1980 (Ac)
Zimbabwe	19. 5.1981 (Ac)

• **Date of entry into force 1 July 1975**

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

APPENDICES I AND II

as adopted by the Conference of the Parties, valid from 16 February 1995

INTERPRETATION

1. Species included in these appendices are referred to:

   a) by the name of the species; or

   b) as being all of the species included in a higher taxon or designated part thereof.

2. The abbreviation "spp." is used to denote all species of a higher taxon.

3. Other references to taxa higher than species are for the purposes of information or classification only.

4. The abbreviation "p.e." is used to denote species that are possibly extinct.

5. An asterisk (*) placed against the name of a species or higher taxon indicates that one or more geographically separate populations, subspecies or species of that species or taxon are included in Appendix I and are excluded from Appendix II.

6. Two asterisks (**) placed against the name of a species or higher taxon indicate that one or more geographically separate populations, subspecies or species of that species or taxon are included in Appendix II and are excluded from Appendix I.

7. The symbol () followed by a number placed against the name of a species or higher taxon denotes that designated geographically separate populations, species, groups of species or families of that species or taxon are excluded from the appendix concerned, as follows:

101 Population of West Greenland

102 Populations of Bhutan, India, Nepal and Pakista

103 Population of Australia

104 Population of the United States of America

105 - Chile: part of the population of Parinacota Province, Ia. Region of Tarapacá

- Peru: the whole population

106 Populations of Afghanistan, Bhutan, India, Myanmar, Nepal and Pakistan

107 Cathartidae

108 *Melopsittacus undulatus, Nymphicus hollandicus*and *Psittacula krameri*

-109 Population of Ecuador, subject to zero export quotas in 1995 and 1996 and then annual export quotas as approved by the CITES Secretariat and the IUCN/SSC Crocodile Specialist Group

110 Populations of Botswana, Ethiopia, Kenya, Malawi, Mozambique, South Africa, the United Republic of Tanzania, Zambia and Zimbabwe, and populations of the following countries subject to the specified annual export quotas:

	1995	1996	1997
Madagascar	4,700	5,200	5,200
(ranched specimens	4,500	5,000	5,000
wild nuisance	200	200	200)
specimens	2,500	2,500	2,500
Uganda			

Apart from ranched specimens, the United Republic of Tanzania will authorize the export of no more than 1100 wild specimens (including 100 hunting trophies) in 1995 and 1996, and a number to be approved by the CITES Secretariat and the IUCN/SSC Crocodile Specialist Group in 1997

111 Populations of Australia, Indonesia and Papua New Guinea

112 Population of Chile

113 All species that are not succulent

-114 *Aloe vera*; also referenced as *Aloe barbadensis*

8. The symbol (+) followed by a number placed against the name of a species or higher taxon denotes that only designated geographically separate populations, subspecies or species of that species or taxon are included in the appendix concerned, as follows:

+201 Populations of Bhutan, India, Nepal and Pakistan

+202 Populations of Bhutan, China, Mexico and Mongolia

+203 Populations of Cameroon and Nigeria

+204 Population of Asia

+205 Populations of Central and North America

+206 Populations of Bangladesh, India and Thailand

+207 Population of India

+208 Population of Australia

+209 Population of South Africa

+210 - Chile: part of the population of Parinacota Province, Ia. Region of Tarapacá

- Peru: the whole population

+211 Populations of Afghanistan, Bhutan, India, Myanmar, Nepal and Pakistan

+212 Population of Mexico

+213 Populations of Algeria, Burkina Faso, Cameroon, the Central African Republic, Chad, Mali, Mauritania, Morocco, the Niger, Nigeria, Senegal and the Sudan

+214 Population of Seychelles

+215 Population of Europe, except the area which formerly constituted the Union of Soviet Socialist Republics

+216 All species of New Zealand

+217 Population of Chile

9. The symbol (=) followed by a number placed against the name of a species or higher taxon denotes that the name of that species or taxon shall be interpreted as follows:

=301 Also referenced as *Phalanger maculatus*

=302 Includes family Tupaiidae

=303 Formerly included in family Lemuridae

=304 Formerly included as subspecies of *Callithrix jacchus*

=305 Includes generic synonym *Leontideus*

=306 Formerly included in species *Saguinus oedipus*

=307 Formerly included as *Alouatta palliata* (*villosa*)

=308 Includes synonym *Cercopithecus roloway*

=309 Formerly included in genus *Papio*

=310 Includes generic synonym *Simias*

=311 Includes synonym *Colobus badius kirkii*

=312 Includes synonym *Colobus badius rufomitratus*

=313 Includes generic synonym *Rhinopithecus*

=314 Also referenced as *Presbytis entellus*

=315 Also referenced as *Presbytis geei* and *Semnopithecus geei*

=316 Also referenced as *Presbytis pileata* and *Semnopithecus pileatus*

=317 Includes synonyms *Bradypus boliviensis* and *Bradypus griseus*

=318 Includes synonym *Priodontes giganteus*

=319 Includes synonym *Physeter macrocephalus*

=320 Includes synonym *Eschrichtius glaucus*

=321 Formerly included in genus *Balaena*

=322 Formerly included in genus *Dusicyon*

=323 Includes synonym *Dusicyon fulvipes*

=324 Includes generic synonym *Fennecus*

=325 Also referenced as *Selenarctos thibetanus*

=326 Also referenced as *Aonyx microdon* or *Paraonyx microdon*

=327 Formerly included in genus *Lutra*

=328 Formerly included in genus *Lutra*; includes synonyms *Lutra annectens*, *Lutra enudris*, *Lutra incarum*and *Lutra platensis*

=329 Includes synonym *Eupleres major*

=330 Also referenced as *Hyaena brunnea*

=331 Also referenced as *Felis caracal* and *Lynx caracal*

=332 Formerly included in genus *Felis*

=333 Also referenced as *Felis pardina* or *Felis lynx pardina*

=334 Formerly included in genus *Panthera*

=335 Also referenced as *Equus asinus*

=336 Formerly included in species *Equus hemionus*

=337 Also referenced as *Equus caballus przewalskii*

=338 Also referenced as *Choeropsis liberiensis*

=339 Also referenced as *Cervus porcinus annamiticus*

=340 Also referenced as *Cervus porcinus calamianensis*

=341 Also referenced as *Cervus porcinus kuhlii*

=342 Also referenced as *Cervus dama mesopotamicus*

=343 Includes synonym *Bos frontalis*

=344 Includes synonym *Bos grunniens*

=345 Includes generic synonym *Novibos*

=346 Includes generic synonym *Anoa*

=347 Also referenced as *Damaliscus dorcas dorcas*

=348 Formerly included in species *Naemorhedus goral*

=349 Also referenced as *Capricornis sumatraensis*

=350 Includes synonym *Oryx tao*

=351 Includes synonym *Ovis aries ophion*

=352 Also referenced as *Rupicapra rupicapra ornata*

=353 Also referenced as *Pterocnemia pennata*

=354 Also referenced as *Sula abbotti*

=355 Also referenced as *Ciconia ciconia boyciana*

=356 Includes synonyms *Anas chlorotis* and *Anas nesiotis*

=357 Also referenced as *Anas platyrhynchos laysanensis*

=358 Probably a hybrid between *Anas platyrhynchos* and *Anas superciliosa*

=359 Also referenced as *Aquila heliaca adalberti*

=360 Also referenced as *Chondrohierax wilsonii*

=361 Also referenced as *Falco peregrinus babylonicus* and *Falco peregrinus pelegrinoides*

=362 Also referenced as *Crax mitu mitu*

=363 Formerly included in genus *Aburria*

=364 Formerly included in species *Crossoptilon crossoptilon*

=365 Formerly included in species *Polyplectron malacense*

=366 Includes synonym *Rheinardia nigrescens*

=367 Also referenced as *Tricholimnas sylvestris*

=368 Also referenced as *Choriotis nigriceps*

=369 Also referenced as *Houbaropsis bengalensis*

=370 Also referenced as *Amazona dufresniana rhodocorytha*

=371 Often traded under the incorrect designation *Ara caninde*

=372 Also referenced as *Cyanoramphus novaezelandiae cookii*

=373 Also referenced as *Opopsitta diophthalma coxeni*

=374 Also referenced as *Pezoporus occidentalis*

=375 Formerly included in species *Psephotus chrysopterygius*

=376 Also referenced as *Psittacula krameri echo*

=377 Formerly included in genus *Gallirex*; also referenced as *Tauraco porphyreolophus*

=378 Also referenced as *Otus gurneyi*

=379 Also referenced as *Ninox novaeseelandiae royana*

=380 Formerly included in genus *Glaucis*

=381 Includes generic synonym *Ptilolaemus*

=382 Formerly included in genus *Rhinoplax*

=383 Also referenced as *Pitta brachyura nympha*

=384 Also referenced as *Muscicapa ruecki* or *Niltava ruecki*

=385 Also referenced as *Dasyornis brachypterus longirostris*

=386 Also referenced as *Meliphaga cassidix*

=387 Formerly included in genus *Spinus*

=388 Formerly included as *Kachuga tecta tecta*

=389 Includes generic synonyms *Nicoria* and *Geoemyda*(part)

=390 Also referenced as *Geochelone elephantopus*; also referenced in genus *Testudo*

=391 Also referenced in genus *Testudo*

=392 Also referenced in genus *Aspideretes*

=393 Formerly included in *Podocnemis* spp.

=394 Includes Alligatoridae, Crocodylidae and Gavialidae

=395 Also referenced as *Crocodylus mindorensis*

=396 Formerly included in *Chamaeleo* spp.

=397 Also referenced as *Constrictor constrictor occidentalis*

=398 Includes synonym *Python molurus pimbura*

=399 Includes synonym *Pseudoboa cloelia*

=400 Also referenced as *Hydrodynastes gigas*

=401 Includes generic synonym *Megalobatrachus*

=402 *Sensu* D'Abrera

=403 Also referenced as *Conchodromus dromas*

=404 Also referenced in genera *Dysnomia* and *Plagiola*

=405 Includes generic synonym *Proptera*

=406 Also referenced in genus *Carunculina*

=407 Also referenced as *Megalonaias nickliniana*

=408 Also referenced as *Cyrtonaias tampicoensis tecomatensis*and *Lampsilis tampicoensis tecomatensis*

=409 Includes generic synonym *Micromya*

=410 Includes generic synonym *Papuina*

=411 Includes only the family Helioporidae with one species *Heliopora coerulea*

=412 Also referenced as *Podophyllum emodi* and *Sinopodophyllum hexandrum*

=413 Also referenced in genus *Echinocactus*

=414 Also referenced as *Lobeira macdougallii* or *Nopalxochia macdougallii*

=415 Also referenced as *Echinocereus lindsayi*

=416 Also referenced as *Wilcoxia schmollii*

=417 Also referenced in genus *Coryphantha*

=418 Also referenced as *Solisia pectinata*

=419 Also referenced as *Backebergia militaris*

=420 Also referenced in genus *Toumeya*

=421 Includes synonym *Ancistrocactus tobuschii*

=422 Also referenced in genus *Neolloydia* or in genus *Echinomastus*

=423 Also referenced in genus *Toumeya* or in genus *Pediocactus*

=424 Also referenced in genus *Neolloydia*

=425 Also referenced as *Saussurea lappa*

=426 Includes *Euphorbia cylindrifolia* ssp. *tuberifera*

=427 Also referenced as *Euphorbia capsaintemariensis* var. *tulearensis*

=428 Also referenced as *Engelhardia pterocarpa*

=429 Includes *Aloe compressa* var. *rugosquamosa* and *Aloe compressa* var. *schistophila*

=430 Includes *Aloe haworthioides* var. *aurantiaca*

=431 Includes *Aloe laeta* var. *maniaensis*

=432 Includes families Apostasiaceae and Cypripediaceae as subfamilies Apostasioideae and Cypripedioideae

=433 Also referenced as *Sarracenia rubra alabamensis*

=434 Also referenced as *Sarracenia rubra jonesii*

=435 Includes synonym *Stangeria paradoxa*

=436 Also referenced as *Taxus baccata* ssp. *wallichiana*

=437 Includes synonym *Welwitschia bainesii*

10. The symbol (°) followed by a number placed against the name of a species or higher taxon shall be interpreted as follows:

°501 Specimens of the domesticated form are not subject to the provisions of the Convention

°502 Annual export quotas for live specimens and hunting trophies are granted as follows:

Botswana: 5

Namibia: 150

Zimbabwe: 50

The trade in such specimens is subject to the provisions of Article III of the Convention

°503 For the exclusive purpose of allowing international trade in live animals to appropriate and acceptable destinations and hunting trophies

°504 For the exclusive purpose of allowing international trade in wool sheared from live vicugnas of the populations included in Appendix II (see +210) and in the extant stock in Peru of 3249 kg of wool, and in cloth and items made thereof. The reverse side of the cloth must bear the logotype adopted by the range States of the species, which are signatories to the Convenio para la Conservación y Manejo de la Vicuña, and the selvages either the words VICUÑANDESCHILE or the words VICUÑANDESPERU, depending on the country of origin

°505 Fossils are not subject to the provisions of the Convention

°506 No exports of adult plants of the species *Pachypodium brevicaule* are permitted until the tenth meeting of the Conference of the Parties

°507 Seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers are not subject to the provisions of the Convention

11. In accordance with Article I, paragraph b, sub-paragraph (iii), of the Convention, the symbol (#) followed by a number placed against the name of a species or higher taxon included in Appendix II designates parts or derivatives which are specified in relation thereto for the purposes of the Convention as follows:

#1 Designates all parts and derivatives, except:

a) seeds, spores and pollen (including pollinia); and

b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers

#2 Designates all parts and derivatives, except:

a) seeds and pollen;

b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and

c) chemical derivatives

#3 Designates roots and readily recognizable parts thereof

#4 Designates all parts and derivatives, except:

a) seeds and pollen;

b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;

c) fruits and parts and derivatives thereof of naturalized or artificially propagated plants; and

d) separate stem joints (pads) and parts and derivatives thereof of naturalized or artificially

propagated plants of the genus *Opuntia* subgenus *Opuntia*

#5 Designates saw-logs, sawn wood and veneers

#6 Designates logs, wood-chips and unprocessed broken material

#7 Designates all parts and derivatives, except:

a) seeds and pollen (including pollinia);

b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;

c) cut flowers of artificially propagated plants; and

d) fruits and parts and derivatives thereof of artificially propagated plants of the genus *Vanilla*

#8 Designates all parts and derivatives, except:

a) seeds and pollen;

b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and

c) finished pharmaceutical products

12. As none of the species or higher taxa of FLORA included in Appendix I is annotated to the effect that its hybrids shall be treated in accordance with the provisions of Article III of the Convention, this means that artificially propagated hybrids produced from one or more of these species or taxa may be traded with a certificate of artificial propagation, and that seeds and pollen (including pollinia), cut flowers, seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers of these hybrids are not subject to the provisions of the Convention.

FAUNA
CHORDATA

MAMMALIA

MONOTREMATA		
Tachyglossidae		*Zaglossus* spp
DASYUROMORPHIA		
Dasyuridae	*Sminthopsis longicaudata*	
	Sminthopsis psammophila	
Thylacinidae	*Thylacinus cynocephalus* p.e.	
PERAMELEMORPHIA		
Peramelidae	*Chaeropus ecaudatus* p.e.	
	Macrotis lagotis	
	Macrotis leucura	
	Perameles bougainville	
DIPROTODONTIA		
Phalangeridae		*Phalanger orientalis*
		Spilocuscus maculatus =301
Burramyidae		*Burramys parvus*
Vombatidae	*Lasiorhinus krefftii*	
Macropodidae		*Dendrolagus bennettianus*

Macropodidae (contd.)		*Dendrolagus inustus*
		Dendrolagus lumholtzi
		Dendrolagus ursinus
	Lagorchestes hirsutus	
	Lagostrophus fasciatus	
	Onychogalea fraenata	
	Onychogalea lunata	
Potoroidae	*Bettongia* spp	
	Caloprymnus campestris p.e.	
CHIROPTERA		
Pteropodidae		*Acerodon* spp
	Acerodon jubatus	
	Acerodon lucifer p.e	
		Pteropus spp. *
	Pteropus insularis	
	Pteropus mariannus	
	Pteropus molossinus	
	Pteropus phaeocephalus	
	Pteropus pilosus	
	Pteropus samoensis	
	Pteropus tonganus	
PRIMATES		PRIMATES spp. * =302
Lemuridae	Lemuridae spp	
Megaladapidae	Megaladapidae spp.	
Cheirogaleidae	Cheirogaleidae spp.	
Indridae	Indridae spp.	
Daubentoniidae	*Daubentoniidae madagascariensis*	
Callithricidae	*Callimico goeldii*	
	Callithrix aurita =304	
	Callithrix flaviceps =304	
	Leontopithecus spp. =305	
	Saguinus bicolor	
	Saguinus geoffroyi =306	
	Saguinus leucopus	
	Saguinus oedipus	
Cebidae	*Alouatta palliata*	
	Alouatta pigra =307	
	Ateles geoffroyi frontatus	
	Ateles geoffroyi panamensis	
	Brachyteles arachnoides	
	Cacajao spp	
	Chiropotes albinasus	
	Lagothrix flavicauda	
	Saimiri oerstedii	
Cercopithecidae	*Cercocebus galeritus galeritus*	
	Cercopithecus diana =308	
	Macaca silenus	
	Mandrillus leucophaeus =309	
	Mandrillus sphinx =309	
	Nasalis concolor =310	
	Nasalis larvatus	
	Presbytis potenziani	
	Procolobus pennantii kirkii =311	
	Procolobus rufomitratus =312	
	Pygathrix spp. =313	
	Semnopithecus entellus =314	
	Trachypithecus geei =315	
	Trachypithecus pileatus =316	
Hylobatidae	Hylobatidae spp	

Hominidae	*Gorilla gorilla*	
	Pan spp	
	Pongo pygmaeus	
XENARTHRA		
Myrmecophagidae		*Myrmecophaga tridactyla*
Bradypodidae		*Bradypus variegatus*=317
Dasypodidae	*Priodontes maximus* =318	
PHOLIDOTA		
Manidae		*Manis* spp
LAGOMORPHA		
Leporidae	*Caprolagus hispidus*	
	Romerolagus diazi	
RODENTIA		
Sciuridae	*Cynomys mexicanus*	
		Ratufa spp
Muridae	*Leporillus conditor*	
	Pseudomys praeconis	
	Xeromys myoides	
	Zyzomys pedunculatus	
Chinchillidae	*Chinchilla* spp. °501	
CETACEA		CETACEA spp. *
Platanistidae	*Lipotes vexillifer*	
	Platanista spp	
Ziphiidae	*Berardius* spp	
	Hyperoodon spp	
Physeteridae	*Physeter catodon* =319	
Delphinidae	*Sotalia* spp	
	Sousa spp	
Phocoenidae	*Neophocaena phocaenoides*	
	Phocoena sinus	
Eschrichtiidae	*Eschrichtius robustus* =320	
Balaenopteridae	*Balaenoptera acutorostrata* ** -101	
	Balaenoptera borealis	
	Balaenoptera edeni	
	Balaenoptera musculus	
	Balaenoptera physalus	
	Megaptera novaeangliae	
Balaenidae	*Balaena mysticetus*	
	Eubalaena spp. =321	
Neobalaenidae	*Caperea marginata*	
CARNIVORA		
Canidae	*Canis lupus* ** +201	*Canis lupus* * 102
		Cerdocyon thous =322
		Chrysocyon brachyurus
		Cuon alpinus
		Pseudalopex culpaeus =322
		Pseudalopex griseus =323
		Pseudalopex gymnocercus =322
	Speothos venaticus	
		Vulpes cana
		Vulpes zerda =324
Ursidae		Ursidae spp. *
	Ailuropoda melanoleuca	
	Ailurus fulgens	
	Helarctos malayanus	

Ursidae (contd.)	*Melursus ursinus*	
	Tremarctos ornatus	
	Ursus arctos ** +202	
	Ursus arctos isabellinus	
	Ursus thibetanus =325	
Mustelidae	*Aonyx congicus* ** +203 =326	
		Conepatus humboldtii
	Enhydra lutris nereis	
	Lontra felina =327	
	Lontra longicaudis =328	
	Lontra provocax =327	
	Lutra lutra	
		Lutrinae spp. *
	Mustela nigripes	
	Pteronura brasiliensis	
Viverridae		*Cryptoprocta ferox*
		Cynogale bennettii
		Eupleres goudotii =329
		Fossa fossana
		Hemigalus derbyanus
		Prionodon linsang
	Prionodon pardicolor	
Hyaenidae		*Parahyaena brunnea* =330
Felidae		Felidae spp. *
	Acinonyx jubatus °502	
	Caracal caracal ** +204 =331	
	Catopuma temmincki =332	
	Felis nigripes	
	Herpailurus yagouaroundi ** +205 =332	
	Leopardus pardalis =332	
	Leopardus tigrinus =332	
	Leopardus wiedii =332	
	Lynx pardinus =333	
	Neofelis nebulosa	
	Oncifelis geoffroyi =332	
	Oreailurus jacobita =332	
	Panthera leo persica	
	Panthera onca	
	Panthera pardus	
	Panthera tigris	
	Pardofelis marmorata =332	
	Prionailurus bengalensis bengalensis ** +206 =332	
	Prionailurus planiceps =332	
	Prionailurus rubiginosus ** +207 332	
	Puma concolor coryi =332	
	Puma concolor costaricensis =332	
	Puma concolor couguar =332	
	Uncia uncia =334	
Otariidae		*Arctocephalus* spp. *
	Arctocephalus townsendi	
Phocidae		*Mirounga leonina*
	Monachus spp	
PROBOSCIDEA		
Elephantidae	*Elephas maximus*	
	Loxodonta africana	
SIRENIA		
Dugongidae	*Dugong dugon* ** 103	*Dugong dugon* * +208
Trichechidae	*Trichechus inunguis*	

Trichechidae (contd.)	*Trichechus manatus*	
		Trichechus senegalensis
PERISSODACTYLA		
Equidae	*Equus africanus* =335	
	Equus grevyi	
		Equus hemionus *
	Equus hemionus hemionus	
		Equus kiang =336
		Equus onager * =336
	Equus onager khur =336	
	Equus przewalskii =337	
		Equus zebra hartmannae
	Equus zebra zebra	
Tapiridae	Tapiridae spp. **	
		Tapirus terrestris
Rhinocerotidae	Rhinocerotidae spp. **	
		Ceratotherium simum simum * +209 °503
ARTIODACTYLA		
Suidae	*Babyrousa babyrussa*	
	Sus salvanius	
Tayassuidae	*Catagonus wagneri*	Tayassuidae spp. * 104
Hippopotamidae		*Hexaprotodon liberiensis* = 338
		Hippopotamus amphibius
Camelidae		*Lama guanicoe*
	Vicugna vicugna ** 105	*Vicugna vicugna* * +210 °504
Moschidae	*Moschus* spp. ** +211	*Moschus* spp. * 106
Cervidae	*Axis porcinus annamiticus* =339	
	Axis porcinus calamianensis =340	
	Axis porcinus kuhli =341	
	Blastocerus dichotomus	
	Dama mesopotamica =342	
	Cervus duvaucelii	
		Cervus elaphus bactrianus
	Cervus elaphus hanglu	
	Cervus eldii	
	Hippocamelus spp	
	Megamuntiacus vuquanghensis	
	Muntiacus crinifrons	
	Ozotoceros bezoarticus	
		Pudu mephistophiles
	Pudu pudu	
Antilocapridae	*Antilocapra americana* +212	
Bovidae	*Addax nasomaculatus*	
		Ammotragus lervia
	Bison bison athabascae	
	Bos gaurus =343	
	Bos mutus =344 °501	
	Bos sauveli =345	
	Bubalus depressicornis =346	
	Bubalus mindorensis =346	
	Bubalus quarlesi =346	
		Budorcas taxicolor
	Capra falconeri	
		Cephalophus dorsalis
	Cephalophus jentinki	
		Cephalophus monticola

Bovidae (contd.)		*Cephalophus ogilbyi*
		Cephalophus silvicultor
		Cephalophus zebra
		Damaliscus pygargus dorcas =347
	Gazella dama	
	Hippotragus niger variani	
		Kobus leche
	Naemorhedus baileyi =348	
	Naemorhedus caudatus =348	
	Naemorhedus goral	
	Naemorhedus sumatraensis =349	
	Oryx dammah =350	
	Oryx leucoryx	
		Ovis ammon *
	Ovis ammon hodgsonii	
		Ovis canadensis +212
	Ovis orientalis ophion =351	
	Ovis vignei	
	Pantholops hodgsoni	
	Pseudoryx nghetinhensis	
	Rupicapra pyrenaica ornata =352	
		Saiga tatarica
AVES		
STRUTHIONIFORMES		
Struthionidae	*Struthio camelus* +213	
RHEIFORMES		
Rheidae		*Rhea americana*
	Rhea pennata = 353	
TINAMIFORMES		
Tinamidae	*Tinamus solitarius*	
SPHENISCIFORMES		
Spheniscidae		*Spheniscus demersus*
	Spheniscus humboldti	
PODICIPEDIFORMES		
Podicipedidae	*Podilymbus gigas*	
PROCELLARIIFORMES		
Diomedeidae	*Diomdea albatrus*	
PELECANIFORMES		
Pelecanidae	*Pelecanus crispus*	
Sulidae	*Papasula abbotti = 354*	
Fregatidae	*Fregata andrewsi*	
CICONIIFORMES		
Balaenicipitidae		*Balaeniceps rex*
Ciconiidae	*Ciconia boyciana* =355	
		Ciconia nigra
	Jabiru mycteria	
	Mycteria cinerea	
Threskiornithidae		*Eudocimus ruber*
		Geronticus calvus
	Geronticus eremita	
	Nipponia nippon	
		Platalea leucorodia

Phoenicopteridae		Phoenicopteridae spp.
ANSERIFORMES		
Anatidae	*Anas aucklandica* =356	
		Anas bernieri
		Anas formosa
	Anas laysanensis =357	
	Anas oustaleti =358	
	Branta canadensis leucopareia	
		Branta ruficollis
	Branta sandvicensis	
	Cairina scutulata	
		Coscoroba coscoroba
		Cygnus melanocorypha
		Dendrocygna arborea
		Oxyura leucocephala
	Rhodonessa caryophyllacea p.e	
		Sarkidiornis melanotos
FALCONIFORMES		FALCONIFORMES spp. * 107
Cathartidae	*Gymnogyps californianus*	
	Vultur gryphus	
Accipitridae	*Aquila adalberti* =359	
	Aquila heliaca	
	Chondrohierax uncinatus wilsonii =360	
	Haliaeetus albicilla	
	Haliaeetus leucocephalus	
	Harpia harpyja	
	Pithecophaga jefferyi	
Falconidae	*Falco araea*	
	Falco jugger	
	Falco newtoni +214	
	Falco pelegrinoides =361	
	Falco peregrinus	
	Falco punctatus	
	Falco rusticolus	
GALLIFORMES		
Megapodiidae	*Macrocephalon maleo*	
Cracidae	*Crax blumenbachii*	
	Mitu mitu mitu =362	
	Oreophasis derbianus	
	Penelope albipennis	
	Pipile jacutinga =363	
	Pipile pipile pipile =363	
Phasianidae		*Argusianus argus*
	Catreus wallichii	
	Colinus virginianus ridgwayi	
	Crossoptilon crossoptilon	
	Crossoptilon harmani =364	
	Crossoptilon mantchuricum	
		Gallus sonneratii
		Ithaginis cruentus
	Lophophorus impejanus	
	Lophophorus lhuysii	
	Lophophorus sclateri	
	Lophura edwardsi	
	Lophura imperialis	
	Lophura swinhoii	
		Pavo muticus
		Polyplectron bicalcaratum

Phasianidae (contd.)	*Polyplectron emphanum*	
		Polyplectron germaini
		Polyplectron malacense
		Polyplectron schleiermacheri =365
	Rheinardia ocellata =366	
	Syrmaticus ellioti	
	Syrmaticus humiae	
	Syrmaticus mikado	
	Tetraogallus caspius	
	Tetraogallus tibetanus	
	Tragopan blythii	
	Tragopan caboti	
	Tragopan melanocephalus	
	Tympanuchus cupido attwateri	
GRUIFORMES		
Turnicidae		*Turnix melanogaster*
Pedionomidae		*Pedionomus torquatus*
Gruidae		Gruidae spp. *
	Grus americana	
	Grus canadensis nesiotes	
	Grus canadensis pulla	
	Grus japonensis	
	Grus leucogeranus	
	Grus monacha	
	Grus nigricollis	
	Grus vipio	
Rallidae		*Gallirallus australis hectori*
	Gallirallus sylvestris =367	
Rhynochetidae	*Rhynochetos jubatus*	
Otididae		Otididae spp. *
	Ardeotis nigriceps =368	
	Chlamydotis undulata	
	Eupodotis bengalensis =369	
CHARADRIIFORMES		
Scolopacidae	*Numenius borealis*	
	Numenius tenuirostris	
	Tringa guttifer	
Laridae	*Larus relictus*	
COLUMBIFORMES		
Columbidae	*Caloenas nicobarica*	
	Ducula mindorensis	
		Gallicolumba luzonica
		Goura spp
PSITTACIFORMES		PSITTACIFORMES spp. * 108
Psittacidae	*Amazona arausiaca*	
	Amazona barbadensis	
	Amazona brasiliensis	
	Amazona guildingii	
	Amazona imperialis	
	Amazona leucocephala	
	Amazona pretrei	
	Amazona rhodocorytha =370	
	Amazona tucumana	
	Amazona versicolor	

Psittacidae (contd.)	*Amazona vinacea*	
	Amazona vittata	
	Anodorhynchus spp	
	Ara ambigua	
	Ara glaucogularis =371	
	Ara macao	
	Ara maracana	
	Ara militaris	
	Ara rubrogenys	
	Aratinga guarouba	
	Cacatua goffini	
	Cacatua haematuropygia	
	Cacatua moluccensis	
	Cyanopsitta spixii	
	Cyanoramphus auriceps forbesi	
	Cyanoramphus cookii =372	
	Cyanoramphus novaezelandiae	
	Cyclopsitta diophthalma coxeni =373	
	Eos histrio	
	Geopsittacus occidentalis p.e. =374	
	Neophema chrysogaster	
	Ognorhynchus icterotis	
	Pezoporus wallicus	
	Pionopsitta pileata	
	Probosciger aterrimus	
	Psephotus chrysopterygius	
	Psephotus dissimilis =375	
	Psephotus pulcherrimus p.e.	
	Psittacula echo =376	
	Pyrrhura cruentata	
	Rhynchopsitta spp	
	Strigops habroptilus	
CUCULIFORMES		
Musophagidae		*Musophaga porphyreolophus* =377
		Tauraco spp
STRIGIFORMES		STRIGIFORMES spp. *
Tytonidae	*Tyto soumagnei*	
Strigidae	*Athene blewitti*	
	Mimizuku gurneyi =378	
	Ninox novaeseelandiae undulata =379	
	Ninox squamipila natalis	
APODIFORMES		
Trochilidae		Trochilidae spp. *
	Ramphodon dohrnii =380	
TROGONIFORMES		
Trogonidae	*Pharomachrus mocinno*	
CORACIIFORMES		
Bucerotidae		*Aceros* spp. *
	Aceros nipalensis	
	Aceros subruficollis	
		Anorrhinus spp. =381
		Anthracoceros spp
		Buceros spp. *
	Buceros bicornis	
	Buceros vigil =382	
	Penelopides spp	

PICIFORMES		
Ramphastidae		*Pteroglossus aracari*
		Pteroglossus viridis
		Ramphastos sulfuratus
		Ramphastos toco
		Ramphastos tucanus
		Ramphastos vitellinus
Picidae	*Campephilus imperialis*	
	Dryocopus javensis richardsi	
PASSERIFORMES		
Cotingidae	*Cotinga maculata*	
	Rupicola spp	
	Xipholena atropurpurea	
Pittidae		*Pitta guajana*
	Pitta gurneyi	
	Pitta kochi	
		Pitta nympha =383
Atrichornithidae	*Atrichornis clamosus*	
Hirundunudae	Pseudochelidon sirintrae	
Muscicapidae		*Cyornis ruckii* =384
	Dasyornis broadbenti litoralis p.e	
	Dasyornis longirostris =385	
	Picathartes gymnocephalus	
	Picathartes oreas	
Zosteropidae	*Zosterops albogularis*	
Meliphagidae	Lichenostomus melanops cassidix=386	
Emberizidae		*Gubernatrix cristata*
		Paroaria capitata
		Paroaria coronata
Icteridae	*Agelaius flavus*	
Fringillidae	*Carduelis cucullata* =387	
		Carduelis yarrellii =387
Estrildidae		*Poephila cincta cincta*
Sturnidae	*Leucopsar rothschildi*	
Paradisaeidae		Paradisaeidae spp
REPTILIA		
TESTUDINATA		
Dermatemydidae		*Dermatemys mawii*
Emydidae	*Batagur baska*	
		Clemmys insculpta
	Clemmys muhlenbergi	
	Geoclemys hamiltonii	
	Kachuga tecta =388	
	Melanochelys tricarinata =389	
	Morenia ocellata	
		Terrapene spp. *
	Terrapene coahuila	
Testudinidae		Testudinidae spp. *
	Geochelone nigra =390	
	Geochelone radiata =391	
	Geochelone yniphora =391	
	Gopherus flavomarginatus	
	Psammobates geometricus =391	
	Testudo kleinmanni	
Cheloniidae	Cheloniidae spp	
Dermochelyidae	*Dermochelys coriacea*	

Trionychidae		*Lissemys punctata*
	Trionyx ater =392 *Trionyx gangeticus* =392 *Trionyx hurum* =392 *Trionyx nigricans* =392	
Pelomedusidae		*Erymnochelys madagascariensis* =393 *Peltocephalus dumeriliana* =393
		Podocnemis spp
Chelidae	*Pseudemydura umbrina*	
CROCODYLIA		CROCODYLIA spp. * =394
Alligatoridae	*Alligator sinensis* *Caiman crocodilus apaporiensis* *Caiman latirostris* *Melanosuchus niger* ** -109	
Crocodylidae	*Crocodylus acutus* *Crocodylus cataphractus* *Crocodylus intermedius* *Crocodylus moreletii* *Crocodylus niloticus* ** 110 *Crocodylus novaeguineae mindorensis* =395 *Crocodylus palustris* *Crocodylus porosus* ** 111 *Crocodylus rhombifer* *Crocodylus siamensis* *Osteolaemus tetraspis* *Tomistoma schlegelii*	
Gavialidae	*Gavialis gangeticus*	
RHYNCHOCEPHALIA		
Sphenodontidae	*Sphenodon* spp.	
SAURIA		
Gekkonidae		*Cyrtodactylus serpensinsula* *Phelsuma* spp
Agamidae		*Uromastyx* spp
Chamaeleonidae		*Bradypodion* spp. =396 *Chamaeleo* spp
Iguanidae		*Amblyrhynchus cristatus*
	Brachylophus spp	
		Conolophus spp
	Cyclura spp	
		Iguana spp *Phrynosoma coronatum*
	Sauromalus varius	
Lacertidae	*Gallotia simonyi*	
		Podarcis lilfordi *Podarcis pityusensis*
Cordylidae		*Cordylus* spp *Pseudocordylus* spp.
Teiidae		*Cnemidophorus hyperythrus* *Crocodilurus lacertinus* *Dracaena* spp *Tupinambis* spp
Scincidae		*Corucia zebrata*
Xenosauridae		*Shinisaurus crocodilurus*
Helodermatidae		*Heloderma* spp.
Varanidae		*Varanus* spp. *

Varanidae (contd.)	*Varanus bengalensis*	
	Varanus flavescens	
	Varanus griseus	
	Varanus komodoensis	
SERPENTES		
Boidae		Boidae spp. *
	Acrantophis spp	
	Boa constrictor occidentalis =397	
	Bolyeria multocarinata	
	Casarea dussumieri	
	Epicrates inornatus	
	Epicrates monensis	
	Epicrates subflavus	
	Python molurus molurus =398	
	Sanzinia madagascariensis	
Colubridae		*Clelia clelia* =399
		Cyclagras gigas =400
		Elachistodon westermanni
		Ptyas mucosus
Elapidae		*Hoplocephalus bungaroides*
		Naja naja
		Ophiophagus hannah
Viperidae	*Vipera ursinii* +215	
		Vipera wagneri
AMPHIBIA		
CAUDATA		
Ambystomidae		*Ambystoma dumerilii*
		Ambystoma mexicanum
Cryptobranchidae	*Andrias* spp. =401	
ANURA		
Bufonidae	*Atelopus varius zeteki*	
	Bufo periglenes	
		Bufo retiformis
	Bufo superciliaris	
	Nectophrynoides spp	
Myobatrachidae		*Rheobatrachus* spp
Dendrobatidae		*Dendrobates* spp
		Phyllobates spp
Ranidae		*Mantella aurantiaca*
		Rana hexadactyla
		Rana tigerina
Microhylidae	*Dyscophus antongilii*	
PISCES		
CERATODONTIFORMES		
Ceratodontidae		*Neoceratodus forsteri*
COELACANTHIFORMES		
Latimeriidae	*Latimeria chalumnae*	
ACIPENSERIFORMES		
Acipenseridae	*Acipenser brevirostrum*	
		Acipenser oxyrhynchus
	Acipenser sturio	
Polyodontidae		*Polyodon spathula*

OSTEOGLOSSIFORMES		
Osteoglossidae		*Arapaima gigas*
	Scleropages formosus	
CYPRINIFORMES		
Cyprinidae		*Caecobarbus geertsi*
	Probarbus jullieni	
Catostomidae	*Chasmistes cujus*	
SILURIFORMES		
Pangasiidae	*Pangasianodon gigas*	
PERCIFORMES		
Sciaenidae	*Cynoscion macdonaldi*	
ARTHROPODA		
INSECTA		
LEPIDOPTERA		
Papilionidae		*Bhutanitis* spp
		Ornithoptera spp. * =402
	Ornithoptera alexandrae	
	Papilio chikae	
	Papilio homerus	
	Papilio hospiton	
		Parnassius apollo
		Teinopalpus spp
		Trogonoptera spp. =402
		Troides spp. =402
ARACHNIDA		
SCORPIONES		
Scorpionidae		*Pandinus dictator*
		Pandinus gambiensis
		Pandinus imperator
ARANEAE		
Theraphosidae		*Brachypelma* spp
ANNELIDA		
HIRUDINOIDEA		
ARHYNCHOBDELLAE		
Hirudinidae Hirudo medicinalis		
MOLLUSCA		
BIVALVIA		
VENEROIDA		
Tridacnidae		Tridacnidae spp.
UNIONOIDA		
Unionidae	*Conradilla caelata*	
		Cyprogenia aberti
	Dromus dromas =403	

Unionidae (contd.)	*Epioblasma curtisi* =404	
	Epioblasma florentina =404	
	Epioblasma sampsoni =404	
	Epioblasma sulcata perobliqua =404	
	Epioblasma torulosa gubernaculum =404	
		Epioblasma torulosa rangiana =404
	Epioblasma torulosa torulosa =404	
	Epioblasma turgidula =404	
	Epioblasma walkeri =404	
	Fusconaia cuneolus	
	Fusconaia edgariana	
		Fusconaia subrotunda
		Lampsilis brevicula
	Lampsilis higginsii	
	Lampsilis orbiculata orbiculata	
	Lampsilis satur	
	Lampsilis virescens	
		Lexingtonia dolabelloides
	Plethobasus cicatricosus	
	Plethobasus cooperianus	
		Pleurobema clava
	Pleurobema plenum	
	Potamilus capax =405	
	Quadrula intermedia	
	Quadrula sparsa	
	Toxolasma cylindrella =406	
	Unio nickliniana =407	
	Unio tampicoensis tecomatensis =408	
	Villosa trabalis =409	
GASTROPODA		
STYLOMMATOPHORA		
Achatinellidae	*Achatinella* spp	
Camaenidae		*Papustyla pulcherrima* =410
Paryphantidae		*Paryphanta spp. +216*
MESOGASTROPODA		
Strombidae		*Strombus gigas*
CNIDARIA		
ANTHOZOA		
COENOTHECALIA		COENOTHECALIA spp. =411 °505
STOLONIFERA		
Tubiporidae		Tubiporidae spp. °505
ANTIPATHARIA		ANTIPATHARIA spp.
SCLERACTINIA		SCLERACTINIA spp. °505
HYDROZOA		
MILLEPORINA		
Milleporidae		Milleporidae spp. °505

STYLASTERINA		
Stylesteridae		Stylederidae spp. °505
FLORA		
AGAVACEAE	*Agave arizonica*	
	Agave parviflora	
		Agave victoriaereginae #1
	Nolina interrata	
AMARYLLIDACEAE		*Galanthus* spp. #1
		Sternbergia spp. #1
APOCYNACEAE		*Pachypodium* spp. * °506 #1
	Pachypodium ambongense	
	Pachypodium baronii	
	Pachypodium decaryi	
		Rauvolfia serpentina #2
ARALIACEAE		*Panax quinquefolius* #3
ASCLEPIADACEAE		*Ceropegia* spp. #1
		Frerea indica #1
BERBERIDACEAE		*Podophyllum hexandrum* =412 #2
BROMELIACEAE		*Tillandsia harrisii* #1
		Tillandsia kammii #1
		Tillandsia kautskyi #1
		Tillandsia mauryana #1
		Tillandsia sprengeliana #1
		Tillandsia sucrei #1
		Tillandsia xerographica #1
BYBLIDACEAE		*Byblis* spp. #1
CACTACEAE		CACTACEAE spp. * #4
	Ariocarpus spp	
	Astrophytum asterias =413	
	Aztekium ritteri	
	Coryphantha werdermannii	
	Discocactus spp	
	Disocactus macdougallii =414	
	Echinocereus ferreirianus var. *lindsayi* =415	
	Echinocereus schmollii =416	
	Escobaria minima =417	
	Escobaria sneedii =417	
	Mammillaria pectinifera =418	
	Mammillaria solisioides	
	Melocactus conoideus	
	Melocactus deinacanthus	
	Melocactus glaucescens	
	Melocactus paucispinus	
	Obregonia denegrii	
	Pachycereus militaris =419	
	Pediocactus bradyi =420	
	Pediocactus despainii	
	Pediocactus knowltonii =420	

CACTACEAE (contd.)	*Pediocactus paradinei* *Pediocactus peeblesianus* =420 *Pediocactus sileri* *Pediocactus winkleri* *Pelecyphora* spp *Sclerocactus brevihamatus* =421 *Sclerocactus erectocentrus* =422 Sclerocactus glaucus *Sclerocactus mariposensis* =422 *Sclerocactus mesaeverdae* *Sclerocactus papyracanthus* =423 *Sclerocactus pubispinus* *Sclerocactus wrightiae* *Strombocactus disciformis* *Turbinicarpus* spp. =424 *Uebelmannia* spp	
CARYOCARACEAE		*Caryocar costaricense* #1
CEPHALOTACEAE		*Cephalotus follicularis #1*
COMPOSITAE (ASTERACEAE)	*Saussurea costus* =425	
CRASSULACEAE	*Dudleya stolonifera* *Dudleya traskiae*	
CUPRESSACEAE	*Fitzroya cupressoides* *Pilgerodendron uviferum*	
CYATHEACEAE		CYATHEACEAE spp. #1
CYCADACEAE	*Cycas beddomei*	CYCADACEAE spp. * #1
DIAPENSIACEAE		*Shortia galacifolia* #1
DICKSONIACEAE		DICKSONIACEAE spp. #1
DIDIEREACEAE		DIDIEREACEAE spp. #1
DIOSCOREACEAE		Dioscoreaceae deltoidea #1
ROCERACEAE		Dionaea muscipula #1
ERICACEAE		Kalmia cuneata #1
EUPHORBIACEAE	*Euphorbia ambovombensis* *Euphorbia cremersii* *Euphorbia cylindrifolia* =426 *Euphorbia decaryi* *Euphorbia francoisii* *Euphorbia moratii* *Euphorbia parvicyathophora* *Euphorbia quartziticola* *Euphorbia tulearensis* =427	*Euphorbia* spp. 113 #1
FOUQUIERIACEAE	*Fouquieria fasciculata* *Fouquieria purpusii*	*Fouquieria columnaris* #1
JUGLANDACEAE		*Oreomunnea pterocarpa* =42 #1

LEGUMINOSAE	*Dalbergia nigra*	
(FABACEAE)		*Pericopsis elata* #5
	Platymiscium pleiostachyum #1	
	Pterocarpus santalinus #6	
LILIACEAE		*Aloe* spp. * -114 #1
	Aloe albida	
	Aloe albiflora	
	Aloe alfredii	
	Aloe bakeri	
	Aloe bellatula	
	Aloe calcairophila	
	Aloe compressa =429	
	Aloe delphinensis	
	Aloe descoingsii	
	Aloe fragilis	
	Aloe haworthioides =430	
	Aloe helenae	
	Aloe laeta =431	
	Aloe parallelifolia	
	Aloe parvula	
	Aloe pillansii	
	Aloe polyphylla	
	Aloe rauhii	
	Aloe suzannae	
	Aloe thorncroftii	
	Aloe versicolor	
	Aloe vossii	
MELIACEAE		*Swietenia humilis* #1
		Swietenia mahagoni #5
NEPENTHACEAE		*Nepenthes* spp. * #1
	Nepenthes khasiana	
	Nepenthes rajah	
ORCHIDACEAE		ORCHIDACEAE spp. * =432 #7
	Cattleya trianae °507	
	Dendrobium cruentum °507	
	Laelia jongheana °507	
	Laelia lobata °507	
	Paphiopedilum spp. °507	
	Peristeria elata °507	
	Phragmipedium spp. °507	
	Renanthera imschootiana °507	
	Vanda coerulea °507	
PALMAE		*Chrysalidocarpus decipiens* #1
(ARECACEAE)		*Neodypsis decaryi* #1
PINACEAE	*Abies guatemalensis*	
PORTULACACEAE		*Anacampseros* spp. #1
		Lewisia cotyledon #1
		Lewisia maguirei #1
		Lewisia serrata #1
		Lewisia tweedyi #1
PRIMULACEAE		*Cyclamen* spp. #1

PROTEACEAE	*Orothamnus zeyheri* *Protea odorata*	
ROSACEAE		*Prunus africana* #1
RUBIACEAE	*Balmea stormiae*	
SARRACENIACEAE		*Darlingtonia californica* #1 *Sarracenia* spp. * #1
	Sarracenia alabamensis alabamensis =433 *Sarracenia jonesii* =434 *Sarracenia oreophila*	
STANGERIACEAE	*Stangeria eriopus* =435	
TAXACEAE		*Taxus wallichiana* =436 #8
THEACEAE		*Camelia chrysantha* #1
THYMELEACEAE (AQUILAREACEAE)		*Aquilaria malaccensis*
WELWITSCHIACEAE		*Welwitschia mirabilis* =437 #1
ZAMIACEAE		ZAMIACEAE spp. * #1
	Ceratozamia spp *Chigua* spp *Encephalartos* spp *Microcycas calocoma*	
ZINGIBERACEAE		*Hedychium philippinense* #1
ZYGOPHYLLACEAE		*Guaiacum officinale* #1 *Guaiacum sanctum* #1

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

APPENDIX III

valid from 16 February 1995

INTERPRETATION

1. References to taxa higher than species are for the purpose of information or classification only.

2. The symbol (=) followed by a number placed against the name of a species denotes that the name of that species shall be interpreted as follows:

=438 Includes synonym *Tamandua mexicana*

=439 Includes synonym *Cabassous gymnurus*

=440 Includes generic synonym *Coendou*

=441 Includes generic synonym *Cuniculus*

=442 Includes synonym *Vulpes vulpes leucopus*

=443 Formerly included as *Nasua nasua*

=444 Includes synonym *Galictis allamandi*

=445 Includes synonym *Martes gwatkinsi*

=446 Includes generic synonym *Viverra*

=447 Formerly included as *Viverra megaspila*

=448 Formerly included as *Herpestes auropunctatus*

=449 Formerly included as *Herpestes fuscus*

=450 Formerly included as *Bubalus bubalis* (domesticated form)

=451 Also referenced as *Boocercus eurycerus*; includes generic synonym *Taurotragus*

=452 Also referenced as *Ardeola ibis*

=453 Also referenced as *Egretta alba*

=454 Also referenced as *Hagedashia hagedash*

=455 Also referenced as *Lampribis rara*

=456 Also referenced as *Spatula clypeata*

=457 Also referenced as *Nyroca nyroca*

=458 Includes synonym *Dendrocygna fulva*

=459 Also referenced as *Cairina hartlaubii*

=460 Also referenced as *Crax pauxi*

=461 Formerly included as *Arborophila brunneopectus* (in part)

=462 Also referenced as *Turturoena iriditorques*; formerly included as *Columba malherbii* (in part)

=463 Also referenced as *Nesoenas mayeri*

=464 Formerly included as *Treron australis* (in part)

=465 Also referenced as *Calopelia brehmeri*; includes synonym *Calopelia puella*

=466 Also referenced as *Tympanistria tympanistria*

=467 Also referenced as *Tchitrea bourbonnensis*

=468 Formerly included as *Serinus gularis* (in part)

=469 Also referenced as *Estrilda subflava* or *Sporaeginthus subflavus*

=470 Formerly included as *Lagonosticta larvata* (in part)

=471 Includes generic synonym *Spermestes*

=472 Also referenced as *Euodice cantans*; formerly included as *Lonchura malabarica* (in part)

=473 Also referenced as *Hypargos nitidulus*

=474 Formerly included as *Parmoptila woodhousei* (in part)

=475 Includes synonyms *Pyrenestes frommi* and *Pyrenestes rothschildi*

=476 Also referenced as *Estrilda bengala*

=477 Also referenced as *Malimbus rubriceps* or *Anaplectes melanotis*

=478 Also referenced as *Coliuspasser ardens*

=479 Formerly included as *Euplectes orix* (in part)

=480 Also referenced as *Coliuspasser macrourus*

=481 Also referenced as *Ploceus superciliosus*

=482 Includes synonym *Ploceus nigriceps*

=483 Also referenced as *Sitagra luteola*

=484 Also referenced as *Sitagra melanocephala*

=485 Formerly included as *Ploceus velatus*

=486 Also referenced as *Hypochera chalybeata*; includes synonyms *Vidua amauropteryx*, *Vidua centralis*, *Vidua neumanni*, *Vidua okavangoensis* and *Vidua ultramarina*

=487 Formerly included as *Vidua paradisaea* (in part)

=488 Also referenced as *Pelusios subniger*

=489 Formerly included in genus *Natrix*

3. The names of the countries placed against the names of species are those of the Parties submitting these species for inclusion in this appendix.

4. Any animal, whether live or dead, of a species listed in this appendix, is covered by the provisions of the Convention, as is any readily recognizable part or derivative thereof.

5. In accordance with Article I, paragraph (b), sub-paragraphs (ii) and (iii), of the Convention, and with Resolutions Conf. 4.24 and Conf. 6.18, the symbol (#) followed by a number placed against the name of a plant species included in Appendix III designates parts or derivatives which are specified in relation thereto for the purposes of the Convention as follows:

#1 Designates all readily recognizable parts and derivatives, except:
a) seeds, spores and pollen (including pollinia); and
b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers.

FAUNA

MAMMALIA

CHIROPTERA		
Phyllostomidae	*Vampyrops lineatus*	Uruguay
EDENTATA		
Mymecophagidae	*Tamandua tetradactyla* =438	Guatemala
Megalonychidae	*Chloepus hoffmanni*	Costa Rica
Dasypodidae	*Cabassous centralis*	Costa Rica
	Cabassous tatouay =439	Uruguay
RODENTIA		
Sciuridae	*Epixerus ebii*	Ghana
	Marmota caudata	India
	Marmota himalayana	India
	Sciurus deppei	Costa Rica

Anomaluridae	*Anomalurus beecrofti*	Ghana
	Anomalurus derbianus	Ghana
	Anomalurus pelii	Ghana
	Idiurus macrotis	Ghana
Hystricidae	*Hystrix cristata*	Ghana
Erethizontidae	*Sphiggurus mexicanus* =440	Honduras
	Sphiggurus spinosus =440	Uruguay
Agoutidae	*Agouti paca* =441	Honduras
Dasyproctidae	*Dasyprocta punctata*	Honduras
CARNIVORA		
Canidae	*Canis aureus*	India
	Vulpes bengalensis	India
	Vulpes vulpes griffithi	India
	Vulpes vulpes montana	India
	Vulpes vulpes pusilla =442	India
Procyonidae	*Bassaricyon gabbii*	Costa Rica
	Bassariscus sumichrasti	Costa Rica
	Nasua narica =443	Honduras
	Nasua nasua solitaria	Uruguay
	Potos flavus	Honduras
Mustelidae	*Eira barbara*	Honduras
	Galictis vittata =444	Costa Rica
	Martes flavigula =445	India
	Martes foina intermedia	India
	Mellivora capensis	Botswana, Ghana
	Mustela altaica	India
	Mustela erminea ferghanae	India
	Mustela kathiah	India
	Mustela sibirica	India
Viverridae	*Arctictis binturong*	India
	Civettictis civetta =446	Botswana
	Paguma larvata	India
	Paradoxurus hermaphroditus	India
	Paradoxurus jerdoni	India
	Viverra civettina =447	India
	Viverra zibetha	India
	Viverricula indica	India
Herpestidae	*Herpestes javanicus auropunctata* =448	India
	Herpestes edwardsi	India
	Herpestes brachyurus fusca =449	India
	Herpestes smithii	India
	Herpestes urva	India
	Herpestes vitticollis	India
Protelidae	*Proteles cristatus*	Botswana
PINNIPEDIA		
Odobenidae	*Odobnus rosmarus*	Canada
ARTIODACTYLA		
Tragulidae	*Hyemoschus*	Ghana
Cervidae	*Cervus elaphus barbarus*	Tunisia
	Mazama americana cerasina	Guatemala
	Odocoileus virginianus mayensis	Guatemala
Bovidae	*Antilope cervicapra*	Nepal
	Bubalus arnee =450	Nepal
	Damaliscus lunatus	Ghana
	Gazella cuvieri	Tunisia
	Gazella dorcas	Tunisia

Bovidae (contd.)	*Gazella leptoceros*	Tunisia
	Tetracerus quadricornis	Nepal
	Tragelaphus eurycerus =451	Ghana
	Tragelaphus spekii	Ghana
AVES		
CICONIIFORMES		
Ardeidae	*Ardea goliath*	Ghana
	Bubulcus ibis =452	Ghana
	Casmerodius albus =453	Ghana
	Egretta garzetta	Ghana
Ciconiidae	*Ephippiorhynchus senegalensis*	Ghana
	Leptoptilos crumeniferus	Ghana
Threskiornithidae	*Bostrychia hagedash* =454	Ghana
	Bostrychia rara =455	Ghana
	Threskiornis aethiopicus	Ghana
ANSERIFORMES		
Anatidae	*Alopochen aegyptiacus*	Ghana
	Anas acuta	Ghana
	Anas capensis	Ghana
	Anas clypeata =456	Ghana
	Anas crecca	Ghana
	Anas penelope	Ghana
	Anas querquedula	Ghana
	Aythya nyroca =457	Ghana
	Cairina moschata	Honduras
	Dendrocygna autumnalis	Honduras
	Dendrocygna bicolor =458	Ghana, Honduras
	Dendrocygna viduata	Ghana
	Nettapus auritus	Ghana
	Plectropterus gambensis	Ghana
	Pteronetta hartlaubii =459	Ghana
FALCONIFORMES		
Cathartidae	*Sarcoramphus papa*	Honduras
GALLIFORMES		
Cracidae	*Crax alberti*	Colombia
	Crax daubentoni	Colombia
	Crax globulosa	Colombia
	Crax rubra	Colombia, Costa Rica, Guatemala, Honduras
	Ortalis vetula	Guatemala, Honduras
	Pauxi pauxi =460	Colombia
	Penelope purpurascens	Honduras
	Penelopina nigra	Guatemala
Phasianidae	*Agelastes meleagrides*	Ghana
	Agriocharis ocellata	Guatemala
	Arborophila charltonii	Malaysia
	Arborophila orientalis =461	Malaysia
	Caloperdix oculea	Malaysia
	Lophura erythrophthalma	Malaysia
	Lophura ignita	Malaysia
	Melanoperdix nigra	Malaysia
	Polyplectron inopinatum	Malaysia
	Rhizothera longirostris	Malaysia
	Rollulus rouloul	Malaysia
	Tragopan satyra	Nepal

CHARADRIIFORMES		
Burhinidae	*Burhinus bistriatus*	Guatemala
COLUMBIFORMES		
Columbidae	*Columba guinea*	Ghana
	Columba iriditorques =462	Ghana
	Columba livia	Ghana
	Columba mayeri =463	Mauritius
	Columba unicincta	Ghana
	Oena capensis	Ghana
	Streptopelia decipiens	Ghana
	Streptopelia roseogrisea	Ghana
	Streptopelia semitorquata	Ghana
	Streptopelia senegalensis	Ghana
	Streptopelia turtur	Ghana
	Streptopelia vinacea	Ghana
	Treron calva =464	Ghana
	Treron waalia	Ghana
	Turtur abyssinicus	Ghana
	Turtur afer	Ghana
	Turtur brehmeri =465	Ghana
	Turtur tympanistria =466	Ghana
PSITTACIFORMES		
Psittacidae	*Psittacula krameri*	Ghana
CUCULIFORMES		
Musophagidae	*Corythaeola cristata*	Ghana
	Crinifer piscator	Ghana
	Musophaga violacea	Ghana
PICIFORMES		
Capitonidae	*Semnornis ramphastinus*	Colombia
Ramphastidae	*Baillonius bailloni*	Argentina
	Pteroglossus castanotis	Argentina
	Ramphastos dicolorus	Argentina
	Selenidera maculirostris	Argentina
PASSERIFORMES		
Cotingidae	*Cephalopterus ornatus*	Colombia
	Cephalopterus penduliger	Colombia
Muscicapidae	*Bebrornis rodericanus*	Mauritius
	Terpsiphone bourbonnensis =467	Mauritius
Fringillidae	*Serinus canicapillus* =468	Ghana
	Serinus leucopygius	Ghana
	Serinus mozambicus	Ghana
Estrildidae	*Amadina fasciata*	Ghana
	Amandava subflava =469	Ghana
	Estrilda astrild	Ghana
	Estrilda caerulescens	Ghana
	Estrilda melpoda	Ghana
	Estrilda troglodytes	Ghana
	Lagonosticta rara	Ghana
	Lagonosticta rubricata	Ghana
	Lagonosticta rufopicta	Ghana
	Lagonosticta senegala	Ghana
	Lagonosticta vinacea =470	Ghana
	Lonchura bicolor =471	Ghana
	Lonchura cantans =472	Ghana
	Lonchura cucullata =471	Ghana
	Lonchura fringilloides =471	Ghana

Estrildidae (contd)	*Mandingoa nitidula* =473	Ghana
	Nesocharis capistrata	Ghana
	Nigrita bicolor	Ghana
	Nigrita canicapilla	Ghana
	Nigrita fusconota	Ghana
	Nigrita luteifrons	Ghana
	Ortygospiza atricollis	Ghana
	Parmoptila rubrifrons =474	Ghana
	Pholidornis rushiae	Ghana
	Pyrenestes ostrinus =475	Ghana
	Pytilia hypogrammica	Ghana
	Pytilia phoenicoptera	Ghana
	Spermophaga haematina	Ghana
	Uraeginthus bengalus =476	Ghana
Ploceidae	*Amblyospiza albifrons*	Ghana
	Anaplectes rubriceps =477	Ghana
	Anomalospiza imberbis	Ghana
	Bubalornis albirostris	Ghana
	Euplectes afer	Ghana
	Euplectes ardens =478	Ghana
	Euplectes franciscanus =479	Ghana
	Euplectes hordeaceus	Ghana
	Euplectes macrourus =480	Ghana
	Malimbus cassini	Ghana
	Malimbus malimbicus	Ghana
	Malimbus nitens	Ghana
	Malimbus rubricollis	Ghana
	Malimbus scutatus	Ghana
	Pachyphantes superciliosus =481	Ghana
	Passer griseus	Ghana
	Petronia dentata	Ghana
Ploceidae (cont.)	*Plocepasser superciliosus*	Ghana
	Ploceus albinucha	Ghana
	Ploceus aurantius	Ghana
	Ploceus cucullatus =482	Ghana
	Ploceus heuglini	Ghana
Ploceidae (contd.)	*Ploceus luteolus* =483	Ghana
	Ploceus melanocephalus =484	Ghana
	Ploceus nigerrimus	Ghana
	Ploceus nigricollis	Ghana
	Ploceus pelzelni	Ghana
	Ploceus preussi	Ghana
	Ploceus tricolor	Ghana
	Ploceus vitellinus =485	Ghana
	Quelea erythrops	Ghana
	Sporopipes frontalis	Ghana
	Vidua chalybeata =486	Ghana
	Vidua interjecta	Ghana
	Vidua larvaticola	Ghana
	Vidua macroura	Ghana
	Vidua orientalis =487	Ghana
	Vidua raricola	Ghana
	Vidua togoensis	Ghana
	Vidua wilsoni	Ghana
Sturnidae	*Gracula religiosa*	Thailand

REPTILIA

TESTUDINATA		
Pelomedusidae	*Pelomedusa subrufa*	Ghana
	Pelusios adansonii	Ghana
	Pelusios castaneus	Ghana
	Pelusios gabonensis =488	Ghana
	Pelusios niger	Ghana
SERPENTES		
Colubridae	*Atretium schistosum*	India
	Cerberus rhynchops	India
	Xenochrophis piscator =489	India
Elapidae	*Micrurus diastema*	Honduras
	Micrurus nigrocinctus	Honduras
Viperidae	*Agkistrodon bilineatus*	Honduras
	Bothrops asper	Honduras
	Bothrops nasutus	Honduras
	Bothrops nummifer	Honduras
	Bothrops ophryomegas	Honduras
	Bothrops schlegelii	Honduras
	Crotalus durissus	Honduras
	Vipera russellii	India

FLORA

GNETACEAE	*Gnetum montanum* #1	Nepal
MAGNOLIACEAE	*Talauma hodgsonii* #1	Nepal
PAPAVERACEAE	*Meconopsis regia* #1	Nepal
PODOCARPACEAE	*Podocarpus neriifolius* #1	Nepal
TETRACENTRACEAE	*Tetracentron sinense* #1	Nepal

LUSAKA AGREEMENT ON CO-OPERATIVE ENFORCEMENT OPERATIONS DIRECTED AT ILLEGAL TRADE IN WILD FAUNA AND FLORA

TEXT OF THE AGREEMENT

Preamble

THE PARTIES TO THIS AGREEMENT,

Conscious that the conservation of wild fauna and flora is essential to the overall maintenance of Africa's biological diversity and that wild fauna and flora are essential to the sustainable development of Africa,

Conscious also of the need to reduce and ultimately eliminate illegal trade in wild fauna and flora,

Recognising that the intense poaching that has resulted in severe depletion of certain wildlife populations in African States has been caused by illegal trade, and that poaching will not be curtailed until such illegal trade is eliminated,

Noting that illegal trade in wild fauna and flora has been made more sophisticated through the use of superior technology in transboundary transactions and should be addressed through commensurate national, regional and international measures,

Recalling the provisions of the African Convention on the Conservation of Nature and Natural Resources (Algiers, 1968), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1973), and the Convention on Biological Diversity (Rio de Janeiro, 1992),

Affirming that States are responsible for the conservation of their wild fauna and flora,

Recognising the need for co-operation among States in law enforcement to reduce and ultimately eliminate illegal trade in wild fauna and flora,

Recognising also that sharing of information, training, experience and expertise among States is vital for effective law enforcement to reduce and ultimately eliminate illegal trade in wild fauna and flora,

Desirous of establishing close co-operation among themselves in order to reduce and ultimately eliminate illegal trade in wild fauna and flora,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

DEFINITIONS

For the purposes of this Agreement:

"Agreement area" means the area comprised of the land, marine and coastal areas within the limits of national jurisdiction of the Parties to this Agreement and shall include their air space and internal waters.

"Biological diversity" means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

"Conservation" means the management of human use of organisms or ecosystems to ensure such use is sustainable; it also includes protection, maintenance, rehabilitation, restoration and enhancement.

"Country of original export" means the country where the specimens originated and from whose territory they depart or have departed.

"Country of re-export" means the country from whose territory specimens depart or have departed and that is not the country of origin of the specimens.

"Field Officer" means a member of a Government organisation, department or institution who is employed as a law enforcement officer with national law enforcement jurisdiction, and who is seconded to the Task Force.

"Governing Council" means the Governing Council established under Article 7 of this Agreement.

"Illegal trade" means any cross-border transaction, or any action in furtherance thereof, in violation of national laws of a Party to this Agreement for the protection of wild fauna and flora.

"National Bureau" means a governmental entity with the competence encompassing law enforcement, designated or established by a Party to this Agreement under Article 6.

"Party" means a State for which this Agreement has entered into force.

"Specimen" means any animal or plant, alive or dead, as well as any derivative thereof, of any species of wild fauna and flora.

"Task Force" means the Task Force established under Article 5 of this Agreement.

"Wild fauna and flora" means wild species of animals and plants subject to the respective national laws of the Parties governing conservation, protection and trade.

ARTICLE 2

OBJECTIVE

The objective of this Agreement is to reduce and ultimately eliminate illegal trade in wild fauna and flora and to establish a permanent Task Force for this purpose.

ARTICLE 3

GEOGRAPHICAL SCOPE

This Agreement shall apply to the Agreement area as defined in Article 1.

ARTICLE 4

OBLIGATIONS OF THE PARTIES

1. The Parties shall, individually and/or jointly, take appropriate measures in accordance with this Agreement to investigate and prosecute cases of illegal trade.
2. Each Party shall co-operate with one another and with the Task Force to ensure the effective implementation of this Agreement.
3. Each Party shall provide the Task Force on a regular basis with relevant information and scientific data relating to illegal trade.
4. Each Party shall provide the Task Force with technical assistance relating to its operations, as needed by the Task Force.
5. Each Party shall accord to the Director, Field Officers and the Intelligence Officer of the Task Force while engaged in carrying out the functions of the Task Force in accordance with paragraph 9 of Article 5, the relevant privileges and immunities, including those specified under paragraph 11 of Article 5.

6. Each Party shall protect information designated as confidential that becomes available to any of the Parties in connection with the implementation of this Agreement. Such information shall be used exclusively for the purposes of implementing this Agreement.

7. Each Party shall encourage public awareness campaigns aimed at enlisting public support for the objective of this Agreement, and the said campaigns shall be so designed as to encourage public reporting of illegal trade.

8. Each Party shall adopt and enforce such legislative and administrative measures as may be necessary for the purposes of giving effect to this Agreement.

9. Each Party shall return to the country of original export or country of re-export any specimen of species of wild fauna and flora confiscated in the course of illegal trade, provided that:

   (a) the country of original export of the specimen(s) can be determined; or

   (b) the country of re-export is able to show evidence that the specimen(s) re-exported were imported by that country in accordance with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora governing import and re-export; and

   (c) the costs of returning such specimens of wild fauna and flora are borne by the country receiving the specimen(s), unless there is an alternative offer to bear costs to which both the Party returning the specimen(s) and the Party receiving the specimen(s) agree.

10. Each Party shall pay its contribution to the budget of the Task Force as determined by the Governing Council.

11. Each Party shall report to the Governing Council on implementation of its obligations under this Agreement at intervals as determined by the Governing Council.

ARTICLE 5

TASK FORCE

1. A Task Force is hereby established to be known as the Task Force for Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.

2. The Task Force shall be composed of a Director, Field Officers and an Intelligence Officer and such other staff as may be decided by the Governing Council.

3. The Task Force shall include at least one Field Officer seconded by each Party and approved by the Governing Council. Each Field Officer shall be appointed to serve for a term of three years, or such other term as may be determined by the Governing Council. Upon the recommendation of the Director made in consultation with the Party concerned, the Governing Council may shorten or increase the term of other Field Officers.

4. The Director shall be appointed by the Governing Council from among the Field Officers.

5. The Director and other Field Officers shall retain their national law enforcement authority during their time of service with the Task Force.

6. The appointment of the Director, other Field Officers and the Intelligence Officer, as well as their terms of service, shall be decided in accordance with rules established by the Governing Council. The terms and conditions of service of other support staff as deemed necessary for the functioning of the Task Force shall also be decided by the Governing Council.

7. The Director shall be the Chief Executive Officer of the Task Force and shall be accountable to the Governing Council and responsible for:

(a) appointing other support staff as deemed necessary for the functioning of the Task Force;

(b) commanding and coordinating the work of the Task Force;

(c) preparing budgets annually or as required by the Governing Council;

(d) implementing policies and decisions agreed by the Governing Council;

(e) providing reports annually and as required by the Governing Council;

(f) arranging for and servicing meetings of the Governing Council; and

(g) performing such other functions as may be determined by the Governing Council.

8. The Task Force shall possess international legal personality. It shall have in the territory of each Party the legal capacity required for the performance of its functions under this Agreement. The Task Force shall in the exercise of its legal personality be represented by the Director.

9. The functions of the Task Force shall be:

(a) to facilitate co-operative activities among the National Bureaus in carrying out investigations pertaining to illegal trade;

(b) to investigate violations of national laws pertaining to illegal trade, at the request of the National Bureaus or with the consent of the Parties concerned, and to present to them evidence gathered during such investigations;

(c) to collect, process and disseminate information on activities that pertain to illegal trade, including establishing and maintaining databases;

(d) to provide, upon request of the Parties concerned, available information related to the return to the country of original export, or country of re-export, of confiscated wild fauna and flora; and

(e) to perform such other functions as may be determined by the Governing Council.

10. In carrying out its functions, the Task Force, when necessary and appropriate, may use undercover operations, subject to the consent of the Parties concerned and under conditions agreed with the said Parties.

11. For the purposes of paragraph 9 of this Article, the Director, other Field Officers and the Intelligence Officer of the Task Force shall enjoy, in connection with their official duties and strictly within the limits of their official capacities, the following privileges and immunities:

(a) immunity from arrest, detention, search and seizure, and legal process of any kind in respect of words spoken or written and all acts performed by them; they shall continue to be so immune after the completion of their functions as officials of the Task Force;

(b) inviolability of all official papers, documents and equipment;

(c) exemption from all visa requirements and entry restrictions;

(d) protection of free communication to and from the headquarters of the Task Force;

(e) exemption from currency or exchange restrictions as is accorded representatives of foreign governments on temporary official missions; and

(f) such other privileges and immunities as may be determined by the Governing Council.

12. Privileges and immunities are granted to the Director, other Field Officers and the Intelligence Officer in the interests of the Task Force and not for the personal benefit of the individuals themselves. The Governing Council shall have the right and the duty to waive the immunity of any official in any case where, in the opinion of the Governing Council, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Task Force.

13. The Task Force shall not undertake or be involved in any intervention, or activities of a political, military, religious or racial character.

ARTICLE 6

NATIONAL BUREAU

1. To facilitate the implementation of this Agreement, each Party shall:

   (a) designate or establish a governmental entity as its National Bureau;

   (b) inform the Depositary, within two months of the date of the entry into force of the Agreement for this Party, the entity it has designated or established as its National Bureau; and

   (c) inform the Depositary within one month of any decision to change the designation or establishment of its National Bureau.

2. For the purposes of this Agreement, the functions of the National Bureaus shall be to:

   (a) provide to and receive from the Task Force information on illegal trade; and

   (b) coordinate with the Task Force on investigations that involve illegal trade.

ARTICLE 7

GOVERNING COUNCIL

1. A Governing Council consisting of the Parties to this Agreement is hereby established to be known as the Governing Council for Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.

2. Each Party shall send a delegation to the meetings of the Governing Council and shall be represented on the Governing Council by a Minister or alternate who shall be the head of the delegation. Because of the technical nature of the Task Force, Parties should endeavour to include the following in their delegations:

   (a) high ranking officials dealing with wildlife law enforcement affairs:

   (b) officials whose normal duties are connected with the activities of the Task Force; and

   (c) specialists in the subjects on the agenda.

3. The first meeting of the Governing Council shall be convened by the Executive Director of the United Nations Environment Programme not later than three months after the entry into force of this Agreement. Thereafter, ordinary meetings of the Governing Council shall be held at regular intervals to be determined by the Council at its first meeting.

4. Meetings of the Governing Council will normally be held at the Seat of the Task Force unless the Council decides otherwise.

5. Extraordinary meetings of the Governing Council shall be held at such times as may be determined by the Council, or at the written request of any Party, provided that such request is supported by at least one third of the Parties within two months of the request being communicated to them by the Director of the Task Force.

6. At its first meeting, the Governing Council shall:

   (a) by consensus elect its Chairperson and adopt rules of procedure, including decision-making procedures, which may include specified majorities required for adoption of particular decisions;

   (b) decide the Seat of the Task Force;

   (c) consider and approve the appointment of the Director, other Field Officers and the Intelligence Officer and decide upon their terms and conditions of service as well as the terms and conditions of service of the supporting staff;

   (d) adopt terms of reference and financial and administrative rules of the Task Force; and

   (e) consider and approve an initial budget to establish and operate the Task Force and agree upon the contributions of each Party to the budget.

7. At ordinary meetings the Governing Council shall approve a budget for the Task Force and agree upon the contributions of each Party to the budget.

8. The Governing Council shall determine the general policies of the Task Force and, for this purpose, shall:

   (a) consider the reports submitted by the Director; and

   (b) upon expiry, termination or renewal of their terms of service, consider and approve the appointment of the Director, other Field Officers and the Intelligence Officer.

9. The Governing Council shall:

   (a) keep under review the implementation of this Agreement;

   (b) consider and undertake any additional action that may be deemed necessary for the achievement of the objective of this Agreement in the light of experience gained in its operation; and

   (c) consider and adopt, as required, in accordance with Article 11, amendments to this Agreement.

ARTICLE 8

FINANCIAL PROVISIONS

1. There shall be a budget for the Task Force.

2. The financial management of the Task Force shall be governed by the financial rules adopted by the Governing Council.

3. The Governing Council shall determine the mode of payment and currencies of contributions by the Parties to the budget of the Task Force. Other resources of the Task Force may include extra budgetary resources such as grants, donations, funds for projects and programmes and technical assistance.

4. The Parties undertake to pay annually their agreed contributions to the budget of the Task Force by a specified date as determined by the Governing Council.

5. The Unit of Account in which the budget will be prepared shall be determined by the Governing Council.

ARTICLE 9

SEAT

1. The Seat of the Task Force shall be determined by the Governing Council pursuant to an offer made by a Party.

2. The Government of the Party in whose territory the Seat of the Task Force shall be located and the Director acting on behalf of the Task Force shall conclude a headquarters agreement relating to the legal capacity of the Task Force and the privileges and immunities of the Task Force, Director, other Field Officers and the Intelligence Officer, which privileges and immunities shall not be less than those accorded to diplomatic missions and their personnel in the host country, and including those privileges and immunities stipulated in paragraph 11 of Article 5.

3. The Government aforementioned shall assist the Task Force in the acquisition of affordable accommodation for its use.

ARTICLE 10

SETTLEMENT OF DISPUTES

1. Any dispute concerning the interpretation or application of this Agreement which cannot be settled by negotiation, conciliation or other peaceful means may be referred by any Party thereto to the Governing Council.

2. Where the Parties fail to settle the dispute the matter shall be submitted to an arbitral body.

3. The Parties to the dispute shall appoint one arbitrator each; the arbitrators so appointed shall designate, by mutual consent, a neutral arbitrator as Chairperson who shall not be a national of any of the Parties to the dispute.

4. If any of the Parties does not appoint an arbitrator within three months of the appointment of the first arbitrator, or if the Chairperson has not been designated within three months of the matter being referred to arbitration, the Chairperson of the Governing Council shall designate the arbitrator or the Chairperson or both, as the case may be, within a further period of three months.

5. The arbitral body shall have jurisdiction to hear and determine any matter arising from a dispute.

6. The arbitral body shall determine its own rules of procedure.

7. The Parties to the dispute shall be bound by the arbitral decision.

ARTICLE 11

AMENDMENT

1. Amendments to the Agreement may be proposed by any Party and communicated in writing to the Director of the Task Force who shall transmit the proposals to all Parties. The Director shall also communicate proposed amendments to the signatories to this Agreement for information.

2. No proposal for amendment shall be considered by the Governing Council unless it is received by the Director at least one hundred and twenty days before the opening day of the meeting at which it is to be considered.

3. Amendments to the Agreement shall be adopted at a meeting of the Governing Council. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-third majority vote of the Parties present and voting at the meeting. Amendments shall take effect, with respect to the Parties, on the thirtieth day after their adoption by the Governing Council. Amendments adopted shall be notified to the Depositary forthwith.

ARTICLE 12

SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. This Agreement shall be open for signature on 9 September 1994 by all African States at the Ministerial Meeting to conclude this Agreement in Lusaka, and thereafter from

12 September to 12 December 1994 at the Headquarters of the United Nations Environment Programme in Nairobi, and from 13 December 1994 to 13 March 1995 at the United Nations Headquarters in New York.

2. This Agreement shall be subject to ratification, acceptance or approval.

3. This Agreement shall remain open for accession by any African State from the day after the date on which the Agreement is closed for signature.

4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 13

ENTRY INTO FORCE

1. This Agreement shall enter into force on the sixtieth day after the date of the deposit of the fourth instrument of ratification, acceptance, approval or accession.

2. For each Party which ratifies, accepts, approves or accedes to this Agreement after the deposit of the fourth instrument of ratification, acceptance, approval or accession, this Agreement shall enter into force on the sixtieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.

ARTICLE 14

WITHDRAWAL

1. At any time after five years from the date on which this Agreement has entered into force for a Party, that Party may withdraw from the Agreement by giving written notification to the Depositary.

2. Any such withdrawal shall take place upon the expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal provided, however, that any obligation incurred by the Party prior to its withdrawal shall remain valid for that Party.

ARTICLE 15

DEPOSITARY

1. The Secretary-General of the United Nations shall assume the functions of Depositary of this Agreement.

2. The Depositary shall notify all Parties to this Agreement of:

   (a) the deposit of instruments of ratification, acceptance, approval or accession in accordance with Article 12;

   (b) the designation or establishment of National Bureaus in accordance with Article 6;

   (c) the amendments adopted in accordance with Article 11; and

   (d) withdrawal in accordance with Article 14.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective governments, have signed this Agreement.

DONE AT LUSAKA on this ninth day of September, one thousand nine hundred and ninety-four.

· Date of entry into force 10 December 1996

CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS

TEXT OF THE CONVENTION

THE CONTRACTING PARTIES,

Recognizing that wild animals in their innumerable forms are an irreplaceable part of the earth's natural system which must be conserved for the good of mankind;

Aware that each generation of man holds the resources of the earth for future generations and has an obligation to ensure that this legacy is conserved and, where utilized, is used wisely;

Concious of the ever-growing value of wild animals from environmental, ecological, genetic, scientific, aesthetic, recreational, cultural, educational, social and economic points of view;

Concerned particularly with those species of wild animals that migrate across or outside national jurisdictional boundaries;

Recognizing that the States are and must be the protectors of the migratory species of wild animals that live within or pass through their national jurisdictional boundaries;

Convinced that conservation and effective management of migratory species of wild animals require the concerted action of all States within the national jurisdictional boundaries of which such species spend any part of their life cycle;

Recalling Recommendation 32 of the Action Plan adopted by the United Nations Conference on the Human Environment (Stockholm, 1972) and noted with satisfaction at the Twenty-seventh Session of the General Assembly of the United Nations,

HAVE AGREED as follows:

ARTICLE I

INTERPRETATION

1. For the purpose of this Convention:

   a) "Migratory species" means the entire population or any geographically separate part of the population of any species or lower taxon of wild animals, a significant proportion of whose members cyclically and predictably cross one or more national jurisdictional boundaries;

   b) "Conservation status of a migratory species" means the sum of the influences acting on the migratory species that may affect its long-term distribution and abundance;

   c) "Conservation status" will be taken as "favourable" when:

      (1) population dynamics data indicate that the migratory species is maintaining itself on a long-term basis as a viable component of its ecosystems;

      (2) the range of the migratory species is neither currently being reduced, nor is likely to be reduced, on a long-term basis;

      (3) there is, and will be in the foreseeable future, sufficient habitat to maintain the population of the migratory species on a long-term basis; and

(4) the distribution and abundance of the migratory species approach historic coverage and levels to the extent that potentially suitable ecosystems exist and to the extent consistent with wise wildlife management;

d) "Conservation status" will be taken as "unfavourable" if any of the conditions set out in sub-paragraph (c) of this paragraph is not met;

e) "Endangered" in relation to a particular migratory species means that the migratory species is in danger of extinction throughout all or a significant portion of its range;

f) "Range" means all the areas of land or water that a migratory species inhabits, stays in temporarily, crosses or overflies at any time on its normal migration route;

g) "Habitat" means any area in the range of a migratory species which contains suitable living conditions for that species;

h) "Range State" in relation to a particular migratory species means any State (and where appropriate any other Party referred to under sub-paragraph (k) of this paragraph) that exercises jurisdiction over any part of the range of that migratory species, or a State, flag vessels of which are engaged outside national jurisdictional limits in taking that migratory species;

i) "Taking" means taking, hunting, fishing, capturing, harassing, deliberate killing, or attempting to engage in any such conduct;

j) "AGREEMENT" means an international agreement relating to the conservation of one or more migratory species as provided for in Articles IV and V of this Convention; and

k) "Party" means a State or any regional economic integration organization constituted by sovereign States which has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention for which this Convention is in force.

2. In matters within their competence, the regional economic integration organizations which are Parties to this Convention shall in their own name exercise the rights and fulfil the responsibilities which this Convention attributes to their member States. In such cases the member States of these organizations shall not be entitled to exercise such rights individually.

3. Where this Convention provides for a decision to be taken by either a two-thirds majority or a unanimous decision of "the Parties present and voting" this shall mean "the Parties present and casting an affirmative or negative vote". Those abstaining from voting shall not be counted amongst "the Parties present and voting" in determining the majority.

ARTICLE II

FUNDAMENTAL PRINCIPLES

1. The Parties acknowledge the importance of migratory species being conserved and of Range States agreeing to take action to this end whenever possible and appropriate, paying special attention to migratory species the conservation status of which is unfavourable, and taking individually or in co-operation appropriate and necessary steps to conserve such species and their habitat.

2. The Parties acknowledge the need to take action to avoid any migratory species becoming endangered.

3. In particular, the Parties:

a) should promote, co-operate in and support research relating to migratory species;

b) shall endeavour to provide immediate protection for migratory species included in Appendix I; and,

c) shall endeavour to conclude AGREEMENTS covering the conservation and management of migratory species included in Appendix II.

ARTICLE III

ENDANGERED MIGRATORY SPECIES: APPENDIX I

1. Appendix I shall list migratory species which are endangered.

2. A migratory species may be listed in Appendix I provided that reliable evidence, including the best scientific evidence available, indicates that the species is endangered.

3. A migratory species may be removed from Appendix I when the Conference of the Parties determines that:

   a) reliable evidence, including the best scientific evidence available, indicates that the species is no longer endangered, and

   b) the species is not likely to become endangered again because of loss of protection due to its removal from Appendix I.

4. Parties that are Range States of a migratory species listed in Appendix I shall endeavour:

   a) to conserve and, where feasible and appropriate, restore those habitats of the species which are of importance in removing the species from danger of extinction;

   b) to prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species; and

   c) to the extent feasible and appropriate, to prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of, or controlling or eliminating, already introduced exotic species.

5. Parties that are Range States of a migratory species listed in Appendix I shall prohibit the taking of animals belonging to such species. Exceptions may be made to this prohibition only if:

   a) the taking is for scientific purposes;

   b) the taking is for the purpose of enhancing the propagation or survival of the affected species;

   c) the taking is to accommodate the needs of traditional subsistence users of such species; or

   d) extraordinary circumstances so require;

   provided that such exceptions are precise as to content and limited in space and time. Such taking should not operate to the disadvantage of the species.

6. The Conference of the Parties may recommend to the Parties that are Range States of a migratory species listed in Appendix I that they take further measures considered appropriate to benefit the species.

7. The Parties shall as soon as possible inform the Secretariat of any exceptions made pursuant to paragraph 5 of this Article.

ARTICLE IV

MIGRATORY SPECIES TO BE THE SUBJECT OF AGREEMENTS:

Appendix II

1. Appendix II shall list migratory species which have an unfavourable conservation status and which require international agreements for their conservation and management, as well as those which have a conservation status which would significantly benefit from the international co-operation that could be achieved by an international agreement.

2. If the circumstances so warrant, a migratory species may be listed both in Appendix I and Appendix II.

3. Parties that are Range States of migratory species listed in Appendix II shall endeavour to conclude AGREEMENTS where these would benefit the species and should give priority to those species in an unfavourable conservation status.

4. Parties are encouraged to take action with a view to concluding agreements for any population or any geographically separate part of the population of any species or lower taxon of wild animals, members of which periodically cross one or more national jurisdictional boundaries.

5. The Secretariat shall be provided with a copy of each AGREEMENT concluded pursuant to the provisions of this Article.

ARTICLE V

GUIDELINES FOR AGREEMENTS

1. The object of each AGREEMENT shall be to restore the migratory species concerned to a favourable conservation status or to maintain it in such a status. Each AGREEMENT should deal with those aspects of the conservation and management of the migratory species concerned which serve to achieve that object.

2. Each AGREEMENT should cover the whole of the range of the migratory species concerned and should be open to accession by all Range States of that species, whether or not they are Parties to this Convention.

3. An AGREEMENT should, wherever possible, deal with more than one migratory species.

4. Each AGREEMENT should:

   a) identify the migratory species covered;

   b) describe the range and migration route of the migratory species;

   c) provide for each Party to designate its national authority concerned with the implementation of the AGREEMENT;

   d) establish, if necessary, appropriate machinery to assist in carrying out the aims of the AGREEMENT, to monitor its effectiveness, and to prepare reports for the Conference of the Parties;

   e) provide for procedures for the settlement of disputes between Parties to the AGREEMENT; and

   f) at a minimum, prohibit, in relation to a migratory species of the Order Cetacea, any taking that is not permitted for that migratory species under any other multilateral agreement and provide for accession to the AGREEMENT by States that are not Range States of that migratory species.

5. Where appropriate and feasible, each AGREEMENT should provide for, but not be limited to:

   a) periodic review of the conservation status of the migratory species concerned and the identification of the factors which may be harmful to that status;

   b) coordinated conservation and management plans;

   c) research into the ecology and population dynamics of the migratory species concerned, with special regard to migration;

   d) the exchange of information on the migratory species concerned, special regard being paid to the exchange of the results of research and of relevant statistics;

   e) conservation and, where required and feasible, restoration of the habitats of importance in maintaining a favourable conservation status, and protection of such habitats from disturbances, including strict control of the introduction of, or control of already introduced, exotic species detrimental to the migratory species;

   f) maintenance of a network of suitable habitats appropriately disposed in relation to the migration route;

   g) where it appears desirable, the provision of new habitats favourable to the migratory species or reintroduction of the migratory species into favourable habitats;

   h) elimination of, to the maximum extent possible, or compensation for activities and obstacles which hinder or impede migration;

   i) prevention, reduction or control of the release into the habitat of the migratory species of substances harmful to that migratory species;

   j) measures based on sound ecological principles to control and manage the taking of the migratory species;

   k) procedures for coordinating action to suppress illegal taking;

   l) exchange of information on substantial threats to the migratory species;

   m) emergency procedures whereby conservation action would be considerably and, rapidly strengthened when the conservation status of the migratory species is seriously affected; and

   n) making the general public aware of the contents and aims of the AGREEMENT.

ARTICLE VI

RANGE STATES

1. A list of the Range States of migratory species listed in Ap- pendices I and II shall be kept up to date by the Secretariat using information it has received from the Parties.

2. The Parties shall keep the Secretariat informed in regard to which of the migratory species listed in Appendices I and II they consider themselves to be Range States, including provision of information on their flag vessels engaged outside national jurisdictional limits in taking the migratory species concerned and, where possible, future plans in respect of such taking.

3. The Parties which are Range States for migratory species listed in Appendix I or Appendix II should inform the Conference of the Parties through the Secretariat, at least six months prior to each ordinary meeting of the Conference, on measures that they are taking to implement the provisions of this Convention for these species.

ARTICLE VII

THE CONFERENCE OF THE PARTIES

1. The Conference of the Parties shall be the decision-making organ of this Convention.

2. The Secretariat shall call a meeting of the Conference of the Parties not later than two years after the entry into force of this Convention.

3. Thereafter the Secretariat shall convene ordinary meetings of the Conference of the Parties at intervals of not more than three years, unless the Conference decides otherwise, and extraordinary meetings at any time on the written request of at least one-third of the Parties.

4. The Conference of the Parties shall establish and keep under review the financial regulations of this Convention. The Conference of the Parties shall, at each of its ordinary meetings, adopt the budget for the next financial period. Each Party shall contribute to this budget according to a scale to be agreed upon by the Conference. Financial regulations, including the provisions on the budget and the scale of contributions as well as their modifications, shall be adopted by unanimous vote of the Parties present and voting.

5. At each of its meetings the Conference of the Parties shall review the implementation of this Convention and may in particular:

   a) review and assess the conservation status of migratory species;

   b) review the progress made towards the conservation of migratory species, especially those listed in Appendices I and II:

   c) make such provision and provide such guidance as may be necessary to enable the Scientific Council and the Secretariat to carry out their duties;

   d) receive and consider any reports presented by the Scientific Council, the Secretariat, any Party or any standing body established pursuant to an AGREEMENT;

   e) make recommendations to the Parties for improving the conservation status of migratory species and review the progress being made under AGREEMENTS;

   f) in those cases where an AGREEMENT has not been concluded, make recommendations for the convening of meetings of the Parties that are Range States of a migratory species or group of migratory species to discuss measures to improve the conservation status of the species;

   g) make recommendations to the Parties for improving the effectiveness of this Convention; and

   h) decide on any additional measure that should be taken to implement the objectives of this Convention.

6. Each meeting of the Conference of the Parties should determine the time and venue of the next meeting.

7. Any meeting of the Conference of the Parties shall determine and adopt rules of procedure for that meeting. Decisions at a meeting of the Conference of the Parties shall require a two-thirds majority of the Parties present and voting, except where otherwise provided for by this Convention.

8. The United Nations, its Specialized Agencies, the International Atomic Energy Agency, as well as any State not a party to this Convention and, for each AGREEMENT, the body designated by the parties to that AGREEMENT, may be represented by observers at meetings of the Conference of the Parties.

9. Any agency or body technically qualified in protection, conservation and management of migratory species, in the following categories, which has informed the Secretariat

of its desire to be represented at meetings of the Conference of the Parties by observers, shall be admitted unless at least one-third of the Parties present object:

a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and

b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote.

ARTICLE VIII

THE SCIENTIFIC COUNCIL

1. At its first meeting, the Conference of the Parties shall establish a Scientific Council to provide advice on scientific matters.

2. Any Party may appoint a qualified expert as a member of the Scientific Council. In addition, the Scientific Council shall include as members qualified experts selected and appointed by the Conference of the Parties; the number of these experts, the criteria for their selection and the terms of their appointments shall be as determined by the Conference of the Parties.

3. The Scientific Council shall meet at the request of the Secretariat as required by the Conference of the Parties.

4. Subject to the approval of the Conference of the Parties, the Scientific Council shall establish its own rules of procedure.

5. The Conference of the Parties shall determine the functions of the Scientific Council, which may include:

   a) providing scientific advice to the Conference of the Parties, to the Secretariat, and, if approved by the Conference of the Parties, to any body set up under this Convention or an AGREEMENT or to any Party;

   b) recommending research and the coordination of research on migratory species, evaluating the results of such research in order to ascertain the conservation status of migratory species and reporting to the Conference of the Parties on such status and measures for its improvement;

   c) making recommendations to the Conference of the Parties as to the migratory species to be included in Appendices I and II, together with an indication of the range of such migratory species;

   d) making recommendations to the Conference of the Parties as to specific conservation and management measures to be included in AGREEMENTS on migratory species; and

   e) recommending to the Conference of the Parties solutions to problems relating to the scientific aspects of the implementation of this Convention, in particular with regard to the habitats of migratory species.

ARTICLE IX

THE SECRETARIAT

1. For the purposes of this Convention a Secretariat shall be established.

2. Upon entry into force of this Convention, the Secretariat is provided by the Executive Director of the United Nations Environment Programme. To the extent and in the manner he considers appropriate, he may be assisted by suitable intergovernmental

or non-governmental, international or national agencies and bodies technically qualified in protection, conservation and management of wild animals.

3. If the United Nations Environment Programme is no longer able to provide the Secretariat, the Conference of the Parties shall make alternative arrangements for the Secretariat.

4. The functions of the Secretariat shall be:

   a) to arrange for and service meetings: i) of the Conference of the Parties, and ii) of the Scientific Council;

   b) to maintain liaison with and promote liaison between the Parties, the standing bodies set up under AGREEMENTS and other international organizations concerned with migratory species;

   c) to obtain from any appropriate source reports and other information which will further the objectives and implementation of this Convention and to arrange for the appropriate dissemination of such information;

   d) to invite the attention of the Conference of the Parties to any matter pertaining to the objectives of this Convention;

   e) to prepare for the Conference of the Parties reports on the work of the Secretariat and on the implementation of this Convention;

   f) to maintain and publish a list of Range States of all migratory species included in Appendices I and II;

   g) to promote, under the direction of the Conference of the Parties, the conclusion of AGREEMENTS;

   h) to maintain and make available to the Parties a list of AGREEMENTS and, if so required by the Conference of the Parties, to provide any information on such AGREEMENTS;

   i) to maintain and publish a list of the recommendations made by the Conference of the Parties pursuant to sub-paragraphs (e), (f) and (g) of paragraph 5 of Article VII or of decisions made pursuant to sub-paragraph (h) of that paragraph;

   j) to provide for the general public information concerning this Convention and its objectives; and

   k) to perform any other function entrusted to it under this Convention or by the Conference of the Parties.

ARTICLE X

AMENDMENT OF THE CONVENTION

1. This Convention may be amended at any ordinary or extraordinary meeting of the Conference of the Parties.

2. Proposals for amendment may be made by any Party.

3. The text zof any proposed amendment and the reasons for it shall be communicated to the Secretariat at least one hundred and fifty days before the meeting at which it is to be considered and shall promptly by communicated by the Secretariat to all Parties. Any comments on the text by the Parties shall be communicated to the Secretariat not less than sixty days before the meeting begins. The Secretariat shall, immediately after the last day for submission of comments, communicate to the Parties all comments submitted by that day.

4. Amendments shall be adopted by a two-thirds majority of Parties present and voting.

5. An amendment adopted shall enter into force for all Parties which have accepted it on the first day of the third month following the date on which two-thirds of the Parties have deposited an instrument of acceptance with the Depositary. For each Party which deposits an instrument of acceptance after the date on which two-thirds of the Parties have deposited an instrument of acceptance, the amendment shall enter into force for that Party on the first day of the third month following the deposit of its instrument of acceptance.

ARTICLE XI

AMENDMENT OF THE APPENDICES

1. Appendices I and II may be amended at any ordinary or extraordinary meeting of the Conference of the Parties.

2. Proposals for amendment may be made by any Party.

3. The text of any proposed amendment and the reasons for it, based on the best scientific evidence available, shall be communicated to the Secretariat at least one hundred and fifty days before the meeting and shall promptly be communicated by the Secretariat to all Parties. Any comments on the text by the Parties shall be communicated to the Secretariat not less than sixty days before the meeting begins. The Secretariat shall, immediately after the last day for submission of comments, communicate to the Parties all comments submitted by that day.

4. Amendments shall be adopted by a two-thirds majority of Parties present and voting.

5. An amendment to the Appendices shall enter into force for all Parties ninety days after the meeting of the Conference of the Parties at which it was adopted, except for those Parties which make a reservation in accordance with paragraph 6 of this Article.

6. During the period of ninety days provided for in paragraph 5 of this Article, any Party may by notification in writing to the Depositary make a reservation with respect to the amendment. A reservation to an amendment may be withdrawn by written notification to the Depositary and thereupon the amendment shall enter into force for that Party ninety days after the reservation is withdrawn.

ARTICLE XII

EFFECT ON INTERNATIONAL CONVENTIONS AND OTHER LEGISLATION

1. Nothing in this Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

2. The provisions of this Convention shall in no way affect the rights or obligations of any Party deriving from any existing treaty, convention or agreement.

3. The provisions of this Convention shall in no way affect the right of Parties to adopt stricter domestic measures concerning the conservation of migratory species listed in Appendices I and II or to adopt domestic measures concerning the conservation of species not listed in Appendices I and II.

ARTICLE XIII

SETTLEMENT OF DISPUTES

1. Any dispute which may arise between two or more Parties with respect to the

interpretation or application of the provisions of this Convention shall be subject to negotiation between the Parties involved in the dispute.

2. If the dispute cannot be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.

ARTICLE XIV

RESERVATIONS

1. The provisions of this Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Article XI.

2. Any State or any regional economic integration organization may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to the presence on either Appendix I or Appendix II or both, of any migratory species and shall then not be regarded as a Party in regard to the subject of that reservation until ninety days after the Depositary has transmitted to the Parties notification that such reservation has been withdrawn.

ARTICLE XV

SIGNATURE

This Convention shall be open for signature at Bonn for all States and any regional economic integration organization until the twenty-second day of June 1980.

ARTICLE XVI

RATIFICATION, ACCEPTANCE, APPROVAL

This Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Federal Republic of Germany, which shall be the Depositary.

ARTICLE XVII

ACCESSION

After the twenty-second day of June 1980 this Convention shall be open for accession by all non-signatory States and any regional economic integration organization. Instruments of accession shall be deposited with the Depositary.

ARTICLE XVIII

ENTRY INTO FORCE

1. This Convention shall enter into force on the first day of the third month following the date of deposit of the fifteenth instrument of ratification, acceptance, approval or accession with the Depositary.

2. For each State or each regional economic integration organization which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fifteenth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the third month following the deposit by such State or such organization of its instrument of ratification, acceptance, approval or accession.

ARTICLE XIX

DENUNCIATION

Any Party may denounce this Convention by written notification to the Depositary at any time. The denunciation shall take effect twelve months after the Depositary has received the notification.

ARTICLE XX

DEPOSITARY

1. The original of this Convention, in the English, French, German, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Depositary. The Depositary shall transmit certified copies of each of these versions to all States and all regional economic integration organizations that have signed the Convention or deposited instruments of accession to it.

2. The Depositary shall, after consultation with the Governments concerned, prepare official versions of the text of this Convention in the Arabic and Chinese languages.

3. The Depositary shall inform all signatory and acceding States and all signatory and acceding regional economic integration organizations and the Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of this Convention, amendments thereto, specific reservations and notifications of denunciation.

4. As soon as this Convention enters into force, a certified copy thereof shall be transmitted by the Depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at Bonn on 23 June 1979

STATUS OF RATIFICATION

(Status as of 1 July 1995)

Participant	Entry into force
Argentina	1. 1.1992
Australia	1. 9.1991
Belgium	1.10.1990
Benin	1. 4.1986
Burkina Faso	1. 1.1990
Cameroon	1.11.1983
Chile	1.11.1983
Czech Republic	1.05.1994
Denmark	1.11.1983
Egypt	1.11.1983
Finland	1. 1.1989
France	1. 7.1990
Germany	1.10.1984
Ghana	1. 4.1988
Guinea	1. 8.1993
Hungary	1.11.1983
India	1.11.1983
Ireland	1.11.1983
Israel	1.11.1983
Italy	1.11.1983
Luxembourg	1.11.1983

Mali	1.10.1987
Monaco	1. 6.1993
Morocco	1.11.1993
Netherlands	1.11.1983
Niger	1.11.1983
Nigeria	1. 1.1987
Norway	1. 8.1985
Pakistan	1.12.1987
Panama	1. 5.1989
Philippines	1. 2.1994
Portugal	1.11.1983
Saudi Arabia	1. 3.1991
Senegal	1. 9.1988
Slovak Republic	1. 3.1995
Somalia	1. 2.1986
South Africa	1.12.1991
Spain	1. 5.1985
Sri Lanka	1. 9.1990
Sweden	1.11.1983
Switzerland	1. 7.1995
Tunisia	1. 8.1987
United Kingdom	1.10.1985
Uruguay	1. 5.1990
Zaire	1. 9.1990
European Economic Community	1.11.1983

• Date of entry into force 1 November 1983

APPENDIX I AND APPENDIX II OF THE CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS (CMS)

(as amended by the Conference of the Parties in 1985, 1988, 1991 and 1994)

Effective: 9 September 1994

APPENDIX I

Interpretation

1. Migratory species included in this Appendix are referred to:

   a) by the name of the species or subspecies; or

   b) as being all of the migratory species included in a higher taxon or designated part thereof.

2. Other references to taxa higher than species are for the purposes of information or classification only.

3. The abbreviation "(s.l.)" is used to denote that the scientific name is used in its extended meaning.

4. An asterisk (*) placed against the name of a species indicates that the species, or a separate population of that species, or a higher taxon which includes that species is included in Appendix II.

MAMMALIA

CHIROPTERA		
Molossidae	*Tadarida brasiliensis*	
PRIMATES		
Pongidae	*Gorilla gorilla beringei*	
CETACEA		
Balaenopteridae	*Balaenoptera musculus*	
	Megaptera novaeangliae	
Balaenidae	*Balaena mysticetus*	
	Eubalaena glacialis[1]	
	Eubalaena australis[1]	
CARNIVORA		
Felidae	*Panthera uncia*	
PINNIPEDIA		
Phocidae	*Monachus monachus**	
PERISSODACTYLA		
Equidae	*Equus grevyi*	
ARTIODACTYLA		
Camelidae	*Vicugna vicugna**	(except Peruvian populations)[2]
Cervidae	*Cervus elaphus barbarus*	
Bovidae	*Bos sauveli*	
	Bos grunniens	
	Addax nasomaculatus	
	Gazella cuvieri	
	Gazella dama	
	Gazella dorcas	(only Northwest African populations)
	Gazella leptoceros	
	*Oryx dammah**	

AVES

PROCELLARIIFORMES		
Diomedeidae	*Diomedea albatrus*	
Procellariidae	*Pterodroma cahow*	
	Pterodroma phaeopygia	
PELECANIFORMES		
Pelecanidae	*Pelecanus crispus**	
	Pelecanus onocrotalus	(only Palearctic populations)
CICONIIFORMES		
Ardeidae	*Egretta eulophotes*	
Ciconiidae	*Ciconia boyciana*	
Threskiornithidae	*Geronticus eremita*	
ANSERIFORMES		
Anatidae	*Chloephaga rubidiceps**	
	Oxyura leucocephala	
FALCONIFORMES		
Accipitridae	*Haliaeetus albicilla**	
	*Haliaeetus pelagicus**	
GRUIFORMES		

Gruidae	*Grus japonensis**	
	*Grus leucogeranus**	
	*Grus nigricollis**	
Otididae	*Chlamydotis undulata**	(only Northwest African populations)
	*Otis tarda**	(Middle-European population)
CHARADRIIFORMES		
Scolopacidae	*Numenius borealis**	
	*Numenius tenuirostris**	
Laridae	*Larus audouinii*	
	Larus leucophthalmus	
	Larus relictus	
	Larus saundersi	
Alcidae	*Synthliboramphus wumizusume*	
PASSERIFORMES		
Parulidae	*Dendroica kirtlandii*	
Fringillidae	*Serinus syriacus*	
REPTILIA		
TESTUDINATA		
Cheloniidae	*Chelonia mydas**	
	*Caretta caretta**	
	*Eretmochelys imbricata**	
	*Lepidochelys kempii**	
	*Lepidochelys olivacea**	
Dermochelyidae	*Dermochelys coriacea**	
Pelomedusidae	*Podocnemis expansa**	(only Upper Amazon populations)
CROCODYLIA		
Gavialidae	*Gavialis gangeticus*	
PISCES		
SILURIFORMES		
Schilbeidae	*Pangasianodon gigas*	

APPENDIX II

INTERPRETATION

1. Migratory species included in this Appendix are referred to:

   a) by the name of the species or subspecies; or

   b) as being all of the migratory species included in a higher taxon or designated part thereof.

   Unless otherwise indicated, where reference is made to a taxon higher than species, it is understood that all the migratory species within that taxon could significantly benefit from the conclusion of AGREEMENTS.

MAMMALIA

CHIROPTERA		
Rhinolophidae		R. spp. (only European populations)
Vespertilionidae		V. spp. (only European populations)
Molosidae	*Tadarida teniotis*	
CETACEA		
Platanistidae	*Platanista gangetica*	
Pontoporiidae	*Pontoporia blainvillei*	
Iniidae	*Inia geoffrensis*	
Monodontidae	*Delphinapterus leucas*	
	Monodon monoceros	
Phocoenidae	*Phocoena phocoena*	(North and Baltic Sea, western North Atlantic, and Black Sea populations)
	Neophocaena phocaenoides	
	Phocoenoides dalli	
Delphinidae	*Sousa chinensis*	
	Sousa teuszii	
Sotalia fluviatilis		
	Lagenorhynchus albirostris	(only North and Baltic Sea populations)
	Lagenorhynchus acutus	(only North and Baltic Sea populations)
	Lagenorhynchus australis	
	Grampus griseus	(only North and Baltic Sea populations)
Delphinidae	*Tursiops truncatus*	(North and Baltic Sea, western Mediterranean, and Black Sea populations)
	Stenella attenuata	(eastern tropical Pacific population)
	Stenella longirostris	(eastern tropical Pacific populations)
	Stenella coeruleoalba	(eastern tropical Pacific and western Mediterranean populations)
	Delphinus delphis	(North and Baltic Sea, western Mediterranean, Black Sea and eastern tropical Pacific populations)
	Orcaella brevirostris	
	Cephalorhynchus commersonii	(South American population)
	Cephalorhynchus heavisidii	
	Orcinus orca	(eastern North Atlantic and eastern North Pacific populations)
	Globicephala melas	(only North and Baltic Sea populations)[3]
Ziphiidae	*Berardius bairdii*	
	Hyperoodon ampullatus	
PINNIPEDIA		
Phocidae	*Phoca vitulina*	(only Baltic and Wadden Sea populations)
	Halichoerus grypus	(only Baltic Sea populations)
	*Monachus monachus**	
PROBOSCIDEA		
Elephantidae	*Loxodonta africana*	
SIRENIA		
Dugongidae	*Dugong dugon*	
ARTIODACTYLA		
Camelidae	*Vicugna vicugna**[4]	(except Peruvian populations)
Bovidae	*Oryx dammah*	
	Gazella gazella	(only Asian populations)

AVES

GAVIIFORMES		
Gavidae	*Gavia stellata*	(Western Palearctic populations)
	Gavia artica artica	
	Gavia artica suschkini	
	Gavia immer immer	(Northwest European population)
	Gavia adamsii	(Western Palearctic population)
PODICIPEDIFORMES		
Podicipedidae	*Podiceps grisegena grisegena*	
	Podiceps auritus	
PELECANIFORMES		
Phalacrocoracidae	*Phalacrocorax nigrogularis*	
	Phalacrocorax pygmaeus	
Pelecanidae	*Pelecanus onocrotalus**	(Western Palearctic populations)
	*Pelecanus crispus**	
CICONIIFORMES		
Ardeidae	*Botaurus stellaris stellaris*	(Western Palearctic populations)
	Ixobrychus minutus minutus	(Western Palearctic populations)
	Ixobrychus sturmii	
	Ardeola rufiventris	
	Ardeola idea	
	Egretta vinaceigula	
	Casmerodius albus albus	(Western Palearctic populations)
	Ardea purpurea purpurea	(populations breeding in the Western Palearctic)
Ciconiidae	*Mycteria ibis*	
	Ciconia nigra	
	Ciconia episcopus microscelis	
	Ciconia ciconia	
Threskiornithidae	*Plegadis falcinellus*	
	*Geronticus eremita**	
	Threskiornis aethiopicus aethiopicus	
	Platalea alba	(excluding Malagasy population)
	Platalea leucorodia	
Phoenicopteridae	Ph. spp.	
ANSERIFORMES		
Anatidae	A. spp.*	
FALCONIFORMES		
Cathartidae	C. spp.	
Pandionidae	*Pandion haliaetus*	
Accipitridae	A. spp.*	
Falconidae	F. spp.	
GALLIFORMES		
Phasianidae	*Coturnix coturnix coturnix*	
GRUIFORMES		
Rallidae	*Porzana porzana*	(populations breeding in the Western Palearctic)
	Porzana parva parva	
	Porzana pusilla intermedia	
	Fulica atra atra	(Mediterranean and Black Sea populations)
Gruidae	*Grus* spp.*	
	Anthropoides virgo	

Otididae	*Chlamydotis undulata**	(only Asian populations)
	Otis tarda	
CHARADRIIFORMES		
Recurvirostridae	P. spp.	
Dromadidae		*Dromas ardeola*
Burhinidae	*Burhinus oedicnemus*	
Glareolidae	*Glareola pratincola*	
	Glareola nordmanni	
Charadriidae	C. spp.	
Scolopacidae	S. spp.*	
Phalaropodidae	P. spp.	
Laridae	*Larus hemprichii*	
	Larus leucophthalmus	
	Larus ichthyaetus	(West Eurasian and African population)
	Larus melanocephalus	
	Larus genei	
	*Larus audouinii**	
	Larus armenicus	
Sternidae	*Sterna nilotica nilotica*	(West Eurasian and African populations)
	Sterna caspia	(West Eurasian and African populations)
	Sterna maxima albidorsalis	
	Sterna bergii	(African and Southern Asian populations)
	Sterna bengalensis	(African and Southern Asian populations)
	Sterna sandvicensis sandvicensis	
	Sterna dougalli	(Atlantic population)
	Sterna hirundo hirundo	(populations breeding in the Western Palearctic)
	Sterna paradisaea	(Atlantic populations)
	Sterna albifrons	
	Sterna saundersi	
	Sterna balaenarum	
	Sterna repressa	
	Chlidonias niger niger	
	Chlidonias leucopterus	(West Eurasian and African population)
CORACIIFORMES		
Meropidae	*Merops apiaster*	
Coraciidae	*Coracias garrulus*	
PASSERIFORMES		
Muscicapidae	M.(s.l.) spp.	

REPTILIA

TESTUDINATA		
Cheloniidae	C. spp.*	
Dermochelyidae	D. spp.*	
Pelomedusidae	*Podocnemis expansa**	
CROCODYLIA		
Crocodylidae	*Crocodylus porosus*	

PISCES

ACIPENSERIFORMES
Acipenseridae *Acipenser fulvescens*

INSECTA

LEPIDOPTERA
Danaidae *Danaus plexippus*

Notes

1. Formerly listed as Eubalaena glacialis (s.l.)
2. Formerly listed as Lama vicugna* (exept Peruvian populations)
3. Formerly listed as Globicephala melaena (only north and Baltic Sea populations)
4. Formerly listed as Lama vicugna* (except Peruvian populations)

THE VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER

Preamble

The Parties to this Convention,

Aware of the potentially harmful impact on human health and the environment through modification of the ozone layer,

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, and in particular principle 21, which provides that "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction",

Taking into account the circumstances and particular requirements of developing countries,

Mindful of the work and studies proceeding within both international and national organizations and, in particular, of the World Plan of Action on the Ozone Layer of the United Nations Environment Programme,

Mindful also of the precautionary measures for the protection of the ozone layer which have already been taken at the national and international levels,

Aware that measures to protect the ozone layer from modifications due to human activities require international co-operation and action, and should be based on relevant scientific and technical considerations,

Aware also of the need for further research and systematic observations to further develop scientific knowledge of the ozone layer and possible adverse effects resulting from its modification,

Determined to protect human health and the environment against adverse effects resulting from modifications of the ozone layer,

HAVE AGREED AS FOLLOWS:

ARTICLE 1:

DEFINITIONS

For the purposes of this Convention:

1. "The ozone layer" means the layer of atmospheric ozone above the planetary boundary layer.

2. "Adverse effects" means changes in the physical environment or biota, including changes in climate, which have significant deleterious effects on human health or on the composition, resilience and productivity of natural and managed ecosystems, or on materials useful to mankind.

3. "Alternative technologies or equipment" means technologies or equipment the use of which makes it possible to reduce or effectively eliminate emissions of substances which have or are likely to have adverse effects on the ozone layer.

4. "Alternative substances" means substances which reduce, eliminate or avoid adverse effects on the ozone layer.

5. "Parties" means, unless the text otherwise indicates, Parties to this Convention.

6. "Regional economic integration organization" means an organization constituted by

sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.

7. "Protocols" means protocols to this Convention.

ARTICLE 2:

GENERAL OBLIGATIONS

1. The Parties shall take appropriate measures in accordance with the provisions of this Convention and of those protocols in force to which they are party to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer.

2. To this end the Parties shall, in accordance with the means at their disposal and their capabilities:

   (a) Co-operate by means of systematic observations, research and information exchange in order to better understand and assess the effects on human health and the environment from modification of the ozone layer;

   (b) Adopt appropriate legislative or administrative measures and co-operate in harmonizing appropriate policies to control, limit, reduce or prevent human activities under their jurisdiction or control should it be found that these activities have or are likely to have adverse effects resulting from modification or likely modification of the ozone layer;

   (c) Co-operate in the formulation of agreed measures, procedures and standards for the implementation of this Convention, with a view to the adoption of protocols and annexes;

   (d) Co-operate with competent international bodies to implement effectively this Convention and protocols to which they are party.

3. The provisions of this Convention shall in no way affect the right of Parties to adopt, in accordance with international law, domestic measures additional to those referred to in paragraphs 1 and 2 above, nor shall they affect additional domestic measures already taken by a Party, provided that these measures are not incompatible with their obligations under this Convention.

4. The application of this article shall be based on relevant scientific and technical considerations.

ARTICLE 3:

RESEARCH AND SYSTEMATIC OBSERVATIONS

1. The Parties undertake, as appropriate, to initiate and co-operate in, directly or through competent international bodies, the conduct of research and scientific assessments on:

   (a) The physical and chemical processes that may affect the ozone layer;

   (b) The human health and other biological effects deriving from any modifications of the ozone layer, particularly those resulting from changes in ultra-violet solar radiation having biological effects (UV-B);

   (c) Climatic effects deriving from any modifications of the ozone layer;

   (d) Effects deriving from any modifications of the ozone layer and any consequent change in UV-B radiation on natural and synthetic materials useful to mankind;

(e) Substances, practices, processes and activities that may affect the ozone layer, and their cumulative effects;

(f) Alternative substances and technologies;

(g) Related socio-economic matters;

and as further elaborated in annexes I and II.

2. The Parties undertake to promote or establish, as appropriate, directly or through competent international bodies and taking fully into account national legislation and relevant ongoing activities at both the national and international levels, joint or complementary programmes for systematic observation of the state of the ozone layer and other relevant parameters, as elaborated in annex I.

3. The Parties undertake to co-operate, directly or through competent international bodies, in ensuring the collection, validation and transmission of research and observational data through appropriate world data centers in a regular and timely fashion.

ARTICLE 4:

CO-OPERATION IN THE LEGAL, SCIENTIFIC AND TECHNICAL FIELDS

1. The Parties shall facilitate and encourage the exchange of scientific, technical, socio-economic, commercial and legal information relevant to this Convention as further elaborated in annex II. Such information shall be supplied to bodies agreed upon by the Parties. Any such body receiving information regarded as confidential by the supplying Party shall ensure that such information is not disclosed and shall aggregate it to protect its confidentiality before it is made available to all Parties.

2. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of the developing countries, in promoting, directly or through competent international bodies, the development and transfer of technology and knowledge. Such co-operation shall be carried out particularly through:

   (a) Facilitation of the acquisition of alternative technologies by other Parties;

   (b) Provision of information on alternative technologies and equipment, and supply of special manuals or guides to them;

   (c) The supply of necessary equipment and facilities for research and systematic observations;

   (d) Appropriate training of scientific and technical personnel.

ARTICLE 5:

TRANSMISSION OF INFORMATION

The Parties shall transmit, through the secretariat, to the Conference of the Parties established under article 6 information on the measures adopted by them in implementation of this Convention and of protocols to which they are party in such form and at such intervals as the meetings of the parties to the relevant instruments may determine.

ARTICLE 6:

CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the secretariat designated on an interim basis under article 7 not later than one year after 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.

2. 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.

3. 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.

4. The Conference of the Parties shall keep under continuous review the implementation of this Convention, and, in addition, shall:

   (a) Establish the form and the intervals for transmitting the information to be submitted in accordance with article 5 and consider such information as well as reports submitted by any subsidiary body;

   (b) Review the scientific information on the ozone layer, on its possible modification and on possible effects of any such modification;

   (c) Promote, in accordance with article 2, the harmonization of appropriate policies, strategies and measures for minimizing the release of substances causing or likely to cause modification of the ozone layer, and make recommendations on any other measures relating to this Convention;

   (d) Adopt, in accordance with articles 3 and 4, programmes for research, systematic observations, scientific and technological co-operation, the exchange of information and the transfer of technology and knowledge;

   (e) Consider and adopt, as required, in accordance with articles 9 and 10, amendments to this Convention and its annexes;

   (f) Consider amendments to any protocol, as well as to any annexes thereto, and, if so decided, recommend their adoption to the parties to the protocol concerned;

   (g) Consider and adopt, as required, in accordance with article 10, additional annexes to this Convention;

   (h) Consider and adopt, as required, protocols in accordance with article 8;

   (i) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention;

   (j) Seek, where appropriate, the services of competent international bodies and scientific committees, in particular the World Meteorological Organization and the World Health Organization as well as the Co-ordinating Committee on the Ozone Layer, in scientific research, systematic observations and other activities pertinent to the objectives of this Convention, and make use as appropriate of information from these bodies and committees;

   (k) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

5. 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 by observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer 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 the rules of procedure adopted by the Conference of the Parties.

ARTICLE 7:

SECRETARIAT

1. The functions of the secretariat shall be:

   (a) To arrange for and service meetings provided for in articles 6, 8, 9 and 10;

   (b) To prepare and transmit reports based upon information received in accordance with articles 4 and 5, as well as upon information derived from meetings of subsidiary bodies established under article 6;

   (c) To perform the functions assigned to it by any protocol;

   (d) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;

   (e) To ensure the necessary co-ordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

   (f) To perform such other functions as may be determined by the Conference of the Parties.

2. The secretariat functions will be carried out on an interim basis by the United Nations Environment Programme until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to article 6. At its first ordinary meeting, the Conference of the Parties shall designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.

ARTICLE 8:

ADOPTION OF PROTOCOLS

1. The Conference of the Parties may at a meeting adopt protocols pursuant to Article 2.

2. The text of any proposed protocol shall be communicated to the parties by the secretariat at least six months before such a meeting.

ARTICLE 9:

AMENDMENTS OF THE CONVENTION OR PROTOCOLS

1. Any Party may propose amendments to this Convention or to any protocol. Such amendments shall take due account, inter alia, of relevant scientific and technical considerations.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to this Convention for information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval or acceptance.

4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the parties to that protocol present and voting at the meeting shall suffice for their adoption.

5. Ratification, approval or acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between parties having accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three-fourths of the Parties to this Convention or by at least two-thirds of the parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval or acceptance of the amendments.

6. For the purposes of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

ARTICLE 10:

ADOPTION AND AMENDMENT OF ANNEXES

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to protocol:

   (a) Annexes to this Convention shall be proposed and adopted according to the procedure laid down in article 9, paragraphs 2 and 3, while annexes to any protocol shall be proposed and adopted according to the procedure laid down in article 9, paragraphs 2 and 4;

   (b) Any party that is unable to approve an additional annex to this Convention or annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;

   (c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol concerned which have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amendment annex shall not enter into force until such time as the amendment to this Convention or to the protocol concerned enters into force.

ARTICLE 11:

SETTLEMENT OF DISPUTES

1. In the event of a dispute between Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.

2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good officers of, or request mediation by, a third party.

3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:

   (a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties at its first ordinary meeting;

   (b) Submission of the dispute to the International Court of Justice.

4. If the parties have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with paragraph 5 below unless the parties otherwise agree.

5. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a final and recommendatory award, which the parties shall consider in good faith.

6. The provisions of this Article shall apply with respect to any protocol except as provided in the protocol concerned.

ARTICLE 12:

SIGNATURE

This Convention shall be open for signature by States and by regional economic integration organizations at the Federal Ministry for Foreign Affairs of the Republic of Austria in Vienna from 22 March 1985 to 21 September 1985, and at United Nations Headquarters in New York from 22 September 1985 to 21 March 1986.

ARTICLE 13:

RATIFICATION, ACCEPTANCE OR APPROVAL

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention or any protocol without any of its member States being a Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Party to the Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligation under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.

3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

ARTICLE 14:

ACCESSION

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

3. The provisions of article 13, paragraph 2, shall apply to regional economic integration organizations which accede to this Convention or any protocol.

ARTICLE 15:

RIGHT TO VOTE

1. Each Party to this Convention or to any protocol shall have one vote.

2. Except as provided for in paragraph 1 above, regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

ARTICLE 16:

RELATIONSHIP BETWEEN THE CONVENTION AND ITS PROTOCOLS

1. A State or a regional economic integration organization may not become a party to a protocol unless it is, or becomes at the same time, a Party to the Convention.

2. Decisions concerning any protocol shall be taken only by the parties to the protocol concerned.

ARTICLE 17:

ENTRY INTO FORCE

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.

2. Any protocol, except as otherwise provided in such protocol, shall enter into force on the ninetieth day after the date of deposit of the eleventh instrument of ratification, acceptance or approval of such protocol or accession thereto.

3. For each Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the twentieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.

4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that party deposits its instrument of ratification, acceptance, approval or accession, or on the date which the Convention enters into force for that Party, whichever shall be the later.

5. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional

economic integration organization shall not be counted as additional to those deposited by member States of such organization.

ARTICLE 18:

RESERVATIONS

No reservations may be made to this Convention.

ARTICLE 19:

WITHDRAWAL

1. At any time after four years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Except as may be provided in any protocol, at any time after four years from the date on which such protocol has entered into force for a party, that party may withdraw from the protocol by giving written notification to the Depositary.

3. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

4. Any Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is party.

ARTICLE 20:

DEPOSITARY

1. The Secretary-General of the United Nations shall assume the functions of depositary of this Convention and any protocols.

2. The Depositary shall inform the Parties, in particular, of:

    (a) The signature of this Convention and of any protocol, and the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 13 and 14;

    (b) The date on which the Convention and any protocol will come into force in accordance with article 17;

    (c) Notifications of withdrawal made in accordance with article 19;

    (d) Amendments adopted with respect to the Convention and any protocol, their acceptance by the parties and their date of entry into force in accordance with article 9;

    (e) All communications relating to the adoption and approval of annexes and to the amendment of annexes in accordance with article 10;

    (f) Notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and any protocols, and of any modifications thereof.

    (g) Declarations made in accordance with article 11, paragraph 3.

ARTICLE 21:

AUTHENTIC TEXTS

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Vienna on the 22nd day of March 1985

· Date of entry into force 22 September 1988

ANNEX I:

RESEARCH AND SYSTEMATIC OBSERVATIONS

1. The Parties to the Convention recognize that the major scientific issues are:

   (a) Modification of the ozone layer which would result in a change in the amount of solar ultra-violet radiation having biological effects (UV-B) that reaches the Earth's surface and the potential consequences for human health, for organisms, ecosystems and materials useful to mankind;

   (b) Modification of the vertical distribution of ozone, which could change the temperature structure of the atmosphere and the potential consequences for weather and climate.

2. The Parties to the Convention, in accordance with article 3, shall co-operate in conducting research and systematic observations and in formulating recommendations for future research and observation in such areas as:

   (a) Research into the physics and chemistry of the atmosphere

      (i) Comprehensive theoretical models: further development of models which consider the interaction between radiative, dynamic and chemical processes; studies of the simultaneous effects of various man-made and naturally occurring species upon atmospheric ozone; interpretation of satellite and non-satellite measurement data sets; evaluation of trends in atmospheric and geophysical parameters, and the development of methods for attributing changes in these parameters to specific causes;

      (ii) Laboratory studies of: rate coefficients, absorption cross-sections and mechanisms of tropospheric and stratospheric chemical and photochemical processes; spectroscopic data to support field measurements in all relevant spectral regions;

      (iii) Field measurements: the concentration and fluxes of key source gases of both natural and anthropogenic origin; atmospheric dynamics studies; simultaneous measurements of photochemically-related species down to the planetary boundary layer, using in situ and remote sensing instruments; intercomparison of different sensors, including co-ordinated correlative measures for satellite instrumentation; three-dimensional fields of key atmospheric trace constituents, solar spectral flux and meteorological parameters;

      (iv) Instrument development, including satellite and non-satellite sensors for atmospheric trace constituents, solar flux and meteorological parameters;

   (b) Research into health, biological and photodegradation effects

      (i) The relationship between human exposure to visible and ultra-violet solar radiation and (a) the development of both non-melanoma and melanoma skin cancer and (b) the effects on the immunological system;

(ii) Effects of UV-B radiation, including the wavelength dependence, upon (a) agricultural crops, forests and other terrestrial ecosystems and (b) the aquatic food web and fisheries, as well as possible inhibition of oxygen production by marine phytoplankton;

(iii) The mechanisms by which UV-B radiation acts on biological materials, species and ecosystems, including: the relationship between dose, dose rate, and response; photorepair, adaptation, and protection;

(iv) Studies of biological action spectra and the spectral response using polychromatic radiation in order to include possible interactions of the various wavelength regions;

(v) The influence of UV-B radiation on: the sensitivities and activities of biological species important to the biospheric balance; primary processes such as photosynthesis and biosynthesis;

(vi) The influence of UV-B radiation on the photodegradation of pollutants, agricultural chemicals and other materials;

(c) Research on effects on climate

(i) Theoretical and observational studies of the radiative effects of ozone and other trace species and the impact on climate parameters, such as land and ocean surface temperatures, precipitation patterns, the exchange between the troposphere and stratosphere;

(ii) The investigation of the effects of such climate impacts on various aspects of human activity;

(d) Systematic observation on:

(i) The status of the ozone layer (i.e. the spatial and temporal variability of the total column content and vertical distribution) by making the Global Ozone Observing System, based on the integration of satellite and ground-based systems, fully operational;

(ii) The tropospheric and stratospheric concentrations of source gases for the HOx, HOx, Cl0x and carbon families;

(iii) The temperature from the ground to the mesosphere, utilizing both ground-based and satellite systems;

(iv) Wavelength-resolved solar flux reaching, and thermal radiation leaving, the Earth's atmosphere, utilizing satellite measurements;

(v) Wavelength-resolved solar flux reaching the Earth's surface in the ultra-violet range having biological effects (UV-B);

(vi) Aerosol properties and distribution from the ground to the mesosphere, utilizing ground-based, airborne and satellite systems;

(vii) Climatically important variables by the maintenance of programmes of high-quality meteorological surface measurements;

(viii) Trace species, temperatures, solar flux and aerosols utilizing improved methods for analyzing global data.

3. The Parties to the Convention shall co-operate, taking into account the particular needs of the developing countries, in promoting the appropriate scientific and technical training required to participate in the research and systematic observations outlined in this annex. Particular emphasis should be given to the intercalibration of observational instrumentation and methods with a view to generating comparable or standardized scientific data sets.

4. The following chemical substances of natural and anthropogenic origin, not listed in order of priority, are thought to have the potential to modify the chemical and physical properties of the ozone layer.

(a) Carbon substances

(i) Carbon monoxide (CO)

Carbon monoxide has significant natural and anthropogenic sources, and is thought to play a major direct role in tropospheric photochemistry, and an indirect role in stratospheric photochemistry.

(ii) Carbon dioxide (CO_2)

Carbon dioxide has significant natural and anthropogenic sources, and affects stratospheric ozone by influencing the thermal structure of the atmosphere.

(iii) Methane (CH_4)

Methane has both natural and anthropogenic sources, and affects both tropospheric and stratospheric ozone.

(iv) Non-methane hydrocarbon species

Non-methane hydrocarbon species, which consist of a large number of chemical substances, have both natural and anthropogenic sources, and play a direct role in tropospheric photochemistry and an indirect role in stratospheric photochemistry.

(b) Nitrogen substances

(i) Nitrous oxide (N_2O)

The dominant sources of N_2O are natural, but anthropogenic contributions are becoming increasingly important. Nitrous oxide is the primary source of stratospheric NO_x, which play a vital role in controlling the abundance of stratospheric ozone.

(ii) Nitrogen oxides (NO_x)

Ground-level sources of NO_x play a major direct role only in tropospheric photochemical processes and an indirect role in stratosphere photochemistry, whereas injection of NO_x close to the tropopause may lead directly to a change in upper tropospheric and stratospheric ozone.

(c) Chlorine substances

(i) Fully halogenated alkanes, e.g. CCl_4, $CFCl_3$ (CFC-11), CF_2Cl_2 (CFC-12), $C_2F_3Cl_3$ (CFC-113), $C_2F_4Cl_2$ (CFC-114)

Fully halogenated alkanes are anthropogenic and act as a source of ClO_x which plays a vital role in ozone photochemistry, especially in the 30-50 km altitude region.

(ii) Partially halogenated alkanes, e.g. CH_3Cl, CHF_2Cl (CFC-22), CH_3CCl_3, $CHFCl_2$ (CFC-21)

The sources of CH_3Cl are natural, whereas the other partially halogenated alkanes mentioned above are anthropogenic in origin. These gases also act as a source of stratospheric ClO_x.

(d) Bromine substances

Fully halogenated alkanes, e.g. CF_3Br

These gases are anthropogenic and act as a source of BrO_x, which behaves in a manner similar to ClO_x.

(e) Hydrogen substances

(i) Hydrogen ($H2$)

Hydrogen, the source of which is natural and anthropogenic, plays a minor role in stratospheric photochemistry.

(ii) Water ($H2O$)

Water, the source of which is natural, plays a vital role in both tropospheric and stratospheric photochemistry. Local sources of water vapor in the stratosphere include the oxidation of methane and, to a lesser extent, of hydrogen.

ANNEX II:

INFORMATION EXCHANGE

1. The Parties to the Convention recognize that the collection and sharing of information is an important means of implementing the objectives of this Convention and of assuring that any actions that may be taken are appropriate and equitable. Therefore, Parties shall exchange scientific, technical, socio-economic, business, commercial and legal information.

2. The Parties to the Convention, in deciding what information is to be collected and exchanged, should take into account the usefulness of the information and the costs of obtaining it. The Parties further recognize that co-operation under this annex has to be consistent with national laws, regulations and practices regarding patents, trade secrets, and protection of confidential and proprietary information.

3. Scientific information

This includes information on:

(a) Planned and ongoing research, both governmental and private, to facilitate the co-ordination of research programmes so as to make the most effective use of available national and international resources;

(b) The emission data needed for research;

(c) Scientific results published in peer-reviewed literature on the understanding of the physics and chemistry of the Earth's atmosphere and of its susceptibility to change, in particular on the state of the ozone layer and effects on human health, environment and climate which would result from changes on all time-scales in either the total column content or the vertical distribution of ozone;

(d) The assessment of research results and the recommendation for future research.

4. Technical information

This includes information on:

(a) The availability and cost of chemical substitutes and of alternative technologies to reduce the emissions of ozone-modifying substances and related planned and ongoing research;

(b) The limitations and any risks involved in using chemical or other substitutes and alternative technologies.

5. Socio-economic and commercial information on the substances referred to in annex I

This includes information on:

(a) Production and production capacity;

(b) Use and use patterns;

(c) Imports/exports;

(d) The costs, risks and benefits of human activities which may indirectly modify the ozone layer and of the impacts of regulatory actions taken or being considered to control these activities.

6. Legal information

This includes information on:

(a) National laws, administrative measures and legal research relevant to the protection of the ozone layer;

(b) International agreements, including bilateral agreements, relevant to the protection of the ozone layer;

(c) Methods and terms of licensing and availability of patents relevant to the protection of the ozone layer.

THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER

as adjusted and amended by the second Meeting of the Parties
(London, 27-29 June 1990)
and by the fourth Meeting of the Parties
(Copenhagen, 23-25 November 1992)
and further adjusted by the seventh Meeting of the Parties
(Vienna, 5-7 December 1995)

Preamble

The Parties to this Protocol,

Being Parties to the Vienna Convention for the Protection of the Ozone Layer,

Mindful of their obligation under that Convention to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer,

Recognizing that world-wide emissions of certain substances can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment,

Conscious of the potential climatic effects of emissions of these substances,

Aware that measures taken to protect the ozone layer from depletion should be based on relevant scientific knowledge, taking into account technical and economic considerations,

Determined to protect the ozone layer by taking precautionary measures to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge, taking into account technical and economic considerations and bearing in mind the developmental needs of developing countries,

Acknowledging that special provision is required to meet the needs of developing countries, including the provision of additional financial resources and access to relevant technologies, bearing in mind that the magnitude of funds necessary is predictable, and the funds can be expected to make a substantial difference in the world's ability to address the scientifically established problem of ozone depletion and its harmful effects,

Noting the precautionary measures for controlling emissions of certain chlorofluorocarbons that have already been taken at national and regional levels,

Considering the importance of promoting international co-operation in the research, development and transfer of alternative technologies relating to the control and reduction of emissions of substances that deplete the ozone layer, bearing in mind in particular the needs of developing countries,

HAVE AGREED AS FOLLOWS:

ARTICLE 1:

DEFINITIONS

For the purposes of this Protocol:

1. "Convention" means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985.

2. "Parties" means, unless the text otherwise indicates, Parties to this Protocol.

3. "Secretariat" means the Secretariat of the Convention.

4. "Controlled substance" means a substance in Annex A, Annex B, Annex C or Annex E to this Protocol, whether existing alone or in a mixture. It includes the isomers of any such substance, except as specified in the relevant Annex, but excludes any controlled substance or mixture which is in a manufactured product other than a container used for the transportation or storage of that substance.

5. "Production" means the amount of controlled substances produced, minus the amount destroyed by technologies to be approved by the Parties and minus the amount entirely used as feedstock in the manufacture of other chemicals. The amount recycled and reused is not to be considered as "production".

6. "Consumption" means production plus imports minus exports of controlled substances.

7. "Calculated levels" of production, imports, exports and consumption means levels determined in accordance with Article 3.

8. "Industrial rationalization" means the transfer of all or a portion of the calculated level of production of one Party to another, for the purpose of achieving economic efficiencies or responding to anticipated shortfalls in supply as a result of plant closures.

ARTICLE 2:

CONTROL MEASURES

1. Incorporated in Article 2A.

2. Replaced by Article 2B.

3. Replaced by Article 2A.

4. Replaced by Article 2A.

5. Any Party may, for one or more control periods, transfer to another Party any portion of its calculated level of production set out in Articles 2A to 2E, and Article 2H, provided that the total combined calculated levels of production of the Parties concerned for any group of controlled substances do not exceed the production limits set out in those Articles for that group. Such transfer of production shall be notified to the Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.

5 bis. Any Party not operating under paragraph 1 of Article 5 may, for one or more control periods, transfer to another such Party any portion of its calculated level of consumption set out in Article 2F, provided that the calculated level of consumption of controlled substances in Group I of Annex A of the Party transferring the portion of its calculated level of consumption did not exceed 0.25 kilograms per capita in 1989 and that the total combined calculated levels of consumption of the Parties concerned do not exceed the consumption limits set out in Article 2F. Such transfer of consumption shall be notified to the Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.

6. Any Party not operating under Article 5, that has facilities for the production of Annex A or Annex B controlled substances under construction, or contracted for, prior to 16 September 1987, and provided for in national legislation prior to 1 January 1987, may add the production from such facilities to its 1986 production of such substances for the purposes of determining its calculated level of production for 1986, provided that such facilities are completed by 31 December 1990 and that such production does not raise that Party's annual calculated level of consumption of the controlled substances above 0.5 kilograms per capita.

7. Any transfer of production pursuant to paragraph 5 or any addition of production pursuant to paragraph 6 shall be notified to the Secretariat, no later than the time of the transfer or addition.

8. (a) Any Parties which are Member States of a regional economic integration organization as defined in Article 1 (6) of the Convention may agree that they shall jointly fulfil their obligations respecting consumption under this Article and Articles 2A to 2H provided that their total combined calculated level of consumption does not exceed the levels required by this Article and Articles 2A to 2H.

   (b) The Parties to any such agreement shall inform the Secretariat of the terms of the agreement before the date of the reduction in consumption with which the agreement is concerned.

   (c) Such agreement will become operative only if all Member States of the regional economic integration organization and the organization concerned are Parties to the Protocol and have notified the Secretariat of their manner of implementation.

9. (a) Based on the assessments made pursuant to Article 6, the Parties may decide whether:

      (i) Adjustments to the ozone depleting potentials specified in Annex A, Annex B, Annex C and/or Annex E should be made and, if so, what the adjustments should be; and

      (ii) Further adjustments and reductions of production or consumption of the controlled substances should be undertaken and, if so, what the scope, amount and timing of any such adjustments and reductions should be;

   (b) Proposals for such adjustments shall be communicated to the Parties by the Secretariat at least six months before the meeting of the Parties at which they are proposed for adoption;

   (c) In taking such decisions, the Parties shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted, and no agreement reached, such decisions shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting representing a majority of the Parties operating under Paragraph 1 of Article 5 present and voting and a majority of the Parties not so operating present and voting;

   (d) The decisions, which shall be binding on all Parties, shall forthwith be communicated to the Parties by the Depositary. Unless otherwise provided in the decisions, they shall enter into force on the expiry of six months from the date of the circulation of the communication by the Depositary.

10. Based on the assessments made pursuant to Article 6 of this Protocol and in accordance with the procedure set out in Article 9 of the Convention, the Parties may decide:

   (a) whether any substances, and if so which, should be added to or removed from any annex to this Protocol, and

   (b) the mechanism, scope and timing of the control measures that should apply to those substances;

11. Notwithstanding the provisions contained in this Article and Articles 2A to 2H Parties may take more stringent measures than those required by this Article and Articles 2A to 2H.

INTRODUCTION TO THE ADJUSTMENTS

The Seventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decides, on the basis of assessments made pursuant to Article 6 of the Protocol, to adopt adjustments and reductions of production and consumption of the controlled substances in Annexes A, B, C and E to the Protocol as follows:

ARTICLE 2A:

CFCS

1. Each Party shall ensure that for the twelve-month period commencing on the first day of the seventh month following the date of entry into force of this Protocol, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed its calculated level of consumption in 1986. By the end of the same period, each Party producing one or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in 1986, except that such level may have increased by no more than ten per cent based on the 1986 level. Such increase shall be permitted only so as to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties.

2. Each Party shall ensure that for the period from 1 July 1991 to 31 December 1992 its calculated levels of consumption and production of the controlled substances in Group I of Annex A do not exceed 150 per cent of its calculated levels of production and consumption of those substances in 1986; with effect from 1 January 1993, the twelve-month control period for these controlled substances shall run from 1 January to 31 December each year.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, twenty-five per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, twenty-five per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

ARTICLE 2B:

HALONS

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1992, and in each twelve-month period thereafter, its calculated level of consumption

of the controlled substances in Group II of Annex A does not exceed, annually, its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

ARTICLE 2C:

OTHER FULLY HALOGENATED CFCS

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, eighty per cent of its calculated level of consumption in 1989. Each Party producing one or more of these substances shall, for the same period, ensure that its calculated level of production of the substances does not exceed, annually, eighty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, twenty-five per cent of its calculated level of consumption in 1989. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, twenty-five per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

ARTICLE 2D:

CARBON TETRACHLORIDE

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed, annually, fifteen per cent of its calculated level of

consumption in 1989. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, fifteen per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

ARTICLE 2E:

1,1,1-TRICHLOROETHANE (METHYL CHLOROFORM)

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, its calculated level of consumption in 1989. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, fifty per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production for 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

ARTICLE 2F:

HYDROCHLOROFLUOROCARBONS

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, the sum of:

   (a) Two point eight per cent of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex A; and

(b) Its calculated level of consumption in 1989 of the controlled substances in Group I of Annex C.

2. Each Party shall ensure that for the twelve month period commencing on 1 January 2004, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, sixty-five per cent of the sum referred to in paragraph 1 of this Article.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, thirty-five per cent of the sum referred to in paragraph 1 of this Article.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2015, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, ten per cent of the sum referred to in paragraph 1 of this Article.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, zero point five per cent of the sum referred to in paragraph 1 of this Article. Such consumption shall, however, be restricted to the servicing of refrigeration and air conditioning equipment existing at that date.

6. Each Party shall ensure that for the twelve-month period commencing on 1 January 2030, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero.

7. As of 1 January 1996, each Party shall endeavour to ensure that:

(a) The use of controlled substances in Group I of Annex C is limited to those applications where other more environmentally suitable alternative substances or technologies are not available;

(b) The use of controlled substances in Group I of Annex C is not outside the areas of application currently met by controlled substances in Annexes A, B and C, except in rare cases for the protection of human life or human health; and

(c) Controlled substances in Group I of Annex C are selected for use in a manner that minimizes ozone depletion, in addition to meeting other environmental, safety and economic considerations.

ARTICLE 2G:

HYDROBROMOFLUOROCARBONS

Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex C does not exceed zero. Each Party producing the substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

ARTICLE 2H:

METHYL BROMIDE

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, its calculated level of consumption in 1991. Each Party producing the substance shall, for the same period, ensure that its calculated level of production

of the substance does not exceed, annually, its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 2001, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, seventy-five per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, seventy-five per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, fifty per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010, its calculated level of consumption of the controlled substance in Annex E does not exceed zero. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1991. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical agricultural uses.

5. The calculated levels of consumption and production under this Article shall not include the amounts used by the Party for quarantine and pre-shipment applications.

ARTICLE 3:

CALCULATION OF CONTROL LEVELS

For the purposes of Articles 2, 2A to 2H and 5, each Party shall, for each group of substances in Annex A, Annex B, Annex C or Annex E determine its calculated levels of:

(a) Production by:

 (i) multiplying its annual production of each controlled substance by the ozone depleting potential specified in respect of it in Annex A, Annex B, Annex C or Annex E;

 (ii) adding together, for each such Group, the resulting figures;

(b) Imports and exports, respectively, by following, mutatis mutandis, the procedure set out in subparagraph (a); and

(c) Consumption by adding together its calculated levels of production and imports and subtracting its calculated level of exports as determined in accordance with subparagraphs (a) and (b). However, beginning on 1 January 1993, any export of controlled substances to non-Parties shall not be subtracted in calculating the consumption level of the exporting Party.

ARTICLE 4:

CONTROL OF TRADE WITH NON-PARTIES

1. As of 1 January 1990, each party shall ban the import of the controlled substances in Annex A from any State not party to this Protocol.

1 bis. Within one year of the date of the entry into force of this paragraph, each Party shall ban the import of the controlled substances in Annex B from any State not party to this Protocol.

1 ter. Within one year of the date of entry into force of this paragraph, each Party shall ban the import of any controlled substances in Group II of Annex C from any State not party to this Protocol.

2. As of 1 January 1993, each Party shall ban the export of any controlled substances in Annex A to any State not party to this Protocol.

2 bis. Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of any controlled substances in Annex B to any State not party to this Protocol.

2 ter. Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of any controlled substances in Group II of Annex C to any State not party to this Protocol.

3. By 1 January 1992, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex A. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

3 bis. Within three years of the date of the entry into force of this paragraph, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex B. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

3 ter. Within three years of the date of entry into force of this paragraph, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Group II of Annex C. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4. By 1 January 1994, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Annex A. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4 bis. Within five years of the date of the entry into force of this paragraph, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Annex B. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4 ter. Within five years of the date of entry into force of this paragraph, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Group II of Annex C. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

5. Each Party undertakes to the fullest practicable extent to discourage the export to any State not party to this Protocol of technology for producing and for utilizing controlled substances in Annexes A and B and Group II of Annex C.

6. Each Party shall refrain from providing new subsidies, aid, credits, guarantees or insurance programmes for the export to States not party to this Protocol of products, equipment, plants or technology that would facilitate the production of controlled substances in Annexes A and B and Group II of Annex C.

7. Paragraphs 5 and 6 shall not apply to products, equipment, plants or technology that improve the containment, recovery, recycling or destruction of controlled substances, promote the development of alternative substances, or otherwise contribute to the reduction of emissions of controlled substances in Annexes A and B and Group II of Annex C.

8. Notwithstanding the provisions of this Article, imports and exports referred to in paragraphs 1 to 4 ter of this Article may be permitted from, or to, any State not party to this Protocol, if that State is determined, by a meeting of the Parties, to be in full compliance with Article 2, Articles 2A to 2E, Article 2G and this Article, and have submitted data to that effect as specified in Article 7.

9. For the purposes of this Article, the term "State not party to this Protocol" shall include, with respect to a particular controlled substance, a State or regional economic integration organization that has not agreed to be bound by the control measures in effect for that substance.

10. By 1 January 1996, the Parties shall consider whether to amend this Protocol in order to extend the measures in this Article to trade in controlled substances in Group I of Annex C and in Annex E with States not party to the Protocol.

ARTICLE 5:

SPECIAL SITUATION OF DEVELOPING COUNTRIES

1. Any Party that is a developing country and whose annual calculated level of consumption of the controlled substances in Annex A is less than 0.3 kilograms per capita on the date of the entry into force of the Protocol for it, or any time thereafter until 1 January 1999, shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures set out in Articles 2A to 2E, provided that any further amendments to the adjustments or Amendment adopted at the Second Meeting of the Parties in London, 29 June 1990, shall apply to the Parties operating under this paragraph after the review provided for in paragraph 8 of this Article has taken place and shall be based on the conclusions of that review.

1 bis. The Parties shall, taking into account the review referred to in paragraph 8 of this Article, the assessments made pursuant to Article 6 and any other relevant information, decide by 1 January 1996, through the procedure set forth in paragraph 9 of Article 2:

(a) With respect to paragraphs 1 to 6 of Article 2F, what base year, initial levels, control schedules and phase-out date for consumption of the controlled substances in Group I of Annex C will apply to Parties operating under paragraph 1 of this Article;

(b) With respect to Article 2G, what phase-out date for production and consumption of the controlled substances in Group II of Annex C will apply to Parties operating under paragraph 1 of this Article; and

(c) With respect to Article 2H, what base year, initial levels and control schedules for consumption and production of the controlled substance in Annex E will apply to Parties operating under paragraph 1 of this Article.

2. However, any Party operating under paragraph 1 of this Article shall exceed neither an annual calculated level of consumption of the controlled substances in Annex A of 0.3 kilograms per capita nor an annual calculated level of consumption of controlled substances of Annex B of 0.2 kilograms per capita.

3. When implementing the control measures set out in Articles 2A to 2E, any Party operating under paragraph 1 of this Article shall be entitled to use:

(a) For controlled substances under Annex A, either the average of its annual calculated level of consumption for the period 1995 to 1997 inclusive or a calculated level of consumption of 0.3 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures.

(b) For controlled substances under Annex B, the average of its annual calculated level of consumption for the period 1998 to 2000 inclusive or a calculated level of consumption of 0.2 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures.

4. If a Party operating under paragraph 1 of this Article, at any time before the control measures obligations in Articles 2A to 2H become applicable to it, finds itself unable to obtain an adequate supply of controlled substances, it may notify this to the Secretariat. The Secretariat shall forthwith transmit a copy of such notification to the Parties, which shall consider the matter at their next Meeting, and decide upon appropriate action to be taken.

5. Developing the capacity to fulfil the obligations of the Parties operating under paragraph 1 of this Article to comply with the control measures set out in Articles 2A to 2E, and any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 bis of this Article, and their implementation by those same Parties will depend upon the effective implementation of the financial co-operation as provided by Article 10 and the transfer of technology as provided by Article 10A.

6. Any Party operating under paragraph 1 of this Article may, at any time, notify the Secretariat in writing that, having taken all practicable steps it is unable to implement any or all of the obligations laid down in Articles 2A to 2E, or any or all obligations in Articles 2F to 2H that are decided pursuant to paragraph 1 bis of this Article, due to the inadequate implementation of Articles 10 and 10A. The Secretariat shall forthwith transmit a copy of the notification to the Parties, which shall consider the matter at their next Meeting, giving due recognition to paragraph 5 of this Article and shall decide upon appropriate action to be taken.

7. During the period between notification and the Meeting of the Parties at which the appropriate action referred to in paragraph 6 above is to be decided, or for a further period if the Meeting of the Parties so decides, the non-compliance procedures referred to in Article 8 shall not be invoked against the notifying Party.

8. A Meeting of the Parties shall review, not later than 1995, the situation of the Parties operating under paragraph 1 of this Article, including the effective implementation of financial co-operation and transfer of technology to them, and adopt such revisions that may be deemed necessary regarding the schedule of control measures applicable to those Parties.

8 bis. Based on the conclusions of the review referred to in paragraph 8 above:

(a) With respect to the controlled substances in Annex A, a Party operating under paragraph 1 of this Article shall, in order to meet its basic domestic needs, be

entitled to delay for ten years its compliance with the control measures adopted by the Second Meeting of the Parties in London, 29 June 1990, and reference by the Protocol to Articles 2A and 2B shall be read accordingly;

(b) With respect to the controlled substances in Annex B, a Party operating under paragraph 1 of this Article shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures adopted by the Second Meeting of the Parties in London, 29 June 1990, and reference by the Protocol to Articles 2C to 2E shall be read accordingly.

8 ter. Pursuant to paragraph 1 bis above:

(a) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2016, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, its calculated level of consumption in 2015;

(b) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2040, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero;

(c) Each Party operating under paragraph 1 of this Article shall comply with Article 2G;

(d) With regard to the controlled substance contained in Annex E:

(i) As of 1 January 2002 each Party operating under paragraph 1 of this Article shall comply with the control measures set out in paragraph 1 of Article 2H and, as the basis for its compliance with these control measures, it shall use the average of its annual calculated level of consumption and production, respectively, for the period of 1995 to 1998 inclusive;

(ii) The calculated levels of consumption and production under this subparagraph shall not include the amounts used by the Party for quarantine and pre-shipment applications.

9. Decisions of the Parties referred to in paragraph 4, 6 and 7 of this Article shall be taken according to the same procedure applied to decision-making under Article 10.

ARTICLE 6:

ASSESSMENT AND REVIEW OF CONTROL MEASURES

Beginning in 1990, and at least every four years thereafter, the Parties shall assess the control measures provided for in Article 2 and Articles 2A to 2H on the basis of available scientific, environmental, technical and economic information. At least one year before each assessment, the Parties shall convene appropriate panels of experts qualified in the fields mentioned and determine the composition and terms of reference of any such panels. Within one year of being convened, the panels will report their conclusions, through the Secretariat, to the Parties.

ARTICLE 7:

REPORTING OF DATA

1. Each Party shall provide to the Secretariat, within three months of becoming a Party, statistical data on its production, imports and exports of each of the controlled substances in Annex A for the year 1986, or the best possible estimates of such data where actual data are not available.

2. Each Party shall provide to the Secretariat statistical data on its production, imports and exports of each of the controlled substances

   - in Annexes B and C, for the year 1989;
   - in Annex E, for the year 1991,

   or the best possible estimates of such data where actual data are not available, not later than three months after the date when the provisions set out in the Protocol with regard to the substances in Annexes B, C and E respectively enter into force for that Party.

3. Each Party shall provide to the Secretariat statistical data on its annual production (as defined in paragraph 5 of Article 1) of each of the controlled substances listed in Annexes A, B, C and E and, separately, for each substance,

   - Amounts used for feedstocks,
   - Amounts destroyed by technologies approved by the Parties, and
   - Imports from and exports to Parties and non-Parties respectively,

   for the year during which provisions concerning the substances in Annexes A, B, C and E respectively entered into force for that Party and for each year thereafter. Data shall be forwarded not later than nine months after the end of the year to which the data relate.

3 bis. Each Party shall provide to the Secretariat separate statistical data of its annual imports and exports of each of the controlled substances listed in Group II of Annex A and Group I of Annex C that have been recycled.

4. For Parties operating under the provisions of paragraph 8 (a) of Article 2, the requirements in paragraphs 1, 2, 3 and 3 bis of this Article in respect of statistical data on imports and exports shall be satisfied if the regional economic integration organization concerned provides data on imports and exports between the organization and States that are not members of that organization.

ARTICLE 8:

NON-COMPLIANCE -

The Parties, at their first meeting, shall consider and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Protocol and for treatment of Parties found to be in non-compliance.

ARTICLE 9:

RESEARCH, DEVELOPMENT, PUBLIC AWARENESS AND EXCHANGE OF INFORMATION

1. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of developing countries, in promoting, directly or through competent international bodies, research, development and exchange of information on:

   (a) best technologies for improving the containment, recovery, recycling, or destruction of controlled substances or otherwise reducing their emissions;

   (b) possible alternatives to controlled substances, to products containing such substances, and to products manufactured with them; and

   (c) costs and benefits of relevant control strategies.

2. The Parties, individually, jointly or through competent international bodies, shall co-operate in promoting public awareness of the environmental effects of the emissions of controlled substances and other substances that deplete the ozone layer.

3. Within two years of the entry into force of this Protocol and every two years thereafter, each Party shall submit to the Secretariat a summary of the activities it has conducted pursuant to this Article.

ARTICLE 10:

FINANCIAL MECHANISM

1. The Parties shall establish a mechanism for the purposes of providing financial and technical co-operation, including the transfer of technologies, to Parties operating under paragraph 1 of Article 5 of this Protocol to enable their compliance with the control measures set out in Articles 2A to 2E, and any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 bis of Article 5 of the Protocol. The mechanism, contributions to which shall be additional to other financial transfers to Parties operating under that paragraph, shall meet all agreed incremental costs of such Parties in order to enable their compliance with the control measures of the Protocol. An indicative list of the categories of incremental costs shall be decided by the meeting of the Parties.

2. The mechanism established under paragraph 1 shall include a Multilateral Fund. It may also include other means of multilateral, regional and bilateral co-operation.

3. The Multilateral Fund shall:

   (a) Meet, on a grant or concessional basis as appropriate, and according to criteria to be decided upon by the Parties, the agreed incremental costs;

   (b) Finance clearing-house functions to:

      (i) Assist Parties operating under paragraph 1 of Article 5, through country specific studies and other technical co-operation, to identify their needs for co-operation;

      (ii) Facilitate technical co-operation to meet these identified needs;

      (iii) Distribute, as provided for in Article 9, information and relevant materials, and hold workshops, training sessions, and other related activities, for the benefit of Parties that are developing countries; and

      (iv) Facilitate and monitor other multilateral, regional and bilateral co-operation available to Parties that are developing countries;

   (c) Finance the secretarial services of the Multilateral Fund and related support costs.

4. The Multilateral Fund shall operate under the authority of the Parties who shall decide on its overall policies.

5. The Parties shall establish an Executive Committee to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the Multilateral Fund. The Executive Committee shall discharge its tasks and responsibilities, specified in its terms of reference as agreed by the Parties, with the co-operation and assistance of the International Bank for Reconstruction and Development (World Bank), the United Nations Environment Programme, the United Nations Development Programme or other appropriate agencies depending on their respective areas of expertise. The members of the Executive Committee, which shall be selected on the basis of a balanced representation of the Parties operating under paragraph 1 of Article 5 and of the Parties not so operating, shall be endorsed by the Parties.

6. The Multilateral Fund shall be financed by contributions from Parties not operating under paragraph 1 of Article 5 in convertible currency or, in certain circumstances, in kind and/or in national currency, on the basis of the United Nations scale of

assessments. Contributions by other Parties shall be encouraged. Bilateral and, in particular cases agreed by a decision of the Parties, regional co-operation may, up to a percentage and consistent with any criteria to be specified by decision of the Parties, be considered as a contribution to the Multilateral Fund, provided that such co-operation, as a minimum:

(a) Strictly relates to compliance with the provisions of this Protocol;

(b) Provides additional resources; and

(c) Meets agreed incremental costs.

7. The Parties shall decide upon the programme budget of the Multilateral Fund for each fiscal period and upon the percentage of contributions of the individual Parties thereto.

8. Resources under the Multilateral Fund shall be disbursed with the concurrence of the beneficiary Party.

9. Decisions by the Parties under this Article shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be adopted by a two-thirds majority vote of the Parties present and voting, representing a majority of the Parties operating under paragraph 1 of Article 5 present and voting and a majority of the Parties not so operating present and voting.

10. The financial mechanism set out in this Article is without prejudice to any future arrangements that may be developed with respect to other environmental issues.

ARTICLE 10A:

TRANSFER OF TECHNOLOGY

Each Party shall take every practicable step, consistent with the programmes supported by the financial mechanism, to ensure:

(a) that the best available, environmentally safe substitutes and related technologies are expeditiously transferred to Parties operating under paragraph 1 of Article 5; and

(b) that the transfers referred to in subparagraph (a) occur under fair and most favourable conditions.

ARTICLE 11:

MEETINGS OF THE PARTIES

1. The Parties shall hold meetings at regular intervals. The Secretariat shall convene the first meeting of the Parties not later than one year after the date of the entry into force of this Protocol and in conjunction with a meeting of the Conference of the Parties to the Convention, if a meeting of the latter is scheduled within that period.

2. Subsequent ordinary meetings of the parties shall be held, unless the Parties otherwise decide, in conjunction with meetings of the Conference of the Parties to the Convention. Extraordinary meetings of the Parties shall be held at such other times as may be deemed necessary by a meeting of the Parties, or at the written request of any Party, provided that within six months of such a request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. The Parties, at their first meeting, shall:

(a) adopt by consensus rules of procedure for their meetings;

(b) adopt by consensus the financial rules referred to in paragraph 2 of Article 13;

(c) establish the panels and determine the terms of reference referred to in Article 6;

(d) consider and approve the procedures and institutional mechanisms specified in Article 8; and

(e) begin preparation of workplans pursuant to paragraph 3 of Article 10.

[The Article 10 in question is that of the original Protocol adopted in 1987.]

4. The functions of the meetings of the Parties shall be to:

(a) review the implementation of this Protocol;

(b) decide on any adjustments or reductions referred to in paragraph 9 of Article 2;

(c) decide on any addition to, insertion in or removal from any annex of substances and on related control measures in accordance with paragraph 10 of Article 2;

(d) establish, where necessary, guidelines or procedures for reporting of information as provided for in Article 7 and paragraph 3 of Article 9;

(e) review requests for technical assistance submitted pursuant to paragraph 2 of Article 10;

(f) review reports prepared by the secretariat pursuant to subparagraph (c) of Article 12;

(g) assess, in accordance with Article 6, the control measures;

(h) consider and adopt, as required, proposals for amendment of this Protocol or any annex and for any new annex;

(i) consider and adopt the budget for implementing this Protocol; and

(j) consider and undertake any additional action that may be required for the achievement of the purposes of this Protocol.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Protocol, may be represented at meetings of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the secretariat of its wish to be represented at a meeting 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 the rules of procedure adopted by the Parties.

ARTICLE 12:

SECRETARIAT

For the purposes of this Protocol, the Secretariat shall:

(a) arrange for and service meetings of the Parties as provided for in Article 11;

(b) receive and make available, upon request by a Party, data provided pursuant to Article 7;

(c) prepare and distribute regularly to the Parties reports based on information received pursuant to Articles 7 and 9;

(d) notify the Parties of any request for technical assistance received pursuant to Article 10 so as to facilitate the provision of such assistance;

(e) encourage non-Parties to attend the meetings of the Parties as observers and to act in accordance with the provisions of this Protocol;

(f) provide, as appropriate, the information and requests referred to in subparagraphs (c) and (d) to such non-party observers; and

(g) perform such other functions for the achievement of the purposes of this Protocol as may be assigned to it by the Parties.

ARTICLE 13:

FINANCIAL PROVISIONS

1. The funds required for the operation of this Protocol, including those for the functioning of the Secretariat related to this Protocol, shall be charged exclusively against contributions from the Parties.

2. The Parties, at their first meeting, shall adopt by consensus financial rules for the operation of this Protocol.

ARTICLE 14:

RELATIONSHIP OF THIS PROTOCOL TO THE CONVENTION

Except as otherwise provided in this Protocol, the provisions of the Convention relating to its protocols shall apply to this Protocol.

ARTICLE 15:

SIGNATURE

This Protocol shall be open for signature by States and by regional economic integration organizations in Montreal on 16 September 1987, in Ottawa from 17 September 1987 to 16 January 1988, and at United Nations Headquarters in New York from 17 January 1988 to 15 September 1988.

ARTICLE 16:

ENTRY INTO FORCE

1. This Protocol shall enter into force on 1 January 1989, provided that at least eleven instruments of ratification, acceptance, approval of the Protocol or accession thereto have been deposited by States or regional economic integration organizations representing at least two-thirds of 1986 estimated global consumption of the controlled substances, and the provisions of paragraph 1 of Article 17 of the Convention have been fulfilled. In the event that these conditions have not been fulfilled by that date, the Protocol shall enter into force on the ninetieth day following the date on which the conditions have been fulfilled.

2. For the purposes of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

3. After the entry into force of this Protocol, any State or regional economic integration organization shall become a Party to it on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

ARTICLE 17:

PARTIES JOINING AFTER ENTRY INTO FORCE

Subject to Article 5, any State or regional economic integration organization which becomes a Party to this Protocol after the date of its entry into force, shall fulfil forthwith the sum of the obligations under Article 2, as well as under Articles 2A to 2H and Article 4, that apply at

that date to the States and regional economic integration organizations that became Parties on the date the Protocol entered into force.

ARTICLE 18:

RESERVATIONS

No reservations may be made to this Protocol.

ARTICLE 19:

WITHDRAWAL

Any Party may withdraw from this Protocol by giving written notification to the Depositary at any time after four years of assuming the obligations specified in paragraph 1 of Article 2A. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

ARTICLE 20:

AUTHENTIC TEXTS

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY AUTHORIZED TO THAT EFFECT, HAVE SIGNED THIS PROTOCOL.

DONE AT MONTREAL THIS SIXTEENTH DAY OF SEPTEMBER, ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN.

· Date of entry into force 1 January 1989

ANNEX A:

CONTROLLED SUBSTANCES

Group	Substance	Ozone Depleting Potential*
Group I		
$CFCl_3$	(CFC-11)	1.0
CF_2Cl_2	(CFC-12)	1.0
$C_2F_3Cl_3$	(CFC-113)	0.8
$C_2F_4Cl_2$	(CFC-114)	1.0
C_2F_5Cl	(CFC-115)	0.6
Group II		
CF_2BrCl	(halon-1211)	3.0
CF_3Br	(halon-1301)	10.0
$C_2F_4Br_2$	(halon-2402)	6.0

* These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

ANNEX B:

CONTROLLED SUBSTANCES

Group	Substance	Ozone Depleting Potential*
Group I		
CF3Cl	(CFC-13)	1.0
C2FCl5	(CFC-111)	1.0
C2F2Cl4	(CFC-112)	1.0
C3FCl7	(CFC-211)	1.0
C3F2Cl6	(CFC-212)	1.0
C3F3Cl5	(CFC-213)	1.0
C3F4Cl4	(CFC-214)	1.0
C3F5Cl3	(CFC-215)	1.0
C3F6Cl2	(CFC-216)	1.0
C3F7Cl	(CFC-217)	1.0
Group II		
CCl4	carbon tetrachloride	1.1
Group III		
C2H3Cl3*	1,1,1-trichloroethane* (methyl chloroform)	0.1

* This formula does not refer to 1,1,2-trichloroethane.

ANNEX C:

CONTROLLED SUBSTANCES

Group	Substance	Number of isomers	Ozone-Depleting Potential*
Group I			
CHFCl2	(HCFC-21)**	1	0.04
CHF2Cl2	(HCFC-22)**	1	0.055
CH2FCl	(HCFC-31)	1	0.02
C2HFCl4	(HCFC-121)	2	0.01–0.04
C2HF2Cl3	(HCFC-122)	3	0.02–0.08
C2HF3Cl2	(HCFC-123)	3	0.02–0.06
CHCl2CF3	(HCFC-123)**	-	0.02
C2HF4Cl	(HCFC-124)	2	0.02–0.04
CHFClCF3	(HCFC-124)**	-	0.022
C2H2FCl3	(HCFC-131)	3	0.007–0.05
C2H2F2Cl2	(HCFC-132)	4	0.008–0.05
C2H2F3Cl	(HCFC-133)	3	0.02–0.06
C2H3FCl2	(HCFC-141)	3	0.005–0.07
CH3CFCl2	(HCFC-141b)**	-	0.11
C2H3F2Cl	(HCFC-142)	3	0.008–0.07
CH3CF2Cl	(HCFC-142b)**	-	0.065
C2H4FCl	(HCFC-151)	2	0.003–0.005
C3HFCl6	(HCFC-221)	5	0.015–0.07
C3HF2Cl5	(HCFC-222)	9	0.01–0.09
C3HF3Cl4	(HCFC-223)	12	0.01–0.08
C3HF4Cl3	(HCFC-224)	12	0.01–0.09
C3HF5Cl2	(HCFC-225)	9	0.02–0.07
CF3CF2CHCl2	(HCFC-225ca)**	-	0.025
CF2ClCF2CHClF	(HCFC-225cb)**	-	0.033

Group	Substance	Number of isomers	Ozone-Depleting Potential*
C3HF6Cl	(HCFC-226)	5	0.02–0.10
C3H2FCl5	(HCFC-231)	9	0.05–0.09
C3H2F2Cl4	(HCFC-232)	16	0.008–0.10
C3H2F3Cl3	(HCFC-233)	18	0.007–0.23
C3H2F4Cl2	(HCFC-234)	16	0.01–0.28
C3H2F5Cl	(HCFC-235)	9	0.03–0.52
C3H3FCl4	(HCFC-241)	12	0.004–0.09
C3H3F2Cl3	(HCFC-242)	18	0.005–0.13
C3H3F3Cl2	(HCFC-243)	18	0.007–0.12
C3H3F4Cl	(HCFC-244)	12	0.009–0.14
C3H4FCl3	(HCFC-251)	12	0.001–0.01
C3H4F2Cl2	(HCFC-252)	16	0.005–0.04
C3H4F3Cl	(HCFC-253)	12	0.003–0.03
C3H5FCl2	(HCFC-261)	9	0.002–0.02
C3H5F2Cl	(HCFC-262)	9	0.002–0.02
C3H6FCl	(HCFC-271)	5	0.001–0.03
Group II			
CHFBr2		1	1.00
CHF2Br	(HBFC-22B1)	1	0.74
CH2FBr		1	0.73
C2HFBr4		2	0.3–0.8
C2HF2Br3		3	0.5–1.8
C2HF3Br2		3	0.4–1.6
C2HF4Br		2	0.7–1.2
C2H2FBr3		3	0.1–1.1
C2H2F2Br2		4	0.2–1.5
C2H2F3Br		3	0.7–1.6
C2H3FBr2		3	0.1–1.7
C2H3F2Br		3	0.2–1.1
C2H4FBr		2	0.07–0.1
C3HFBr6		5	0.3–1.5
C3HF2Br5		9	0.2–1.9
C3HF3Br4		12	0.3–1.8
C3HF4Br3		12	0.5–2.2
C3HF5Br2		9	0.9–2.0
C3HF6Br		5	0.7–3.3
C3H2FBr5		9	0.1–1.9
C3H2F2Br4		16	0.2–2.1
C3H2F3Br3		18	0.2–5.6
C3H2F4Br2		16	0.3–7.5
C3H2F5Br		8	0.9–1.4
C3H3FBr4		12	0.08–1.9
C3H3F2Br3		18	0.1–3.1
C3H3F3Br2		18	0.1–2.5
C3H3F4Br		12	0.3–4.4
C3H4FBr3		12	0.03–0.3
C3H4F2Br2		16	0.1–1.0
C3H4F3Br		12	0.07–0.8
C3H5FBr2		9	0.04–0.4
C3H5F2Br		9	0.07–0.8
C3H6FBr		5	0.02–0.7

* Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

** Identifies the most commercially viable substances with ODP values listed against them to be used for the purposes of the Protocol.

ANNEX D:

* A LIST OF PRODUCTS** CONTAINING CONTROLLED SUBSTANCES SPECIFIED IN ANNEX A

	Products	Customs code number
1.	Automobile and truck air conditioning units (whether incorporated in vehicles or not)	....
2.	Domestic and commercial refrigeration and air conditioning/heat pump equipment***	....
	e.g. Refrigerators	....
	Freezers	....
	Dehumidifiers	....
	Water coolers	....
	Ice machines	....
	Air conditioning and heat pump units	....
3.	Aerosol products, except medical aerosols	....
4.	Portable fire extinguisher	....
5.	Insulation boards, panels and pipe covers	....
6.	Pre-polymers	....

* This Annex was adopted by the Third Meeting of the Parties in Nairobi, 21 June 1991 as required by paragraph 3 of Article 4 of the Protocol.

** Though not when transported in consignments of personal or household effects or in similar non-commercial situations normally exempted from customs attention.

*** When containing controlled substances in Annex A as a refrigerant and/or in insulating material of the product.

ANNEX E:

CONTROLLED SUBSTANCE

Group	Substance	Ozone-Depleting Potential
Group I		
CH3Br	methyl bromide	0.6

STATUS OF RATIFICATION/ACCESSION/ACCEPTANCE/APPROVAL OF THE AGREEMENTS ON THE PROTECTION OF THE STRATOSPHERIC OZONE LAYER

The Vienna Convention for the Protection of the Ozone Layer (1985)

The Montreal Protocol on Substances that Deplete the Ozone Layer (1987)

The London Amendment to the Montreal Protocol (1990)

The Copenhagen Amendment to the Montreal Protocol (1992)

Information provided by the Depositary, the United Nations Office of Legal Affairs, New York, as of 31 March 1996.
(This information is updated every three months; the latest version is available from the Ozone Secretariat.)

Country	Signature	Signature	Ratification*	Ratification*	Ratification*	Ratification*
	Vienna Convention	Montreal Protocol	Vienna Convention	Montreal Protocol	London Amendment	Copenhagen Amendment
Algeria			20.10.1992(Ac)	20.10.1992(Ac)	20.10.1992(Ac)	
Antigua & Barbuda			3.12.1992(Ac)	3.12.1992(Ac)	23.2.1993(Ac)	19.7.1993(Ac)
Argentina1	22.3.1985	29.6.1988	18.1.1990(R)	18.9.1990(R)	4.12.1992(R)	20.4.1995(Ac)
Australia		8.6.1988	16.9.1987(Ac)	19.5.1989(R)	11.8.1992(Ap)	30.6.1994(Ac)
Austria	16.9.1985	29.8.1988	19.8.1987(R)	3.5.1989(R)	11.12.1992(R)	
Bahamas			1.4.1993(Ac)	4.5.1993(Ac)	4.5.1993(Ac)	4.5.1993(Ac)
Bahrain2			27.4.1990(Ac)	27.4.1990(Ac)	23.12.1992(Ac)	
Bangladesh			2.8.1990(Ac)	2.8.1990(Ac)	18.3.1994(R)	
Barbados			16.10.1992(Ac)	16.10.1992(Ac)	20.7.1994(At)	20.7.1994(At)
Belarus	23.3.1985	22.1.1988	20.6.1986(At)	31.10.1988(At)		
Belgium	22.3.1985	16.9.1987	17.10.1988(R)	30.12.1988(R)	5.10.1993(R)	
Benin			1.7.1993(Ac)	1.7.1993(Ac)		
Bolivia			3.10.1994(Ac)	3.10.1994(Ac)	3.10.1994(Ac)	3.10.1994(Ac)
Bosnia and Herzegovina			6.3.1992(Sc)	6.3.1992(Sc)		
Botswana			4.12.1991(Ac)	4.12.1991(Ac)		
Brazil			19.3.1990(Ac)	19.3.1990(Ac)	1.10.1992(At)	
Brunei Darussalam			26.7.1990(Ac)	27.5.1993(Ac)		
Bulgaria			20.11.1990(Ac)	20.11.1990(Ac)		
Burkina Faso	12.12.1985	14.9.1988	30.3.1989(R)	20.7.1989(R)	10.6.1994(R)	12.12.1995(R)
Cameroon			30.8.1989(Ac)	30.8.1989(Ac)	8.6.1992(Ac)	
Canada	22.3.1985	16.9.1987	30.6.1988(R)	5.7.1990(Ac)	16.3.1994(R)	
Central African Republic			29.3.1993(Ac)	29.3.1993(Ac)		
Chad			18.5.1989(Ac)	7.6.1994(R)		
Chile3	26.3.1985	14.6.1988	6.3.1990(R)	26.3.1990(R)	9.4.1992(Ac)	14.1.1994(R)
China			11.9.1989(Ac)	14.6.1991(Ac)	14.6.1991(Ac)	
Colombia			16.7.1990(Ac)	6.12.1993(Ac)	6.12.1993(Ac)	
Comoros			31.10.1994(Ac)	31.10.1994(Ac)	31.10.1994(Ac)	
Congo		15.9.1988	16.11.1994(Ac)	16.11.1994(Ac)	16.11.1994(Ac)	
Costa Rica			30.7.1991(Ac)	30.7.1991(Ac)		
Cote d'Ivoire			5.4.1993(Ac)	5.4.1993(Ac)	18.5.1994(R)	
Croatia			8.10.1991(Sc)	8.10.1991(Sc)	15.10.1993(R)	
Cuba			14.7.1992(Ac)	14.7.1992(Ac)		
Cyprus			28.5.1992(Ac)	28.5.1992(Ac)	11.10.1994(Ac)	
Czech Republic			1.1.1993(Sc)	1.1.1993(Sc)		
Denmark12	22.3.1985	16.9.1987	29.9.1988(R)	16.12.1988(R)	20.12.1991(Ac)	21.12.1993(Ap)
Dominica			31.3.1993(Ac)	31.3.1993(Ac)	31.3.1993(Ac)	
Dominican Republic			18.5.1993(Ac)	18.5.1993(Ac)		
Ecuador			10.4.1990(Ac	30.4.1990(Ac)	23.2.1993(R)	24.11.1993(Ap)
Egypt	22.3.1985	16.9.1987	9.5.1988(R)	2.8.1988(R)	13.1.1993(R)	28.6.1994(R)

Country	Signature	Signature	Ratification*	Ratification*	Ratification*	Ratification*
	Vienna Convention	Montreal Protocol	Vienna Convention	Montreal Protocol	London Amendment	Copenhagen Amendment
El Salvador			2.10.1992(Ac)	2.10.1992(Ac)		
Equatorial Guinea			17.8.1988(Ac)			
Ethiopia			11.10.1994(Ac)	11.10.1994(Ac)		
Federated States of Micronesia			3.8.1994(Ac)	6.9.1995(Ac)		
Fiji			23.10.1989(Ac)	23.10.1988(Ac)	9.12.1994(Ac)	
Finland	22.3.1985	16.9.1987	26.9.1986(R)	23.12.1988(R)	20.12.1991(Ac)	16.11.1993(Ac)
France	22.3.1985	16.9.1987	4.12.1987(Ap)	28.12.1988(Ap)	12.2.1992(Ap)	3.1.1996(Ap)
Gabon			9.2.1994(Ac)	9.2.1994(Ac)		
Gambia			25.7.1990(Ac)	25.7.1990(Ac)	13.3.1995(R)	
Georgia			21.3.1996(Ac)	21.3.1996(Ac)		
Germany4	22.3.1985	16.9.1987	30.9.1988(R)	16.12.1988(R)	27.12.1991(R)	28.12.1993(R)
Ghana		16.9.1987	24.7.1989(R)	24.7.1989(R)	24.7.1992(R)	
Greece	22.3.1985	29.10.1987	29.12.1988(R)	29.12.1988(R)	11.5.1993(R)	30.1.1995(R)
Grenada			31.3.1993(Ac)	31.3.1993(Ac)	7.12.1993(Ac)	
Guatemala			11.9.1987(Ac)	7.11.1989(Ac)		
Guinea			25.6.1992(Ac)	25.6.1992(Ac)	25.6.1992(Ac)	
Guyana			12.8.1993(Ac)	12.8.1993(Ac)		
Honduras			14.10.1993(Ac)	14.10.1993(Ac)		
Hungary			4.5.1988(Ac)	20.4.1989(Ac)	9.11.1993(Ap)	17.5.1994(Ac)
Iceland			29.8.1989(Ac)	29.8.1989(Ac)	16.6.1993(Ac)	15.3.1994(R)
India			18.3.1991(Ac)	19.6.1992(Ac)	19.6.1992(Ac)	
Indonesia		21.7.1988	26.6.1992(Ac)	26.6.1992(Ac)	26.6.1992(Ac)	
Iran, Islamic Republic of			3.10.1990(Ac)	3.10.1990(Ac)		
Ireland		15.9.1988	15.9.1988(Ac)	16.12.1988(R)	20.12.1991(Ac)	
Israel11		14.1.1988	30.6.1992(Ac)	30.6.1992(R)	30.6.1992(R)	5.4.1995(R)
Italy	22.3.1985	16.9.1987	19.9.1988(R)	16.12.1988(R)	21.2.1992(Ap)	4.1.1995(R)
Jamaica			31.3.1993(Ac)	31.3.1993(Ac)	31.3.1993(Ac)	
Japan		16.9.1987	30.9.1988(Ac)	30.9.1988(At)	4.9.1991(Ac)	20.12.1994(At)
Jordan			31.5.1989(Ac)	31.5.1989(Ac)	12.11.1993(R)	30.6.1995(R)
Kenya		16.9.1987	9.11.1988(Ac)	9.11.1988(R)	27.9.1994(R)	27.9.1994(R)
Kiribati			7.1.1993(Ac)	7.1.1993(Ac)		
Korea, Democratic People's Republic of				24.1.1995(Ac)	24.1.1995(Ac)	
Korea, Republic of			27.2.1992(Ac)	27.2.1992(Ac)	10.12.1992(Ac)	2.12.1994(At)
Kuwait			23.11.1992(Ac)	23.11.1992(Ac)	22.7.1994(Ac)	22.7.1994(Ac)
Latvia			28.4.1995(Ac)	28.4.1995(Ac)		
Lebanon			30.3.1993(Ac)	31.3.1993(Ac)	31.3.1993(Ac)	
Lesotho			25.3.1994(Ac)	25.3.1994(Ac)		
Liberia			15.1.1996(Ac)	15.1.1996(Ac)	15.1.1996(Ac)	15.1.1996(Ac)
Libyan Arab Jamahiriya			11.7.1990(Ac)	11.7.1990(Ac)		
Liechtenstein			8.2.1989(Ac)	8.2.1989(Ac)	24.3.1994(R)	
Lithuania			18.1.1995(Ac)	18.1.1995(Ac)		
Luxembourg	17.4.1985	29.1.1988	17.10.1988(R)	17.10.1988(R)	20.5.1992(R)	9.5.1994(R)
Malawi			9.1.1991(Ac)	9.1.1991(Ac)	8.2.1994(Ap)	28.2.1994(Ac)
Malaysia			29.8.1989(Ac)	29.8.1989(Ac)	16.6.1993(Ac)	5.8.1993(Ac)
Maldives		12.7.1988	26.4.1988(Ac)	16.5.1989(R)	31.7.1991(R)	
Mali			28.10.1994(Ac)	28.10.1994(Ac)	28.10.1994(Ac)	
Malta		15.9.1988	15.9.1988(Ac)	29.12.1988(R)	4.2.1994(Ap)	
Marshall Islands			11.3.1993(Ac)	11.3.1993(Ac)	11.3.1993(Ac)	24.5.1993(Ac)
Mauritania			26.5.1994(Ac)	26.5.1994(Ac)		
Mauritius5			18.8.1992(Ac)	18.8.1992(Ac)	20.10.1992(Ac)	30.11.1993(R)
Mexico	1.4.1985	16.9.1987	14.9.1987(R)	31.3.1988(Ac)	11.10.1991(At)	16.9.1994(At)
Monaco			12.3.1993(Ac)	12.3.1993(Ac)	12.3.1993(Ac)	
Mongolia			7.3.1996(Ac)	7.3.1996(Ac)	7.3.1996(Ac)	7.3.1996(Ac)
Morocco	7.2.1986	7.1.1988	28.12.1995(Ac)	28.12.1995(R)	28.12.1995(R)	28.12.1995(Ac)
Mozambique			9.9.1994(Ac)	9.9.1994(Ac)	9.9.1994(Ac)	9.9.1994(Ac)
Myanmar			24.11.1993(Ac)	24.11.1993(Ap)	24.11.1993(Ac)	
Namibia			20.9.1993(Ac)	20.9.1993(Ac)		
Nepal			6.7.1994(Ac)	6.7.1994(Ac)	6.7.1994(Ac)	
Netherlands6	22.3.1985	16.9.1987	19.9.1988(Ac)	16.12.1988(At)	20.12.1991(Ac)	25.4.1994(Ac)
New Zealand7	21.3.1986	16.9.1987	2.6.1987(R)	21.7.1988(R)	1.10.1990(Ac)	4.6.1993(R)
Nicaragua			5.3.1993(Ac)	5.3.1993(Ac)		
Niger			9.10.1992(Ac)	9.10.1992(Ac)	11.1.1996(Ac)	
Nigeria			31.10.1988(Ac)	31.10.1988(Ac)		
Norway	22.3.1985	16.9.1987	23.9.1986(R)	24.6.1988(R)	18.11.1991(R)	3.9.1993(At)
Pakistan			18.12.1992(Ac)	18.12.1992(Ac)	18.12.1992(Ac)	17.2.1995(R)

Country	Signature	Signature	Ratification*	Ratification*	Ratification*	Ratification*
	Vienna Convention	Montreal Protocol	Vienna Convention	Montreal Protocol	London Amendment	Copenhagen Amendment
Panama			13.2.1989(Ac)	3.3.1989(R)	10.2.1994(R)	
Papua New Guinea			27.10.1992(Ac)	27.10.1992(Ac)	4.5.1993(Ac)	
Paraguay			3.12.1992(Ac)	3.12.1992(Ac)	3.12.1992(Ac)	
Peru	22.3.1985		7.4.1989(R)	31.3.1993(Ac)	31.3.1993(Ac)	
Philippines		14.9.1988	17.7.1991(Ac)	17.7.1991(R)	9.8.1993(R)	
Poland			13.7.1990(Ac)	13.7.1990(Ac)		
Portugal8			17.10.1988(Ac)	17.10.1988(R)	24.11.1992(R)	
Qatar			22.1.1996(Ac)	22.1.1996(Ac)	22.1.1996(Ac)	22.1.1996(Ac)
Romania			27.1.1993(Ac)	27.1.1993(Ac)	27.1.1993(Ac)	
Russian Federation	22.3.1985	29.12.1987	18.6.1986	10.11.1988(At)	13.1.1992(Ac)	
Saint Kitts & Nevis			10.8.1992(Ac)	10.8.1992(Ac)	19.5.1994(Ac)	
Saint Lucia			28.7.1993(Ac)	28.7.1993(Ac)		
Samoa			21.12.1992(Ac)	21.12.1992(Ac)		
Saudi Arabia			1.3.1993(Ac)	1.3.1993(Ac)	1.3.1993(Ac)	1.3.1993(Ac)
Senegal		16.9.1987	19.3.1993(Ac)	6.5.1993(R)	6.5.1993(R)	
Seychelles			6.1.1993(Ac)	6.1.1993(Ac)	6.1.1993(Ac)	27.5.1993(Ac)
Singapore			5.1.1989(Ac)	5.1.1989(Ac)	2.3.1993(Ac)	
Slovakia			28.5.1993(Sc)	28.5.1993(Sc)	14.4.1994(Ap)	
Slovenia			6.7.1992(Sc)	6.7.1992(Sc)	8.12.1992(At)	
Solomon Islands			17.6.1993(Ac)	17.6.1993(Ac)		
South Africa			15.1.1990(Ac)	15.1.1990(Ac)	12.5.1992(Ac)	
Spain		21.7.1988	25.7.1988(Ac)	16.12.1988(R)	19.5.1992(Ac)	5.6.1995(At)
Sri Lanka			15.12.1989(Ac)	15.12.1989(Ac)	16.6.1993(Ac)	
Sudan			29.1.1993(Ac)	29.1.1993(Ac)		
Swaziland			10.11.1992(Ac)	10.11.1992(Ac)		
Sweden	22.3.1985	16.9.1987	26.11.1986(R)	29.6.1988(R)	2.8.1991(R)	9.8.1993(R)
Switzerland	22.3.1985	16.9.1987	27.12.1987(R)	28.12.1988(R)	16.9.1992(R)	
Syrian Arab Republic			12.12.1989(Ac)	12.12.1989(Ac)		
Tanzania, United Republic of			7.4.1993(Ac)	16.4.1993(Ac)	16.4.1993(Ac)	
Thailand		15.9.1988	7.7.1989(Ac)	7.7.1989(R)	25.6.1992(R)	1.12.1995(R)
The former Yugoslav Republic of Macedonia				10.3.1994(Sc)	10.3.1994(Sc)	
Togo		16.9.1987	25.2.1991(R)	25.2.1991(Ac)		
Trinidad and Tobago			28.8.1989(Ac)	28.8.1989(Ac)		
Tunisia			25.9.1989(Ac)	25.9.1989(Ac)	15.7.1993(Ac)	2.2.1995(Ac)
Turkey			20.9.1991(Ac)	20.9.1991(Ac)	13.4.1995(R)	10.11.1995(R)
Turkmenistan			18.11.1993(Ac)	18.11.1993(Ac)	15.3.1994(Ac)	
Tuvalu			15.7.1993(Ac)	15.7.1993(Ac)		
Uganda		15.9.1988	24.6.1988(At)	15.9.1988(R)	20.1.1994(R)	
Ukraine	22.3.1985	18.2.1988	18.6.1986(At)	20.9.1988(At)		
United Arab Emirates			22.12.1989(Ac)	22.12.1989(Ac)		
United Kingdom10	20.5.1985	16.9.1987	15.5.1987(R)	16.12.1988(R)	20.12.1991(R)	4.1.1995(R)
USA	22.3.1985	16.9.1987	27.8.1986(R)	21.4.1988(R)	18.12.1991(R)	2.3.1994(R)
Uruguay			27.2.1989(Ac)	8.1.1991(Ac)	16.11.1993(R)	
Uzbekistan			18.5.1993(Ac)	18.5.1993(Ac)		
Vanuatu			21.11.1994(Ac)	21.11.1994(Ac)	21.11.1994(At)	21.11.1994(At)
Venezuela		16.9.1987	1.9.1988(Ac)	6.2.1989(R)	29.7.1993(R)	
Viet Nam			26.1.1994(Ac)	26.1.1994(Ac)	26.1.1994(Ac)	26.1.1994(Ac)
Yemen			21.2.1996(Ac)	21.2.1996(Ac)		
Yugoslavia			16.4.1990(Ac)	3.1.1991(Ac)		
Zaire			30.11.1994(Ac)	30.11.1994(Ac)	30.11.1994(Ac)	30.11.1994(Ac)
Zambia			24.1.1990(Ac)	24.1.1990(Ac)	15.4.1994(R)	
Zimbabwe			3.11.1992(Ac)	3.11.1992(Ac)	3.6.1994(R)	3.6.1994(R)
European Community	22.3.1985	16.9.1987	17.10.1988(Ap)	16.12.1988(Ap)	20.12.1991(Ap)	20.11.1995(Ap)
Total	28	46	157	156	109	54

Notes

R: Ratification Ac: Accession At: Acceptance Ap: Approval Sc: Succession

* Entry into force is after ninety days following the date of ratification/accession/acceptance/approval for those States which concluded the treaty after it entered into force i.e.
Vienna Convention (22.9.1988);
Montreal Protocol (1.1.1989);
London Amendment (10.8.1992);
Copenhagen Amendment (14.6.1994).

1 Ratification for the Convention and the Protocol were received with the following reservation:

The Argentine Republic rejects the ratification on 15 May 1987 of the "Convention for the Protection of the Ozone Layer" by the Government of the United Kingdom of Great Britain and Northern Ireland, communicated by the Secretary-General of the United Nations in Note C.N.112.1987.TREATIES-1 (Depositary Notification), in respect of the Malvinas Islands, South Georgia and South Sandwich Islands and reaffirms its sovereignty over the said islands, which form an integral part of its national territory.

The United Nations General Assembly has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12 and 39/6, which recognize the existence of a sovereignty dispute relating to the question of the Malvinas Islands and request the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful and definitive solution to the dispute and their remaining differences relating to the question, with the intercession of the good offices of the Secretary-General, who is to report to the General Assembly on the progress made. The United Nations General Assembly has also adopted resolutions 40/21 and 41/40, which again request both parties to resume negotiations.

The Argentine Republic also rejects the ratification of the Convention by the Government of the United Kingdom of Great Britain and Northern Ireland in respect of what is termed by the United Kingdom the "British Antarctic Territory" and reaffirms its legitimate rights of territorial sovereignty over the Argentine Antarctic Sector, comprising the territory between 25∞ and 74∞ West Longitude and 60∞ South Latitude and the South Pole, and its coastal jurisdiction in the Antarctic under international law. Those rights, which are based on historical and geographical titles, are safeguarded by Article IV of the Antarctic Treaty.

2 Upon accession, the Government of Bahrain declared that the accession shall in no way constitute recognition of Israel or be a cause for the establishment of any relations of any kind therewith. A similar declaration was made in respect of the Montreal Protocol and the London Amendment.

3 Upon ratification, the Government of Chile made the following declaration:

The Government of the Republic of Chile, upon depositing the instrument of ratification of the Vienna Convention for the Protection of the Ozone Layer, and in so doing, states that it rejects the declarations made by the United Kingdom of Great Britain and Northern Ireland upon ratification of the Convention and by the Argentine Republic in objecting to that declaration, inasmuch as both declarations affect corresponding maritime jurisdictions. It once again reaffirms its sovereignty over that territory, including its sovereignty over maritime spaces, in accordance with the definition established by Supreme Decree 1, 747, of 6 November 1940. A similar declaration was made in respect of the Montreal Protocol.

4 UNEP received a note verbale on 1 October 1990, from the Permanent Representative of the Federal Republic of Germany to UNEP to the effect that through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign state. As from the date of unification, the Federal Republic of Germany will act in the UN under the designation of Germany. The applicable dates of ratification and entry into force are those of the Federal Republic of Germany. The German Democratic Republic had acceded to the Convention on 25 January 1989. A similar note verbale was received by UNEP in respect of the Montreal Protocol.

5 Upon accession the Government of Mauritius made the following declaration:

"The Republic of Mauritius rejects the ratification of 15 May 1987 of the Vienna Convention for the Protection of the Ozone Layer by the Government of the United Kingdom of Great Britain and Northern Ireland, communicated by the Secretary-General of the United Nations in Note C.N. 112.1987 TREATIES (Depositary Notification) in respect of the British Indian Ocean Territory namely Chagos

Archipelago, and reaffirms its sovereignty over the Chagos Archipelago which form an integral part of its national territory."

A similar declaration was made in respect of the Montreal Protocol.

6 For the Kingdom in Europe, the Netherlands Antilles and Aruba.

7 The instrument of ratification indicates that in accordance with the special relationship which exists between New Zealand and the Cook Islands and between New Zealand and Niue, there have been consultations regarding the Convention between the Government of New Zealand and the Government of Cook Islands and between the Government of New Zealand and the Government of Niue, that the Government of the Cook Islands, which has exclusive competence to implement treaties in the Cook Islands, has requested that the Convention should extend to the Cook Islands, that the Government of Niue which has exclusive competence to implement treaties in Niue, has requested that the Convention should extend to Niue. The said instrument specifies that accordingly the Convention shall apply also to the Cook Islands and Niue. However, the Montreal Protocol shall not apply to the Cook Islands and Niue while the Copenhagen Amendment is applicable only to New Zealand and Tokelau.

8 On 15 February 1994, the UN Secretary-General received from the Government of Portugal the notification of application of the Vienna Convention, the Montreal Protocol and the London Amendment to Macau.

9 UNEP received a note on 31 December 1991, from the Permanent Representative of the Russian Federation to UNEP to the effect that the Russian Federation continues the membership of the former Union of Soviet Socialist Republics in all conventions, agreements and other international legal instruments concluded in its framework or under its auspices. A similar note was received in respect of the Montreal Protocol.

10 The instrument of ratification specifies that the Convention is ratified in respect of the United Kingdom of Great Britain and Northern Ireland, the Bailiwick of Jersey, the Bailiwick of Guernsey, the Isle of Man, Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Hong Kong, Monserrat, Pitcairn, Henderson, Ducie and Oeno Islands, Saint Helena, Saint Helena Dependencies, South Georgia and South Sandwich Islands, Turks and Caicos Islands and United Kingdom of Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus. A similar application was expressed in respect of the Montreal Protocol and its Amendments but without extending it to United Kingdom of Sovereign Base Areas of Akrotiri and Dhekalia in the Island of Cyprus.

On 6 July 1990, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland the following objection concerning the reservations made by Argentina:

The instrument contained a reservation rejecting the ratification of the Convention by the United Kingdom of Great Britain and Northern Ireland in respect of the Falkland Islands, South Georgia and the South Sandwich Islands and the British Antarctic Territory.

The Government of the United Kingdom of Great Britain and Northern Ireland wishes to state that they have no doubt as to British sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the British Antarctic Territory, and their consequent right to extend treaties to those territories. In respect of the British Antarctic Territory, the Government of the United Kingdom would draw attention to the provisions of Article IV of the Antarctic Treaty of 1 December 1959, to which both Argentina and the United Kingdom are parties. For the above reasons the Government of the United Kingdom rejects the Argentine reservation.

On 2 August 1990, the following objection was received by the Depositary from the Government of the United Kingdom of Great Britain and Northern Ireland:

"The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to British Sovereignty over the British Antarctic Territory. In this respect, the Government of the United Kingdom would draw attention to the provisions of Article IV of the Antarctic Treaty of 1 December 1959 to which both Chile and the United Kingdom are parties. For the above reasons, the Government of the United Kingdom rejects the Chile declaration."

On 27 January 1993, the UN Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland the following communication with respect to the declarations made by Mauritius upon the latter's accession to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer:

"The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to British sovereignty over the British Indian Ocean Territory and their consequent right to extend the application of the above Convention and Protocol to it. Accordingly the Government of the United Kingdom do not accept or regard as having any legal effect the declarations made by the Government of the Republic of Mauritius."

11 On 18 July 1990, the following objection was received by the Depositary from the Government of Israel:

"The Government of the State of Israel has noted that the instrument of accession of Bahrain to the above-mentioned Convention and Protocol contains a declaration in respect of Israel. In view of the Government of the State of Israel such declaration, which is explicitly of a political character, is incompatible with the purposes and objectives of the Convention and Protocol and cannot in any way affect whatever obligations are binding upon Bahrain under general international law or under particular conventions. The Government of the State of Israel will, in so far as concerns the substance of the matter, adopt towards Bahrain an attitude of complete reciprocity."

12 In a letter dated 18 December 1991 to the Depositary, Denmark expressed reservation on the application of the Montreal Protocol to the Faroe Islands. In the same letter, Denmark lifted the earlier reservation on the application of the Protocol to Greenland.

LIST OF PARTIES CATEGORIZED AS OPERATING UNDER ARTICLE 5 PARAGRAPH 1 OF THE MONTREAL PROTOCOL

[Source: Decisions of meetings of the Parties (see Section 2.3)]

1. Algeria
2. Argentina
3. Bahamas
4. Bahrain
5. Bangladesh
6. Barbados
7. Benin
8. Bolivia
9. Bosnia and Herzegovina
10. Botswana
11. Brazil
12. Burkina Faso
13. Cameroon
14. Central African Republic
15. Chile
16. China
17. Colombia
18. Congo
19. Cost Rica
20. CÙte d'Ivoire
21. Croatia
22. Cuba
23. Cyprus
24. Dominica
25. Dominican Republic
26. Ecuador
27. Egypt
28. Fiji
29. Gabon
30. Gambia
31. Ghana
32. Guatemala
33. Guyana
34. India
35. Indonesia
36. Iran, Islamic Republic of
37. Jamaica
38. Jordan
39. Kenya
40. Kuwait
41. Lebanon
42. Malawi
43. Malaysia
44. Maldives
45. Malta
46. Mauritania

47. Mauritius
48. Mexico
49. Morocco
50. Mozambique
51. Myanmar
52. Niger
53. Nigeria
54. Panama
55. Papua New Guinea
56. Peru
57. Philippines
58. Republic of Korea
59. Romania
60. Saint Kitts & Nevis
61. Saint Lucia
62. Saudi Arabia
63. Senegal
64. Seychelles
65. Solomon Islands
66. Sri Lanka
67. Sudan
68. Swaziland
69. Syrian Arab Republic
70. Thailand
71. Trinidad and Tobago
72. Tunisia
73. Turkey
74. Uganda
75. United Arab Emirates
76. Uruguay
77. Venezuela
78. Viet Nam
79. Yugoslavia
80. Zambia
81. Zimbabwe
82. Zaire

LIST OF PARTIES TEMPORARILY CATEGORIZED AS OPERATING UNDER ARTICLE 5 PARAGRAPH 1 OF THE MONTREAL PROTOCOL

Categorization is temporary pending receipt of complete split data.

1. Antigua and Barbuda
2. Chad
3. Comoros
4. El Salvador
5. Ethiopia
6. Federated States of Micronesia
7. Grenada
8. Guinea
9. Honduras
10. Kiribati
11. Korea, Democratic Peoples Republic of
12. Lesotho
13. Liberia
14. Libyan Arab Jamahiriya
15. Mali
16. Marshall Island
17. Mongolia
18. Namibia
19. Nepal
20. Nicaragua
21. Pakistan
22. Paraguay
23. Samoa
24. Tanzania, United Republic of
25. The former Yugoslav Republic of Macedonia
26. Togo
27. Tuvalu
28. Vanuatu
29. Yemen

BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

TEXT OF THE CONVENTION

Preamble

The Parties to this Convention,

Aware of the risk of damage to human health and the environment caused by hazardous wastes and other wastes and the transboundary movement thereof,

Mindful of the growing threat to human health and the environment posed by the increased generation and complexity, and transboundary movement of hazardous wastes and other wastes,

Mindful also that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential,

Convinced that States should take necessary measures to ensure that the management of hazardous wastes and other wastes including their transboundary movement and disposal is consistent with the protection of human health and the environment whatever the place of disposal,

Noting that States should ensure that the generator should carry out duties with regards to the transport and disposal of hazardous wastes and other wastes in a manner that is consistent with the protection of the environment, whatever the place of disposal.

Fully recognizing that any State has the sovereign right to ban the entry or disposal of foreign hazardous wastes and other wastes in its territory,

Recognizing also the increasing desire for the prohibition of transboundary movements of hazardous wastes and their disposal in other States, especially developing countries,

Convinced that hazardous wastes and other wastes should, as far as is compatible with environmentally sound and efficient management, be disposed of in the State where they were generated,

Aware also that transboundary movements of such wastes from the State of their generation to any other State should be permitted only when conducted under conditions which do not endanger human health and the environment, and under conditions in conformity with the provisions of this Convention,

Considering that enhanced control of transboundary movement of hazardous wastes and other wastes will act as an incentive for their environmentally sound management and for the reduction of the volume of such transboundary movement,

Convinced that States should take measures for the proper exchange of information on and control of the transboundary movement of hazardous wastes and other wastes from and to those States,

Noting that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transit of dangerous goods,

Taking into account the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes adopted by the Governing Council of the United Nations Environment Programme (UNEP) by decision 14/30 of 17 June 1987, the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods (formulated in 1957 and updated biennially), relevant recommendations,

declarations, instruments and regulations adopted within the United Nations system and the work and studies done within other international and regional organizations,

Mindful of the spirit, principles, aims and functions of the World Charter for Nature adopted by the General Assembly of the United Nations at its thirty-seventh session (1982) as the rule of ethics in respect of the protection of the human environment and the conservation of natural resources,

Affirming that States are responsible for the fulfilment of their international obligations concerning the protection of human health and protection and preservation of the environment, and are liable in accordance with international law,

Recognizing that in the case of a material breach of the provisions of this Convention or any protocol thereto the relevant international law of treaties shall apply,

Aware of the need to continue the development and implementation of environmentally sound low-waste technologies, recycling options, good house-keeping and management systems with a view to reducing to a minimum the generation of hazardous wastes and other wastes,

Aware also of the growing international concern about the need for stringent control of transboundary movement of hazardous wastes and other wastes, and of the need as far as possible to reduce such movement to a minimum,

Concerned about the problem of illegal transboundary traffic in hazardous wastes and other wastes,

Taking into account also the limited capabilities of the developing countries to manage hazardous wastes and other wastes,

Recognizing the need to promote the transfer of technology for the sound management of hazardous wastes and other wastes produced locally, particularly to the developing countries in accordance with the spirit of the Cairo Guidelines and decision 14/16 of the Governing Council of UNEP on Promotion of the transfer of environmental protection technology,

Recognizing also that hazardous wastes and other wastes should be transported in accordance with relevant international conventions and recommendations,

Convinced also that the transboundary movement of hazardous wastes and other wastes should be permitted only when the transport and the ultimate disposal of such wastes is environmentally sound, and

Determined to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

SCOPE OF THE CONVENTION

1. The following wastes that are subject to transboundary movement shall be "hazardous wastes" for the purposes of this Convention:

   (a) Wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III; and

   (b) Wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit.

2. Wastes that belong to any category contained in Annex II that are subject to transboundary movement shall be "other wastes" for the purposes of this Convention.

3. Wastes which, as a result of being radioactive, are subject to other international control systems, including international instruments, applying specifically to radioactive materials, are excluded from the scope of this Convention.

4. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, are excluded from the scope of this Convention.

ARTICLE 2

DEFINITIONS

For the purposes of this Convention:

1. "Wastes" are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law;

2. "Management" means the collection, transport and disposal of hazardous wastes or other wastes, including after-care of disposal sites;

3. "Transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement;

4. "Disposal" means any operation specified in Annex IV to this Convention;

5. "Approved site or facility" means a site or facility for the disposal of hazardous wastes or other wastes which is authorized or permitted to operate for this purpose by a relevant authority of the State where the site or facility is located;

6. "Competent authority" means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification, as provided in Article 6;

7. "Focal point" means the entity of a Party referred to in Article 5 responsible for receiving and submitting information as provided for in Articles 13 and 16;

8. "Environmentally sound management of hazardous wastes or other wastes" means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;

9. "Area under the national jurisdiction of a State" means any land, marine area or air space within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to the protection of human health or the environment;

10. "State of export" means a Party from which a transboundary movement of hazardous wastes or other wastes is planned to be initiated or is initiated;

11. "State of import" means a Party to which a transboundary movement of hazardous wastes or other wastes is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;

12. "State of transit" means any State, other than the State of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place;

13. "States concerned" means Parties which are States of export or import, or transit States, whether or not Parties;

14. "Person" means any natural or legal person;

15. "Exporter" means any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;

16. "Importer" means any person under the jurisdiction of the State of import who arranges for hazardous wastes or other wastes to be imported;

17. "Carrier" means any person who carries out the transport of hazardous wastes or other wastes;

18. "Generator" means any person whose activity produces hazardous wastes or other wastes or, if that person is not known, the person who is in possession and/or control of those wastes;

19. "Disposer" means any person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of such wastes;

20. "Political and/or economic integration organization" means an organization constituted by sovereign States to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to it;

21. "Illegal traffic" means any transboundary movement of hazardous wastes or other wastes as specified in Article 9.

ARTICLE 3

NATIONAL DEFINITIONS OF HAZARDOUS WASTES

1. Each Party shall, within six months of becoming a Party to this Convention, inform the Secretariat of the Convention of the wastes, other than those listed in Annexes I and II, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.

2. Each Party shall subsequently inform the Secretariat of any significant changes to the information it has provided pursuant to paragraph 1.

3. The Secretariat shall forthwith inform all Parties of the information it has received pursuant to paragraphs 1 and 2.

4. Parties shall be responsible for making the information transmitted to them by the Secretariat under paragraph 3 available to their exporters.

ARTICLE 4

GENERAL OBLIGATIONS

1. (a) Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other Parties of their decision pursuant to Article 13.

   (b) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes to the Parties which have prohibited the import of such wastes, when notified pursuant to subparagraph (a) above.

   (c) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes if the State of import does not consent in writing to the specific import, in the case where that State of import has not prohibited the import of such wastes.

2. Each Party shall take the appropriate measures to:

   (a) Ensure that the generation of hazardous wastes and other wastes within it is

reduced to a minimum, taking into account social, technological and economic aspects;

(b) Ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal;

(c) Ensure that persons involved in the management of hazardous wastes or other wastes within it take such steps as are necessary to prevent pollution due to hazardous wastes and other wastes arising from such management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment;

(d) Ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement;

(e) Not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic and/or political integration organization that are Parties, particularly developing countries, which have prohibited by their legislation all imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the Parties at their first meeting.

(f) Require that information about a proposed transboundary movement of hazardous wastes and other wastes be provided to the States concerned, according to Annex V A, to state clearly the effects of the proposed movement on human health and the environment;

(g) Prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner;

(h) Co-operate in activities with other Parties and interested organizations, directly and through the Secretariat, including the dissemination of information on the transboundary movement of hazardous wastes and other wastes, in order to improve the environmentally sound management of such wastes and to achieve the prevention of illegal traffic.

3. The Parties consider that illegal traffic in hazardous wastes or other wastes is criminal.

4. Each Party shall take appropriate legal, administrative and other measures to implement and enforce the provisions of this Convention, including measures to prevent and punish conduct in contravention of the Convention.

5. A Party shall not permit hazardous wastes or other wastes to be exported to a non-Party or to be imported from a non-Party.

6. The Parties agree not to allow the export of hazardous wastes or other wastes for disposal within the area south of 60° South latitude, whether or not such wastes are subject to transboundary movement.

7. Furthermore, each Party shall:

(a) Prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes or other wastes unless such persons are authorized or allowed to perform such types of operations;

(b) Require that hazardous wastes and other wastes that are to be the subject of a transboundary movement be packaged, labelled, and transported in conformity with generally accepted and recognized international rules and standards in the field of packaging, labelling, and transport, and that due account is taken of relevant internationally recognized practices;

(c) Require that hazardous wastes and other wastes be accompanied by a movement document from the point at which a transboundary movement commences to the point of disposal.

8. Each Party shall require that hazardous wastes or other wastes, to be exported, are managed in an environmentally sound manner in the State of import or elsewhere. Technical guidelines for the environmentally sound management of wastes subject to this Convention shall be decided by the Parties at their first meeting.

9. Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes only be allowed if:

(a) The State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner; or

(b) The wastes in question are required as a raw material for recycling or recovery industries in the State of import; or

(c) The transboundary movement in question is in accordance with other criteria to be decided by the Parties, provided those criteria do not differ from the objectives of this Convention.

10. The obligation under this Convention of States in which hazardous wastes and other wastes are generated to require that those wastes are managed in an environmentally sound manner may not under any circumstances be transferred to the States of import or transit.

11. Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention, and are in accordance with the rules of international law, in order better to protect human health and the environment.

12. Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea established in accordance with international law, and the sovereign rights and the jurisdiction which States have in their exclusive economic zones and their continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

13. Parties shall undertake to review periodically the possibilities for the reduction of the amount and/or the pollution potential of hazardous wastes and other wastes which are exported to other States, in particular to developing countries.

ARTICLE 5

DESIGNATION OF COMPETENT AUTHORITIES AND FOCAL POINT

To facilitate the implementation of this Convention, the Parties shall:

1. Designate or establish one or more competent authorities and one focal point. One competent authority shall be designated to receive the notification in case of a State of transit.

2. Inform the Secretariat, within three months of the date of the entry into force of this Convention for them, which agencies they have designated as their focal point and their competent authorities.

3. Inform the Secretariat, within one month of the date of decision, of any changes regarding the designation made by them under paragraph 2 above.

ARTICLE 6

TRANSBOUNDARY MOVEMENT BETWEEN PARTIES

1. The State of export shall notify, or shall require the generator or exporter to notify, in writing, through the channel of the competent authority of the State of export, the competent authority of the States concerned of any proposed transboundary movement of hazardous wastes or other wastes. Such notification shall contain the declarations and information specified in Annex V A, written in a language acceptable to the State of import. Only one notification needs to be sent to each State concerned.

2. The State of import shall respond to the notifier in writing, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. A copy of the final response of the State of import shall be sent to the competent authorities of the States concerned which are Parties.

3. The State of export shall not allow the generator or exporter to commence the transboundary movement until it has received written confirmation that:

   (a) The notifier has received the written consent of the State of import; and

   (b) The notifier has received from the State of import confirmation of the existence of a contract between the exporter and the disposer specifying environmentally sound management of the wastes in question.

4. Each State of transit which is a Party shall promptly acknowledge to the notifier receipt of the notification. It may subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export shall not allow the transboundary movement to commence until it has received the written consent of the State of transit. However, if at any time a Party decides not to require prior written consent, either generally or under specific conditions, for transit transboundary movements of hazardous wastes or other wastes, or modifies its requirements in this respect, it shall forthwith inform the other Parties of its decision pursuant to Article 13. In this latter case, if no response is received by the State of export within 60 days of the receipt of a given notification by the State of transit, the State of export may allow the export to proceed through the State of transit.

5. In the case of a transboundary movement of wastes where the wastes are legally defined as or considered to be hazardous wastes only:

   (a) By the State of export, the requirements of paragraph 9 of this Article that apply to the importer or disposer and the State of import shall apply *mutatis mutandis* to the exporter and State of export, respectively;

   (b) By the State of import, or by the States of import and transit which are Parties, the requirements of paragraphs 1, 3, 4 and 6 of this Article that apply to the exporter and State of export shall apply *mutatis mutandis* to the importer or disposer and State of import, respectively; or

   (c) By any State of transit which is a Party, the provisions of paragraph 4 shall apply to such State.

6. The State of export may, subject to the written consent of the States concerned, allow the generator or the exporter to use a general notification where hazardous wastes or other wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the State of export via the same customs office of entry of the State of import, and, in the case of transit, via the same customs office of entry and exit of the State or States of transit.

7. The States concerned may make their written consent to the use of the general notification referred to in paragraph 6 subject to the supply of certain information, such as the exact quantities or periodical lists of hazardous wastes or other wastes to be shipped.

8. The general notification and written consent referred to in paragraphs 6 and 7 may cover multiple shipments of hazardous wastes or other wastes during a maximum period of 12 months.

9. The Parties shall require that each person who takes charge of a transboundary movement of hazardous wastes or other wastes sign the movement document either upon delivery or receipt of the wastes in question. They shall also require that the disposer inform both the exporter and the competent authority of the State of export of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received within the State of export, the competent authority of the State of export or the exporter shall so notify the State of import.

10. The notification and response required by this Article shall be transmitted to the competent authority of the Parties concerned or to such governmental authority as may be appropriate in the case of non-Parties.

11. Any transboundary movement of hazardous wastes or other wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party.

ARTICLE 7

TRANSBOUNDARY MOVEMENT FROM A PARTY THROUGH STATES WHICH ARE NOT PARTIES

Paragraph 2 of Article 6 of the Convention shall apply *mutatis mutandis* to transboundary movement of hazardous wastes or other wastes from a Party through a State or States which are not Parties.

ARTICLE 8

DUTY TO RE-IMPORT

When a transboundary movement of hazardous wastes or other wastes to which the consent of the States concerned has been given, subject to the provisions of this Convention, cannot be completed in accordance with the terms of the contract, the State of export shall ensure that the wastes in question are taken back into the State of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner, within 90 days from the time that the importing State informed the State of export and the Secretariat, or such other period of time as the States concerned agree. To this end, the State of export and any Party of transit shall not oppose, hinder or prevent the return of those wastes to the State of export.

ARTICLE 9

ILLEGAL TRAFFIC

1. For the purpose of this Convention, any transboundary movement of hazardous wastes or other wastes:

   (a) without notification pursuant to the provisions of this Convention to all States concerned; or

   (b) without the consent pursuant to the provisions of this Convention of a State concerned; or

   (c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or

   (d) that does not conform in a material way with the documents; or

   (e) that results in deliberate disposal (e.g. dumping) of hazardous wastes or other

wastes in contravention of this Convention and of general principles of international law,

shall be deemed to be illegal traffic.

2. In case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are:

   (a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,

   (b) are otherwise disposed of in accordance with the provisions of this Convention,

   within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as States concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export.

3. In the case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer, the State of import shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself within 30 days from the time the illegal traffic has come to the attention of the State of import or such other period of time as the States concerned may agree. To this end, the Parties concerned shall co-operate, as necessary, in the disposal of the wastes in an environmentally sound manner.

4. In cases where the responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer, the Parties concerned or other Parties, as appropriate, shall ensure, through co-operation, that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the State of export or the State of import or elsewhere as appropriate.

5. Each Party shall introduce appropriate national/domestic legislation to prevent and punish illegal traffic. The Parties shall co-operate with a view to achieving the objects of this Article.

ARTICLE 10

INTERNATIONAL CO-OPERATION

1. The Parties shall co-operate with each other in order to improve and achieve environmentally sound management of hazardous wastes and other wastes.

2. To this end, the Parties shall:

   (a) Upon request, make available information, whether on a bilateral or multilateral basis, with a view to promoting the environmentally sound management of hazardous wastes and other wastes, including harmonization of technical standards and practices for the adequate management of hazardous wastes and other wastes;

   (b) Co-operate in monitoring the effects of the management of hazardous wastes on human health and the environment;

   (c) Co-operate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound low-waste technologies and the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of hazardous wastes and other wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new or improved technologies;

(d) Co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes and other wastes. They shall also co-operate in developing the technical capacity among Parties, especially those which may need and request technical assistance in this field;

(e) Co-operate in developing appropriate technical guidelines and/or codes of practice.

3. The Parties shall employ appropriate means to co-operate in order to assist developing countries in the implementation of subparagraphs a, b, c and d of paragraph 2 of Article 4.

4. Taking into account the needs of developing countries, co-operation between Parties and the competent international organizations is encouraged to promote, *inter alia,* public awareness, the development of sound management of hazardous wastes and other wastes and the adoption of new low-waste technologies.

ARTICLE 11

BILATERAL, MULTILATERAL AND REGIONAL AGREEMENTS

1. Notwithstanding the provisions of Article 4 paragraph 5, Parties may enter into bilateral, multilateral, or regional agreements or arrangements regarding transboundary movement of hazardous wastes or other wastes with Parties or non-Parties provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes and other wastes as required by this Convention. These agreements or arrangements shall stipulate provisions which are not less environmentally sound than those provided for by this Convention in particular taking into account the interests of developing countries.

2. Parties shall notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements referred to in paragraph 1 and those which they have entered into prior to the entry into force of this Convention for them, for the purpose of controlling transboundary movements of hazardous wastes and other wastes which take place entirely among the Parties to such agreements. The provisions of this Convention shall not affect transboundary movements which take place pursuant to such agreements provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by this Convention.

ARTICLE 12

CONSULTATIONS ON LIABILITY

The Parties shall co-operate with a view to adopting, as soon as practicable, a protocol setting out appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes.

ARTICLE 13

TRANSMISSION OF INFORMATION

1. The Parties shall, whenever it comes to their knowledge, ensure that, in the case of an accident occurring during the transboundary movement of hazardous wastes or other wastes or their disposal, which are likely to present risks to human health and the environment in other States, those states are immediately informed.

The Parties shall inform each other, through the Secretariat, of:

(a) Changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5;

(b) Changes in their national definition of hazardous wastes, pursuant to Article 3; and, as soon as possible,

(c) Decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction;

(d) Decisions taken by them to limit or ban the export of hazardous wastes or other wastes;

(e) Any other information required pursuant to paragraph 4 of this Article.

3. The Parties, consistent with national laws and regulations, shall transmit, through the Secretariat, to the Conference of the Parties established under Article 15, before the end of each calendar year, a report on the previous calendar year, containing the following information:

(a) Competent authorities and focal points that have been designated by them pursuant to Article 5;

(b) Information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved, including:

(i) The amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;

(ii) The amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods;

(iii) Disposals which did not proceed as intended;

(iv) Efforts to achieve a reduction of the amount of hazardous wastes or other wastes subject to transboundary movement;

(c) Information on the measures adopted by them in implementation of this Convention;

(d) Information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;

(e) Information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to Article 11 of this Convention;

(f) Information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them;

(g) Information on disposal options operated within the area of their national jurisdiction;

(h) Information on measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other wastes; and

(i) Such other matters as the Conference of the Parties shall deem relevant.

4. The Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes or other wastes, and the response to it, are sent to the Secretariat when a Party considers that its environment may be affected by that transboundary movement has requested that this should be done.

ARTICLE 14

FINANCIAL ASPECTS

1. The Parties agree that, according to the specific needs of different regions and subregions, regional or sub-regional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation should be established. The Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature.

2. The Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimize damage from accidents arising from transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes.

ARTICLE 15

CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP 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.

2. 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.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties under this Convention.

4. The Parties at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the protection and the preservation of the marine environment in the context of this Convention.

5. The Conference of the Parties shall keep under continuous review and evaluation the effective implementation of this Convention, and, in addition, shall:

   (a) Promote the harmonization of appropriate policies, strategies and measures for minimizing harm to human health and the environment by hazardous wastes and other wastes;

   (b) Consider and adopt, as required, amendments to this Convention and its annexes, taking into consideration, *inter alia*, available scientific, technical, economic and environmental information;

   (c) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation and in the operation of the agreements and arrangements envisaged in Article 11;

   (d) Consider and adopt protocols as required; and

   (e) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention.

6. The United Nations, its specialized agencies, as well as any State not Party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to hazardous wastes or other wastes

which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

7. The Conference of the Parties shall undertake three years after the entry into force of this Convention, and at least every six years thereafter, an evaluation of its effectiveness and, if deemed necessary, to consider the adoption of a complete or partial ban of transboundary movements of hazardous wastes and other wastes in light of the latest scientific, environmental, technical and economic information.

ARTICLE 16

SECRETARIAT

1. The functions of the Secretariat shall be:

   (a) To arrange for and service meetings provided for in Articles 15 and 17;

   (b) To prepare and transmit reports based upon information received in accordance with Articles 3, 4, 6, 11 and 13 as well as upon information derived from meetings of subsidiary bodies established under Article 15 as well as upon, as appropriate, information provided by relevant intergovernmental and non-governmental entities;

   (c) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;

   (d) To ensure the necessary coordination with relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its function;

   (e) To communicate with Focal Points and Competent Authorities established by the Parties in accordance with Article 5 of this Convention;

   (f) To compile information concerning authorized national sites and facilities of Parties available for the disposal of their hazardous wastes and other wastes and to circulate this information among Parties;

   (g) To receive and convey information from and to Parties on:

      - sources of technical assistance and training;
      - available technical and scientific know-how;
      - sources of advice and expertise; and
      - availability of resources

      with a view to assisting them, upon request, in such areas as:

      - the handling of the notification system of this Convention;
      - the management of hazardous wastes and other wastes;
      - environmentally sound technologies relating to hazardous wastes and other wastes, such as low- and non-waste technology;
      - the assessment of disposal capabilities and sites;
      - the monitoring of hazardous wastes and other wastes; and
      - emergency responses;

   (h) To provide Parties, upon request, with information on consultants or consulting firms having the necessary technical competence in the field, which can assist

them to examine a notification for a transboundary movement, the concurrence of a shipment of hazardous wastes or other wastes with the relevant notification, and/or the fact that the proposed disposal facilities for hazardous wastes or other wastes are environmentally sound, when they have reason to believe that the wastes in question will not be managed in an environmentally sound manner. Any such examination would not be at the expense of the Secretariat;

(i) To assist Parties upon request in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic;

(j) To co-operate with Parties and with relevant and competent international organizations and agencies in the provision of experts and equipment for the purpose of rapid assistance to States in the event of an emergency situation; and

(k) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

2. The Secretariat functions will be carried out on an interim basis by UNEP until the completion of the first meeting of the Conference of the Parties held pursuant to Article 15.

3. At its first meeting, the Conference of the Parties shall designate the Secretariat from among those existing competent intergovernmental organizations which have signified their willingness to carry out the Secretariat functions under this Convention. At this meeting, the Conference of the Parties shall also evaluate the implementation by the interim Secretariat of the functions assigned to it, in particular under paragraph 1 above, and decide upon the structures appropriate for those functions.

ARTICLE 17

AMENDMENT OF THE CONVENTION

1. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, *inter alia*, of relevant scientific and technical considerations.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the Signatories to this Convention for information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval, formal confirmation or acceptance.

4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the Parties to that protocol present and voting at the meeting shall suffice for their adoption.

5. Instruments of ratification, approval, formal confirmation or acceptance of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between Parties having accepted them on the ninetieth day after the receipt by the Depositary of their instrument of ratification, approval, formal confirmation or acceptance by at least three-fourths of the Parties who accepted the amendments to the protocol concerned,

except as may otherwise be provided in such protocol. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval, formal confirmation or acceptance of the amendments.

6. For the purpose of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

ARTICLE 18

ADOPTION AND AMENDMENT OF ANNEXES

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

   (a) Annexes to this Convention and its protocols shall be proposed and adopted according to the procedure laid down in Article 17, paragraphs 2, 3 and 4;

   (b) Any Party that is unable to accept an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;

   (c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol concerned, which have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, *inter alia*, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex shall not enter into force until such time the amendment to this Convention or to the protocol enters into force.

ARTICLE 19

VERIFICATION

Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Convention may inform the Secretariat thereof, and in such an event, shall simultaneously and immediately inform, directly or through the Secretariat, the Party against whom the allegations are made. All relevant information should be submitted by the Secretariat to the Parties.

ARTICLE 20

SETTLEMENT OF DISPUTES

1. In case of a dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any protocol thereto, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute, if the Parties to the dispute agree, shall be submitted to the International Court of Justice or to arbitration under the conditions set out in Annex VI on Arbitration. However, failure to reach common agreement on submission of the dispute to the International Court of Justice or to arbitration shall not absolve the Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.

3. When ratifying, accepting, approving, formally confirming or acceding to this Convention, or at any time thereafter, a State or political and/or economic integration organization may declare that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any Party accepting the same obligation:

   (a) submission of the dispute to the International Court of Justice; and/or

   (b) arbitration in accordance with the procedures set out in Annex VI.

Such declaration shall be notified in writing to the Secretariat which shall communicate it to the Parties.

ARTICLE 21

SIGNATURE

This Convention shall be open for signature by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations, in Basel on 22 March 1989, at the Federal Department of Foreign Affairs of Switzerland in Berne from 23 March 1989 to 30 June 1989 and at United Nations Headquarters in New York from 1 July 1989 to 22 March 1990.

ARTICLE 22

RATIFICATION, ACCEPTANCE, FORMAL CONFIRMATION OR APPROVAL

1. This Convention shall be subject to ratification, acceptance or approval by States and by Namibia, represented by the United Nations Council for Namibia, and to formal confirmation or approval by political and/or economic integration organizations. Instruments of ratification, acceptance, formal confirmation, or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention without any of its members States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of formal confirmation or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who will inform the Parties of any substantial modification in the extent of their competence.

ARTICLE 23

ACCESSION

1. This Convention shall be open for accession by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations from the day after the date on which the Convention is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

3. The provisions of Article 22, paragraph 2, shall apply to political and/or economic integration organizations which accede to this Convention.

ARTICLE 24

RIGHT TO VOTE

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention shall have one vote.

2. Political and/or economic integration organizations, in matters within their competence, in accordance with Article 22, paragraph 3, and Article 23, paragraph 2, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

ARTICLE 25

ENTRY INTO FORCE

1. This Convention shall enter into force on the ninetieth day after the day of deposit of the twentieth instrument of ratification, acceptance, formal confirmation, approval or accession.

2. For each State or political and/or economic integration organization which ratifies, accepts, approves or formally confirms this Convention or accedes thereto after the date of the deposit of the twentieth instrument of ratification, acceptance, approval, formal confirmation or accession, it shall enter into force on the ninetieth day after the date of deposit by such State or political and/or economic integration organization of its instrument of ratification, acceptance, approval, formal confirmation or accession.

3. For the purpose of paragraphs 1 and 2 above, any instrument deposited by a political and/or economic integration organization shall not be counted as additional to those deposited by member States of such organization.

ARTICLE 26

RESERVATIONS AND DECLARATIONS

1. No reservation or exception may be made to this Convention.

2. Paragraph 1 of this Article does not preclude a State or political and/or economic integration organization, when signing, ratifying, accepting, approving, formally confirming or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonization of its laws

and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effects of the provisions of the Convention in their application to that State.

ARTICLE 27

WITHDRAWAL

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Withdrawal shall be effective one year from receipt of notification by the Depositary, or on such later date as may be specified in the notification.

ARTICLE 28

DEPOSITORY

The Secretary-General of the United Nations shall be the Depository of this Convention and of any protocol thereto.

ARTICLE 29

AUTHENTIC TEXTS

The original Arabic, Chinese, English, French, Russian and Spanish texts of this Convention are equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Basel on the 22nd day of March 1989

• Date of entry into force 5 May 1992

ANNEX I

CATEGORIES OF WASTES TO BE CONTROLLED

Waste Streams

Y1 Clinical wastes from medical care in hospitals, medical centers and clinics

Y2 Wastes from the production and preparation of pharmaceutical products

Y3 Waste pharmaceuticals, drugs and medicines

Y4 Wastes from the production, formulation and use of biocides and phytopharmaceuticals

Y5 Wastes from the manufacture, formulation and use of wood preserving chemicals

Y6 Wastes from the production, formulation and use of organic solvents

Y7 Wastes from heat treatment and tempering operations containing cyanides

Y8 Waste mineral oils unfit for their originally intended use

Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions

Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)

Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment

Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish

Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/ adhesives

Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known

Y15 Wastes of an explosive nature not subject to other legislation

Y16 Wastes from production, formulation and use of photographic chemicals and processing materials

Y17 Wastes resulting from surface treatment of metals and plastics

Y18 Residues arising from industrial waste disposal operations

Wastes having as constituents:

Y19 Metal carbonyls

Y20 Beryllium; beryllium compounds

Y21 Hexavalent chromium compounds

Y22 Copper compounds

Y23 Zinc compounds

Y24 Arsenic; arsenic compounds

Y25 Selenium; selenium compounds

Y26 Cadmium; cadmium compounds

Y27 Antimony; antimony compounds

Y28 Tellurium; tellurium compounds

Y29 Mercury; mercury compounds

Y30 Thallium; thallium compounds

Y31 Lead; lead compounds

Y32 Inorganic fluorine compounds excluding calcium fluoride

Y33 Inorganic cyanides

Y34 Acidic solutions or acids in solid form

Y35 Basic solutions or bases in solid form

Y36 Asbestos (dust and fibres)

Y37 Organic phosphorus compounds

Y38 Organic cyanides

Y39 Phenols; phenol compounds including chlorophenols

Y40 Ethers

Y41 Halogenated organic solvents

Y42 Organic solvents excluding halogenated solvents

Y43 Any congenor of polychlorinated dibenzo-furan

Y44 Any congenor of polychlorinated dibenzo-p-dioxin

Y45 Organohalogen compounds other than substances referred to in this Annex (eg. Y39, Y41, Y42, Y43, Y44)

ANNEX II

CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION

Y46 - Wastes collected from households

Y47 - Residues arising from the incineration of household wastes

ANNEX III

LIST OF HAZARDOUS CHARACTERISTICS

UN Class[1]	Code	Characteristics
1	H1	Explosive An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such speed as to cause damage to the surroundings.
3	H3	Flammable liquids The word "flammable" has the same meaning as "inflammable." Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5° C, closed-cup test, or not more than 65.6°C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)
4.1	H4.1	Flammable solids Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
4.2	H4.2	Substances or wastes liable to spontaneous combustion Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.

4.3		H4.3 Substances or wastes which, in contact with water emit flammable gases Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
5.1	H5.1	Oxidizing Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.
5.2	H5.2	Organic Peroxides Organic substances or wastes which contain the bivalent-O-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
6.1	H6.1	Poisonous (Acute) Substances or wastes liable either to cause death or serious injury or to harm health if swallowed or inhaled or by skin contact.
6.2	H6.2	Infectious substances Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans.
8	H8	Corrosives Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.
9	H10	Liberation of toxic gases in contact with air or water Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
9	H11	Toxic (Delayed or chronic) Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
9	H12	Ecotoxic Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.
9	H13	Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

Tests

The potential hazards posed by certain types of wastes are not yet fully documented; tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterize potential hazards posed to man and/or the environment by these wastes. Standardized tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials listed in Annex I, in order to decide if these materials exhibit any of the characteristics listed in this Annex.

Note for Annex III

1. Corresponds to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (ST/SG/AC.10/1/Rev. 5, United Nations, New York, 1988)

ANNEX IV

DISPOSAL OPERATIONS

A. OPERATIONS WHICH DO NOT LEAD TO THE POSSIBILITY OF RESOURCE RECOVERY, RECYCLING, RECLAMATION, DIRECT RE-USE OR ALTERNATIVE USES

Section A encompasses all such disposal operations which occur in practice.

D1 Deposit into or onto land, (e.g., landfill, etc.)

D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)

D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes of naturally occurring repositories, etc.)

D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)

D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)

D6 Release into a water body except seas/oceans

D7 Release into seas/oceans including sea-bed insertion

D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A

D9 Physico chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A, (e.g., evaporation, drying, calcination, neutralization, precipitation, etc.)

D10 Incineration on land

D11 Incineration at sea

D12 Permanent storage (e.g., emplacement of containers in a mine, etc.)

D13 Blending or mixing prior to submission to any of the operations in Section A

D14 Repackaging prior to submission to any of the operations in Section A

D15 Storage pending any of the operations in Section A

B. OPERATIONS WHICH MAY LEAD TO RESOURCE RECOVERY, RECYCLING RECLAMATION, DIRECT RE-USE OR ALTERNATIVE USES

Section B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in Section A

R1 Use as a fuel (other than in direct incineration) or other means to generate energy

R2 Solvent reclamation/regeneration

R3 Recycling/reclamation of organic substances which are not used as solvents

R4 Recycling/reclamation of metals and metal compounds

R5 Recycling/reclamation of other inorganic materials

R6 Regeneration of acids or bases

R7 Recovery of components used for pollution abatement

R8 Recovery of components from catalysts

R9 Used oil re-refining or other reuses of previously used oil

R10 Land treatment resulting in benefit to agriculture or ecological improvement

R11 Uses of residual materials obtained from any of the operations numbered R1-R10

R12 Exchange of wastes for submission to any of the operations numbered R1-R11

R13 Accumulation of material intended for any operation in Section B

ANNEX V A

INFORMATION TO BE PROVIDED ON NOTIFICATION

1. Reason for waste export
2. Exporter of the waste 1/
3. Generator(s) of the waste and site of generation 1/
4. Disposer of the waste and actual site of disposal 1/
5. Intended carrier(s) of the waste or their agents, if known 1/
6. Country of export of the wasteCompetent authority 2/
7. Expected countries of transit
   Competent authority 2/
8. Country of import of the waste
   Competent authority 2/
9. General or single notification
10. Projected date(s) of shipment(s) and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit) 3/
11. Means of transport envisaged (road, rail, sea, air, inland waters)
12. Information relating to insurance 4/
13. Designation and physical description of the waste including Y number and UN number and its composition 5/ and information on any special handling requirements including emergency provisions in case of accidents
14. Type of packaging envisaged (e.g. bulk, drummed, tanker)
15. Estimated quantity in weight/volume 6/
16. Process by which the waste is generated 7/
17. For wastes listed in Annex I, classifications from Annex III: hazardous characteristic, H number, and UN class
18. Method of disposal as per Annex IV
19. Declaration by the generator and exporter that the information is correct

20. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import.

21. Information concerning the contract between the exporter and disposer.

Notes for Annex V A

1. Full name and address, telephone or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted.
2. Full name and address, telephone, telex or telefax number.
3. In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known, the expected frequency of the shipments will be required.
4. Information to be provided on relevant insurance requirements and how they are met by exporter, carrier and disposer.
5. The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the waste both in handling and in relation to the proposed disposal method.
6. In the case of a general notification covering several shipments, both the estimated total quantity and the estimated quantities for each individual shipment will be required.
7. Insofar as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.

ANNEX V B

INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT

1. Exporter of the waste 1/
2. Generator(s) of the waste and site of generation 1/
3. Disposer of the waste and actual site of disposal 1/
4. Carrier(s) of the waste 1/ or his agent(s)
5. Subject of general or single notification
6. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste
7. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exit where these have been designated
8. General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable)
9. Information on special handling requirements including emergency provision in case of accidents
10. Type and number of packages
11. Quantity in weight/volume
12. Declaration by the generator or exporter that the information is correct
13. Declaration by the generator or exporter indicating no objection from the competent authorities of all States concerned which are Parties
14. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the approximate date of disposal.

Notes for Annex V B

The information required on the movement document shall where possible be integrated in one document with that required under transport rules. Where this is not possible the information should complement rather than duplicate that required under the transport rules. The movement document shall carry instructions as to who is to provide information and fill-out any form.

1. Full name and address, telephone or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency.

ANNEX VI

ARBITRATION

ARTICLE 1

Unless the agreement referred to in Article 20 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with Articles 2 to 10 below.

ARTICLE 2

The claimant party shall notify the Secretariat that the Parties have agreed to submit the dispute to arbitration pursuant to paragraph 2 or paragraph 3 of Article 20 and include, in particular, the Articles of the Convention the interpretation or application of which are at issue. The Secretariat shall forward the information thus received to all Parties to the Convention.

ARTICLE 3

The arbitral tribunal shall consist of three members. Each of the Parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the chairman of the tribunal. The latter shall not be a national of one of the Parties to the dispute, nor have his usual place of residence in the territory of one of these Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

ARTICLE 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either Party, designate him within a further two months period.

2. If one of the Parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other Party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the Party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

ARTICLE 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.

2. Any arbitral tribunal constituted under the provisions of this Annex shall draw up its own rules of procedure.

ARTICLE 6

1. The decisions of the arbitral tribunal both on procedure and on substance, shall be taken by majority vote of its members.

2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the Parties, recommend essential interim measures of protection.

3. The Parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

4. The absence or default of a Party in the dispute shall not constitute an impediment to the proceedings.

ARTICLE 7

The tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

ARTICLE 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the Parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the Parties.

ARTICLE 9

Any Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

ARTICLE 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.

2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the Parties to the dispute.

3. Any dispute which may arise between the Parties concerning the interpretation or execution of the award may be submitted by either Party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.

STATUS OF RATIFICATION

(Status as of 29 May 1995)

Participant	Signature	Ratification Acceptance (At) Approval (Ap) Accession (Ac)	
Afghanistan	22. 3.1989		
Antigua and Barbuda		5. 4.1993	(Ac)
Argentina	28. 6.1989	27. 6.1991	
Australia		5. 2.1992	(Ac)
Austria	19. 3.1990	12. 1.1993	
Bahamas		12. 8.1992	(Ac)

Bahrain	22. 3.1989	15.10.1992	
Bangladesh		1. 4.1993	(Ac)
Belgium	22. 3.1989	1.11.1993	
Bolivia	22. 3.1989		
Brazil		1.10.1992	(Ac)
Canada	22. 3.1989	28. 8.1992	
Chile	19. 1.1990	11. 8.1992	
China	22. 3.1990	17.12.1991	
Colombia	22. 3.1989		
Comoros		31.10.1994	(Ac)
Costa Rica		7. 3.1995	(Ac)
Cote d'Ivoire		1.12.1994	(Ac)
Croatia		9. 5.1994	(Ac)
Cuba		3.10.1994	(Ac)
Cyprus	22. 3.1989	17. 9.1992	
Czech Republic		1. 1.1993	(S)
Denmark	22. 3.1989	6. 2.1994	(Ap)
Ecuador	22. 3.1989	23. 2.1993	
Egypt		8. 1.1993	(Ac)
El Salvador	22. 3.1990	13.12.1991	
Estonia		21. 7.1992	(Ac)
Finland	22. 3.1989	19.11.1991	(At)
France	22. 3.1989	7. 1.1991	(Ap)
Germany	23.10.1989	21. 4.1995	
Greece	22. 3.1989	4. 8.1994	
Guatemala	22. 3.1989		
Guinea		26. 4.1995	(Ac)
Haiti	22. 3.1989		
Hungary	22. 3.1989	21. 5.1990	(Ap)
India	15. 3.1990	24. 6.1992	
Indonesia		20. 9.1993	(Ac)
Iran, Islamic Republic of		5. 1.1993	(Ac)
Ireland	31. 1.1990	7. 2.1994	
Israel	22. 3.1989	14.12.1994	
Italy	22. 3.1989	7. 2.1994	
Japan		17. 9.1993	
Jordan	22. 3.1989	22. 6.1989	(Ap)
Kuwait	22. 3.1989	11.10.1993	(Ac)
Latvia		14. 4.1992	(Ac)
Lebanon	22. 3.1989	21.12.1994	
Liechtenstein	22. 3.1989	27. 1.1992	
Luxembourg	22. 3.1989	7. 2.1994	
Malawi		21. 4.1994	(Ac)
Malaysia		8.10.1993	(Ac)
Maldives		28. 4.1992	(Ac)
Mauritius		24.11.1992	(Ac)
Mexico	22. 3.1989	22. 2.1991	
Monaco		31. 8.1992	(Ac)
Namibia		15. 5.1995	(Ac)
Netherlands	22. 3.1989	16. 4.1993	(At)
New Zealand	18.12.1989	20.12.1994	
Nigeria	15. 3.1990	13. 3.1991	
Norway	22. 3.1990	2. 7.1990	
Oman		8. 2.1995	(Ac)
Pakistan		26. 7.1994	(Ac)
Panama	22. 3.1990	22. 2.1991	
Peru		23.11.1993	
Philippines	22. 3.1989	21. 9.1993	
Poland	22. 3.1990	20. 3.1992	
Portugal	26. 6.1989	26. 1.1994	
Republic of Korea		28. 2.1994	(Ac)
Romania		27. 2.1991	(Ac)
Russian Federation	22. 3.1990	31. 1.1995	
Saint Kitts and Nevis		7. 9.1994	(Ac)

Russian Federation	22. 3.1990	31. 1.1995	
Saint Kitts and Nevis		7. 9.1994	(Ac)
Saint Lucia		9.12.1993	(Ac)
Saudi Arabia	22. 3.1989	7. 3.1990	
Senegal		10.11.1992	(Ac)
Seychelles		11. 5.1993	(Ac)
Slovak Republic		23. 5.1993	(S)
Slovenia		7.10.1993	(Ac)
South Africa		5. 5.1994	(Ac)
Spain	22. 3.1989	7. 2.1994	
Sri Lanka		28. 8.1992	(Ac)
Sweden	22. 3.1989	2. 8.1991	
Switzerland	22. 3.1989	31. 1.1990	
Syrian Arab Republic	11.10.1989	22. 1.1992	
Thailand		22. 3.1990	
Turkey	22. 3.1989	22. 6.1994	
Trinidad and Tobago		18. 2.1994	(Ac)
United Arab Emirates	22. 3.1989	17.11.1992	
United Kingdom	6.10.1989	7. 2.1994	
United Republic of Tanzania		7. 4.1993	(Ac)
United States of America	22. 3.1990		
Uruguay	22. 3.1989	22.12.1991	
Venezuela	22. 3.1989		
Vietnam		13. 3.1995	(Ac)
Zaire		6.10.1994	(Ac)
Zambia		15.11.1994	(Ac)
European Economic Community	22. 3.1989	7. 2.1994	(Ap)

Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

Adopted at the Third Meeting of the Conference of the Parties at Geneva on 22 September 1995 by its decision III/1

Text of the amendment:

"Insert new preambular paragraph 7bis:

Recognizing that transboundary movements of hazardous wastes, especially to developing countries, have a high risk of not constituting an environmentally sound management of hazards wastes as required by this Convention;

"Insert new Article 4A:

1. Each Party listed in Annex VII shall prohibit all transboundary movements of hazardous wastes which are destined for operations according to Annex IV A, to States not listed in Annex VII.

2. Each Party listed in Annex VII shall phase out by 31 December 1997, and prohibit as of that date, all transboundary movements of hazardous wastes under Article 1(i)(a) of the Convention which are destined for operations according to Annex IV B to States not listed in Annex VII. Such transboundary movement shall not be prohibited unless the wastes in question are characterized as hazardous under the Convention.

"Annex VII

Parties and other States which are members of OECD, EC, Liechtenstein."

Not yet in force (as of 31 December 1995)

CONVENTION ON BIOLOGICAL DIVERSITY

TEXT OF THE CONVENTION

Preamble

The Contracting Parties,

Conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components,

Conscious also of the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere,

Affirming that the conservation of biological diversity is a common concern of humankind,

Reaffirming that States have sovereign rights over their own biological resources,

Reaffirming also that States are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner,

Concerned that biological diversity is being significantly reduced by certain human activities,

Aware of the general lack of information and knowledge regarding biological diversity and of the urgent need to develop scientific, technical and institutional capacities to provide the basic understanding upon which to plan and implement appropriate measures,

Noting that it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source,

Noting also that where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat,

Noting further that the fundamental requirement for the conservation of biological diversity is the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings,

Noting further that ex-situ measures, preferably in the country of origin, also have an important role to play,

Recognizing the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components,

Recognizing also the vital role that women play in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation,

Stressing the importance of, and the need to promote, international, regional and global cooperation among States and intergovernmental organizations and the non-governmental sector for the conservation of biological diversity and the sustainable use of its components,

Acknowledging that the provision of new and additional financial resources and appropriate access to relevant technologies can be expected to make a substantial difference in the world's ability to address the loss of biological diversity,

Acknowledging further that special provision is required to meet the needs of developing countries, including the provision of new and additional financial resources and appropriate access to relevant technologies,

Noting in this regard the special conditions of the least developed countries and small island States,

Acknowledging that substantial investments are required to conserve biological diversity and that there is the expectation of a broad range of environmental, economic and social benefits from those investments,

Recognizing that economic and social development and poverty eradication are the first and overriding priorities of developing countries,

Aware that conservation and sustainable use of biological diversity is of critical importance for meeting the food, health and other needs of the growing world population, for which purpose access to and sharing of both genetic resources and technologies are essential,

Noting that, ultimately, the conservation and sustainable use of biological diversity will strengthen friendly relations among States and contribute to peace for humankind,

Desiring to enhance and complement existing international arrangements for the conservation of biological diversity and sustainable use of its components, and

Determined to conserve and sustainable use biological diversity for the benefit of present and future generations,

Have agreed as follows:

ARTICLE 1. OBJECTIVES

The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

ARTICLE 2. USE OF TERMS

For the purposes of this Convention:

"Biological diversity" means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

"Biological resources" includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity.

"Biotechnology" means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.

"Country of origin of genetic resources" means the country which possesses those genetic resources in in-situ conditions.

"Country providing genetic resources" means the country supplying genetic resources collected from in-situ sources, including populations of both wild and domesticated species, or taken from ex-situ sources, which may or may not have originated in that country.

"Domesticated or cultivated species" means species in which the evolutionary process has been influenced by humans to meet their needs.

"Ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

"Ex-situ conservation" means the conservation of components of biological diversity outside their natural habitats.

"Genetic material,, means any material of plant, animal, microbial or other origin containing functional units of heredity.

"Genetic resources" means genetic material of actual or potential value.

"Habitat" means the place or type of site where an organism or population naturally occurs.

"In-situ conditions" means conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"In-situ conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"Protected area" means a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives.

"Regional economic integration organization" means an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it.

"Sustainable use" means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations.

"Technology" includes biotechnology.

ARTICLE 3. PRINCIPLE

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

ARTICLE 4. JURISDICTIONAL SCOPE

Subject to the rights of other States, and except as otherwise expressly provided in this Convention, the provisions of this Convention apply, in relation to each Contracting Party:

(a) In the case of components of biological diversity, in areas within the limits of its national jurisdiction; and

(b) In the case of processes and activities, regardless of where their effects occur, carried out under its jurisdiction or control, within the area of its national jurisdiction or beyond the limits of national jurisdiction.

ARTICLE 5. COOPERATION

Each Contracting Party shall, as far as possible and as appropriate, cooperate with other Contracting Parties, directly or, where appropriate, through competent international organizations, in respect of areas beyond national jurisdiction and on other matters of mutual interest, for the conservation and sustainable Use of biological diversity.

ARTICLE 6. GENERAL MEASURES FOR, CONSERVATION AND SUSTAINABLE USE

Each Contracting Party shall, in accordance with its particular conditions and capabilities:

(a) Develop national strategies, plans or programmes for the conservation and

sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned; and

(b) Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

ARTICLE 7. IDENTIFICATION AND MONITORING

Each Contracting Party shall, as far as possible and as appropriate, in particular for the purposes of Articles 8 to 10:

(a) Identify components of biological diversity important for its conservation and sustainable use having regard to the indicative list of categories set down in Annex I;

(b) Monitor, through sampling and other techniques, the components of biological diversity identified pursuant to subparagraph (a) above, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;

(c) Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques; and

(d) Maintain and organize, by any mechanism data, derived from identification and monitoring activities pursuant to subparagraphs (a), (b) and (c) above.

ARTICLE 8. IN-SITU CONSERVATION

Each Contracting Party shall, as far as possible and as appropriate:

(a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;

(b) Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;

(c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;

(d) Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;

(e) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;

(f) Rehabilitate and restore degraded ecosystems and promote tile recovery of threatened species, inter alia, through the development and implementation of plans or other management strategies;

(g) Establish or maintain means to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health;

(h) Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species;

(i) Endeavour to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components;

(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holder of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;

(k) Develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations;

(l) Where a significant adverse effect on biological diversity has been determined pursuant to Article 7, regulate or manage the relevant processes and categories of activities; and

(m) Cooperate in providing financial and other support for in-situ conservation outlined in subparagraphs (a) to (1) above, particularly to developing countries.

ARTICLE 9. EX-SITU CONSERVATION

Each Contracting Party shall, as far as possible and as appropriate, and predominantly for the purpose of complementing in-situ measures:

(a) Adopt measures for the ex-situ conservation of components of biological diversity, preferably in the country of origin of such components;

(b) Establish and maintain facilities for ex-situ conservation of and research on plants, animals and micro-organisms, preferably in the country of origin of genetic resources;

(c) Adopt measures for the recovery and rehabilitation of threatened species and for their reintroduction into their natural habitats under appropriate conditions;

(d) Regulate and manage collection of biological resources from natural habitats for ex-situ conservation purposes so as not to threaten ecosystems and in-situ populations of species, except where special temporary ex-situ measures are required under subparagraph (c) above; and

(e) cooperate in providing financial and other support for ex-situ conservation outlined in subparagraphs (a) to (d) above and in the establishment and maintenance of ex-situ conservation facilities in developing countries.

ARTICLE 10. SUSTAINABLE USE OF COMPONENTS OF BIOLOGICAL DIVERSITY

Each Contracting Party shall, as far as possible and as appropriate:

(a) Integrate consideration of the conservation and sustainable Use of biological resources into national decision-making;

(b) Adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity;

(c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;

(d) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced; and

(e) Encourage cooperation between its governmental authorities and its private sector in developing methods for sustainable use of biological resources.

ARTICLE 11. INCENTIVE MEASURES

Each Contracting Party shall, as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.

ARTICLE 12. RESEARCH AND TRAINING

The Contracting Parties, taking into account the special needs of developing countries, shall:

(a) Establish and maintain programmes for scientific and technical education and training in measures for the identification, conservation and sustainable use of biological diversity and its components and provide support for such education and training for the specific needs of developing countries;

(b) Promote and encourage research which contributes to the conservation and sustainable use of biological diversity, particularly in developing countries, inter-alia, in accordance with decisions of the Conference of the Parties taken in consequence of recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice; and

(c) In keeping with the provisions of Articles 16, 18 and 20, promote and cooperate in the use of scientific advances in biological diversity research in developing methods for conservation and sustainable use of biological resources.

ARTICLE 13. PUBLIC EDUCATION AND AWARENESS

The Contracting Parties shall:

(a) Promote and encourage understanding of the importance of, and the measures required for, the conservation of biological diversity, as well as its propagation through media, and the inclusion of these topics in educational programmes; and

(b) Cooperate, as appropriate, with other States and international organizations in developing educational and public awareness programmes, with respect to conservation and sustainable use of biological diversity.

ARTICLE 14. IMPACT ASSESSMENT AND MINIMIZING ADVERSE IMPACTS

1. Each Contracting Party, as far as possible and as appropriate, shall:

(a) Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures;

(b) Introduce appropriate arrangements to ensure that the environmental consequences of its programmes and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account;

(c) Promote, on the basis of reciprocity, notification, exchange of information and consultation on activities under their jurisdiction or control which are likely to significantly affect adversely the biological diversity of other States or areas beyond the limits of national jurisdiction, by encouraging the conclusion of bilateral, regional or multilateral arrangements, as appropriate;

(d) In the case of imminent or grave danger or damage, originating under its jurisdiction or control, to biological diversity within the area under jurisdiction of oilier States or in areas beyond the limits of national jurisdiction, notify immediately the potentially affected States of such danger or damage, as well as initiate action to prevent or minimize such danger or damage; and

(e) Promote national arrangements for emergency responses to activities or events, whether caused naturally or otherwise, which present a grave and imminent danger to biological diversity and encourage international cooperation to supplement such national efforts and, where appropriate and agreed by the States or regional economic integration organizations concerned, to establish joint contingency plans.

2. The Conference of the Parties shall examine, on the basis of studies to be carried out, the issue of liability and redress, including restoration and compensation, for damage to biological diversity, except where such liability is a purely internal matter.

ARTICLE 15. ACCESS TO GENETIC RESOURCES

1. Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.

2. Each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties and not to impose restrictions that run counter to the objectives of this Convention.

3. For the purpose of this Convention, the genetic resources being provided by a Contracting Party, as referred to in this Article and Articles 16 and 19, are only those that are provided by Contracting Parties that are countries of origin of such resources or by the Parties that have acquired the genetic resources in accordance with this Convention.

4. Access, where granted, shall be on mutually agreed terms and subject to the provisions of this Article.

5. Access to genetic resources shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party.

6. Each Contracting Party shall endeavour to develop and carry out scientific research based on genetic resources provided by other Contracting Parties with the full participation of, and where possible in, such Contracting Parties.

7. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, and in accordance with Articles 16 and 19 and, where necessary, through the financial mechanism established by Articles 20 and 21 with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the Contracting Party providing such resources. Such sharing shall be upon mutually agreed terms.

ARTICLE 16. ACCESS TO AND TRANSFER OF TECHNOLOGY

1. Each Contracting Party, recognizing that technology includes biotechnology, and that both access to and transfer of technology among Contracting Parties are essential elements for the attainment of the objectives of this Convention, undertakes subject to the provisions of this Article to provide and/or facilitate access for and transfer to other Contracting Parties of technologies that are relevant to the conservation and sustainable use of biological diversity or make use of genetic resources and do not cause significant damage to the environment.

2. Access to and transfer of technology referred to in paragraph 1 above to developing countries shall be provided and/or facilitated under fair and most favourable terms, including on concessional and preferential terms where mutually agreed, and, where necessary, in accordance with the financial mechanism established by Articles 20 and 21. In the case of technology subject to patents and other intellectual property rights, such access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights. The application of this paragraph shall be consistent with paragraphs 3, 4 and 5 below.

3. Each Contracting Party shall take legislative, administrative or policy measures as appropriate with the aim that Contracting Parties, in particular those that are developing countries, which provide genetic resources are provided access to and transfer of technology which makes use of those resources, on mutually agreed terms, including technology protected by patents and other intellectual property rights, where necessary, through the provisions of Articles 20 and 21 and in accordance with international law and consistent with paragraphs 4 and 5 below.

4. Each Contracting Party shall take legislative, administrative or policy the private sector facilitates measures, as appropriate, with the aim that access to, joint development and transfer of technology referred to in paragraph 1 above for the benefit of both governmental institutions and the private sector of developing countries and in this regard shall abide by the obligation included in paragraphs 1, 2 and 3 above.

5. The Contracting Parties, recognizing that patents and other intellectual property rights may have an influence on the implementation of this Convention, shall cooperate in this regard subject to national legislation and international law in order to ensure that such rights are supportive of and do not run counter to its objectives.

ARTICLE 17. EXCHANGE OF INFORMATION

1. The Contracting Parties shall facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries.

2. Such exchange of information shall include exchange of results of technical, scientific and socioeconomic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.

ARTICLE 18. TECHNICAL AND SCIENTIFIC COOPERATION

1. The Contracting Parties shall promote international technical and scientific cooperation in the field of conservation and sustainable use of biological diversity, where necessary, through the appropriate international and national institutions.

2. Each Contracting Party shall promote technical and scientific cooperation with other Contracting Parties, in particular developing countries, in implementing this Convention, inter alia, through the development and implementation of national policies. In promoting such cooperation, special attention should be given to the development and strengthening of national capabilities, by means of human resources development and institution building.

3. The Conference of the Parties, at its first meeting, shall determine how to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation.

4. The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchanging of experts.

5. The Contracting Parties shall, subject to mutual agreement, promote the establishment of joint research programmes and joint ventures for the development of technologies relevant to the objectives of this convention.

ARTICLE 19. HANDLING OF BIOTECHNOLOGY AND DISTRIBUTION OF ITS BENEFITS

1. Each Contracting Party shall take legislative, administrative or policy measures, as

appropriate, to provide for the effective participation in biotechnological research activities by those Contracting Parties, especially developing countries, which provide the genetic resources for such research, and where feasible in such Contracting Parties.

2. Each Contracting Party shall take all practicable measures to promote and advance priority access on a fair and equitable basis by Contracting Parties, especially developing countries, to the results and benefits arising from biotechnologies based upon genetic resources provided by those Contracting Parties. Such access shall be on mutually agreed terms.

3. The Parties shall consider the need for and modalities of a protocol setting out appropriate procedures, including, in particular, advance informed agreement, in the field of the safe transfer, handling and use of any living modified organism resulting from biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity.

4. Each Contracting Party shall, directly or by requiring any natural or legal person under its jurisdiction providing the organisms referred to in paragraph 3 above, provide any available information about the use and safety regulations required by that Contracting Party in handling such organisms, as well as any available information on the potential adverse impact of the specific organisms concerned to the Contracting Party into which those organisms are to be introduced.

ARTICLE 20. FINANCIAL RESOURCES

1. Each Contracting Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of those national activities which are intended to achieve the objectives of this Convention, in accordance with its national plans, priorities and programmes.

2. The developed country Parties shall provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures which fulfil the obligations of this Convention and to benefit from its provisions and which costs are agreed between a developing country Party and the institutional structure referred to in Article 21, in accordance with policy, strategy, programme priorities and eligibility criteria and an indicative list of incremental costs established by the Conference of the Parties. Other Parties, including countries undergoing the process of transition to a market economy, may voluntarily assume the obligations of the developed country Parties. For the purpose of this Article, the Conference of the Parties, shall at its first meeting establish a list of developed country Parties and other Parties which voluntarily assume the obligations of the developed country Parties. The Conference of the Parties shall periodically review and if necessary amend the list. Contributions from other countries and sources on a voluntary basis would also be encouraged. The implementation of these commitments shall take into account the need for adequacy, predictability and timely flow of funds and the importance of burden-sharing among the contributing Parties included in the list.

3. The developed country Parties may also provide, and developing country Parties avail themselves of, financial resources related to the implementation of this Convention through bilateral, regional and other multilateral channels.

4. The extent to which developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention related to financial resources and transfer of technology and will take fully into account the fact that economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties.

5. The Parties shall take full account of the specific needs and special situation of least developed countries in their actions with regard to funding and transfer of technology.

6. The Contracting Parties shall also take into consideration the special conditions resulting from the dependence on, distribution and location of, biological diversity Within developing country Parties, in particular small Island States.

7. Consideration shall also be given to the special situation of developing countries, including those that are most environmentally vulnerable, such as those with arid and semi-arid zones, coastal and mountainous areas.

ARTICLE 21. FINANCIAL MECHANISM

1. There shall be a mechanism for the provision of financial resources to developing country Parties for purposes of this Convention on a grant or concessional basis the essential elements of which are described in this Article. The mechanism shall function under the authority and guidance of, and be accountable to, the Conference of the Parties for purposes of this Convention. The operations of the mechanism shall be carried out by such institutional structure as may be decided upon by the Conference of the Parties at its first meeting. For purposes of this Convention, the Conference of the Parties shall determine the policy, strategy, programme priorities and eligibility criteria relating to the access to and utilization of such resources. The contributions shall be such as to take into account the need for predictability, adequacy and timely flow of funds referred to in Article 20 in accordance with the amount of resources needed to be decided periodically by the Conference of the Parties and the importance of burden-sharing among the contributing Parties included in the list referred to in Article 20, paragraph 2. Voluntary contributions may also be made by the developed country Parties and by other countries and sources. The mechanism shall operate within a democratic and transparent system of governance.

2. Pursuant to the objectives of this Convention, the Conference of the Parties shall at its first meeting determine the policy, strategy and programme priorities, as well as detailed criteria and guidelines for eligibility for access to and utilization of the financial resources including monitoring and evaluation on a regular basis of such utilization. The Conference of the Parties shall decide on the arrangements to give effect to paragraph 1 above after consultation with the institutional structure entrusted with the operation of the financial mechanism.

3. The Conference of the Parties shall review the effectiveness of the mechanism established under this Article, including the criteria and guidelines referred to in paragraph 2 above, not less than two years after the entry into force of this Convention and thereafter on a regular basis. Based on such review, it shall take appropriate action to improve the effectiveness of the mechanism if necessary.

4. The Contracting Parties shall consider strengthening existing financial institutions to provide financial resources for the conservation and sustainable use of biological diversity.

ARTICLE 22. RELATIONSHIP WITH OTHER INTERNATIONAL CONVENTIONS

1. The provisions of this Convention shall not affect the rights and obligations of any Contracting Party deriving from any existing international agreement, except where the exercise of those rights and obligations would cause a serious damage or threat to biological diversity.

2. Contracting Parties shall implement this Convention with respect to the marine environment consistently with the rights and obligations of States under the law of the sea.

ARTICLE 23. CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme 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.

2. 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.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules governing the funding of the Secretariat. At each ordinary meeting, it shall adopt a budget for the financial period until the next ordinary meeting.

4. The Conference of the Parties shall keep under review the implementation of this Convention, and, for this purpose, shall:

   (a) Establish the form and the intervals for transmitting the information to be submitted in accordance with Article 26 and consider such information as well as reports submitted by any subsidiary body;

   (b) Review scientific, technical and technological advice on biological diversity provided in accordance with Article 25;

   (c) Consider and adopt, as required, protocols in accordance with Article 28;

   (d) Consider and adopt, as required, in accordance with Articles 29 and 30, amendments to this Convention and its annexes;

   (e) Consider amendments to any protocol, as well as to any annexes thereto, and, if so decided, recommend their adoption to the parties to the protocol concerned;

   (f) Consider and adopt, as required, in accordance with Article 30, additional annexes to this Convention;

   (g) Establish such subsidiary bodies, particularly to provide scientific and technical advice, as are deemed necessary for the implementation of this Convention;

   (h) Contact, through the Secretariat, the executive bodies of conventions dealing with matters covered by this Convention with a view to establishing appropriate forms of cooperation with them; and

   (i) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation.

5. 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 as observers at meetings of the Conference of the Parties. Any other body or agency, whether governmental or non-governmental, qualified in fields relating to conservation and sustainable use of biological diversity, which has informed the Secretariat of its wish to be represented as an observer at a meeting of the conference of the Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

ARTICLE 24. SECRETARIAT

1. A secretariat is hereby established. Its functions shall be:

   (a) To arrange for and service meetings of the Conference of the Parties provided for in Article 23;

   (b) To perform the functions assigned to it by any protocol;

   (c) To prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties;

(d) To coordinate with other relevant international bodies and, in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(e) To perform such other functions as may be determined by the Conference of the Parties.

2. At its first ordinary meeting, the Conference of the PartieS shall designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.

ARTICLE 25. SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE

1. A subsidiary body for the provision of scientific, technical and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely advice relating to the implementation of this Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the authority of and in accordance with guidelines laid down by the Conference of the Parties, and upon its request, this body shall:

   (a) Provide scientific and technical assessments of the status of biological diversity;

   (b) Prepare scientific and technical assessments of the effects of types of measures taken in accordance with the provisions of this Convention;

   (c) Identify innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and advise on the ways and means of promoting development and/or transferring such technologies;

   (d) Provide advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity; and

   (e) Respond to scientific, technical, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.

3. The functions, terms of reference, organization and operation of this body may be further elaborated by the Conference of the Parties.

ARTICLE 26. REPORTS

Each Contracting Party shall, at intervals to be determined by the Conference of the Parties, present to the Conference of the Parties, reports on measures which it has taken for the implementation of the provisions of this Convention and their effectiveness in meeting the objectives of this Convention.

ARTICLE 27. SETTLEMENT OF DISPUTES

1. In the event of a dispute between Contracting Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.

2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

3. When ratifying, accepting, approving or acceding to this convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph I or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:

   (a) Arbitration in accordance with the procedure laid down in Part 1 of Annex II;

   (b) Submission of the dispute to the International Court of Justice.

4. If the parties to the dispute have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with Part 2 of Annex II unless the parties otherwise agree.

5. The provisions of this Article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.

ARTICLE 28. ADOPTION OF PROTOCOLS

1. The Contracting Parties shall cooperate in the formulation and adoption of protocols to this Convention.

2. Protocols shall be adopted at a meeting of the Conference of the Parties.

3. The text of any proposed protocol shall be communicated to the Contracting Parties by the Secretariat at least six months before such a meeting.

ARTICLE 29. AMENDMENT OF THE CONVENTION OR PROTOCOLS

1. Amendments to this Convention may be proposed by any Contracting Party. Amendments to any protocol may be proposed by any Party to that protocol.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the Protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to this convention for information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention or to any protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-third majority vote of the Parties to the instrument in question present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, acceptance or approval.

4. Ratification, acceptance or approval of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph 3 above shall enter into force among Parties having accepted them on the ninetieth day after the deposit of instruments of ratification, acceptance or approval by at least two thirds of the Contracting Parties to this Convention or of the Parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of the amendments.

5. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

ARTICLE 30. ADOPTION AND AMENDMENT OF ANNEXES

1. The annexes to this Convention or to any protocol shall form an integral part of the Convention or r such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to procedural, scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to any protocol:

   (a) Annexes to this Convention or to any protocol shall be proposed and adopted according to the procedure laid down in Article 29;

   (b) Any Party that is unable to approve an additional annex to this Convention or an annex to any protocol to which it is Party shall so notify the Depositary, in writing, within one year from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous declaration of objection and the annexes shall thereupon enter into force for that Party subject to subparagraph (c) below;

   (c) on the expiry of one year from the date of the communication of the adoption by the Depositary, the annex shall enter into force for all Parties to this Convention or to any protocol concerned which have not submitted a notification in accordance with the provisions of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to any protocol.

4. If an additional annex or an amendment to an annex is related to an amendment to this Convention or to any protocol, the additional annex or amendment shall not enter into force until such time as the amendment to the Convention or to the protocol concerned enters into force.

ARTICLE 31. RIGHT TO VOTE

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention or to any protocol shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

ARTICLE 32. RELATIONSHIP BETWEEN THIS CONVENTION AND ITS PROTOCOLS

1. A State or a regional economic integration organization may not become a Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.

2. Decisions under any protocol shall be taken only by the Parties to the protocol concerned. Any Contracting Party that has not ratified, accepted or approved a protocol may participate as an observer in any meeting of the parties to that protocol.

ARTICLE 33. SIGNATURE

This Convention shall be open for signature at Rio de Janeiro by all states and any regional economic integration organization from 5 June 1992 until 14 June 1992, and at the United Nations Headquarters in New York from 15 June 1992 to 4 June 1993.

ARTICLE 34. RATIFICATION, ACCEPTANCE OR APPROVAL

1. This convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Contracting Party to this Convention or any protocol without any of its member states being a Contracting Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Contracting Party to this Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.

3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any relevant modification in the extent of their competence.

ARTICLE 35. ACCESSION

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the date on which the convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any relevant modification in the extent of their competence.

3. The provisions of Article 34, paragraph 2, shall apply to regional economic integration organizations which accede to this Convention or any protocol.

ARTICLE 36. ENTRY INTO FORCE

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.

2. Any protocol shall enter into force on the ninetieth day after the date of deposit of the number of instruments of ratification, acceptance, approval or accession, specified in that protocol, has been deposited.

3. For each Contracting Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Contracting Party of its instrument of ratification, acceptance, approval or accession.

4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a Contracting Party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that Contracting Party deposits its instrument of ratification, acceptance,

approval or accession, or on the date on which this Convention enters into force for that Contracting Party, whichever shall be the later.

5. For the purposes of paragraphs 1 and 2 above, any instrument deposited by regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

ARTICLE 37. RESERVATIONS

No reservations may be made to this Convention.

ARTICLE 38. WITHDRAWALS

1. At any time after two years from the date on which this Convention has entered into force for a Contracting Party, that Contracting Party may withdraw from the convention by giving written notification to the Depositary.

2. Any such withdrawal shall take place upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

3. Any Contracting Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is party.

ARTICLE 39. FINANCIAL INTERIM ARRANGEMENTS

Provided that it has been fully restructured in accordance with the requirements of Article 21, the Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development- shall be the institutional structure referred to in Article 21 on an i@interim basis, for the period between the entry into force of this Convention and the first meeting of the conference of the Parties or until the Conference of the Parties decides which institutional structure will be designated in accordance with Article 21.

ARTICLE 40. SECRETARIAT INTERIM ARRANGEMENTS

The secretariat to be provided by the Executive Director of the United Nations Environment Programme shall be the secretariat referred to in Article 24, paragraph 2, on an interim basis for the period between the entry into force of this Convention and the first meeting of the Conference of the Parties.

ARTICLE 41. DEPOSITARY

The Secretary-General of the United Nations shall assume the functions of Depositary of this Convention and any protocols.

ARTICLE 42. AUTHENTIC TEXTS

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Rio de Janeiro on this fifth day of June, one thousand nine hundred and ninety-two.

• Date of entry into force 29 December 1993

ANNEX I

IDENTIFICATION AND MONITORING

1. Ecosystems and habitats: containing high diversity, large numbers of endemic or threatened species, or wilderness; required by migratory species; of social, economic, cultural or scientific importance; or, which are representative, unique or associated with key evolutionary or other biological processes;

2. Species and communities which are: threatened; wild relatives of domesticated or cultivated species; of medicinal, agricultural or other economic value; or social, scientific or cultural importance; or importance for research into the conservation and sustainable use of biological diversity, such as indicator species; and

3. Described genomes and genes of social, scientific or economic importance.

ANNEX II

PART 1

ARBITRATION

ARTICLE 1

The claimant party shall notify the secretariat that the parties are referring a dispute to arbitration pursuant to Article 27. The notification shall state the subject-matter of arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which are at issue. If the parties do not agree on the subject matter of the dispute before the President of the tribunal is designated, the arbitral tribunal shall determine the subject matter. The secretariat shall forward the information thus received to all Contracting Parties to this Convention or to the protocol concerned.

ARTICLE 2

1. In disputes between two parties, the arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the President of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

2. In disputes between more than two parties, parties in the same interest shall appoint one arbitrator jointly by agreement.

3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

ARTICLE 3

1. If the President of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a party, designate the President within a further two-month period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary-General who shall make the designation within a further two-month period.

ARTICLE 4

The arbitral tribunal shall render its decisions in accordance with the provisions of this Convention, any protocols concerned, and international law.

ARTICLE 5

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own rules of procedure.

ARTICLE 6

The arbitral tribunal may, at the request of one of the parties, recommend essential interim measures of protection.

ARTICLE 7

The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

(a) Provide it with all relevant documents, information and facilities; and

(b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

ARTICLE 8

The parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

ARTICLE 9

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its costs, and shall furnish a final statement thereof to the parties.

ARTICLE 10

Any Contracting Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

ARTICLE 11

The tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

ARTICLE 12

Decisions both on procedure and substance of the arbitral tribunal shall be taken by a majority vote of its members.

ARTICLE 13

If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or a failure of a party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

ARTICLE 14

The tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time-limit for a period which should not exceed five more months.

ARTICLE 15

The final decision of the arbitral tribunal shall be confined to the subject-matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

ARTICLE 16

The award shall be binding on the parties to the dispute. It shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

ARTICLE 17

Any controversy which may arise between the parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either party for decision to the arbitral tribunal which rendered it.

PART 2

CONCILIATION

ARTICLE 1

A conciliation commission shall be created upon the request of one of the parties to the dispute. The 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 shall appoint their members e commission jointly by agreement. Where two or more parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

ARTICLE 3

If any appointments by the parties are not made within two months of the date of the request to create a conciliation commission, the Secretary-General of the United Nations shall, if asked to do so by the party that made make those appointments within a further two-month period.

ARTICLE 4

If a President of the conciliation commission has not been chosen within two months of the last of the members of the commission being appointed, the Secretary-General of the United Nations shall, if asked to do so by the party that made the request, make those appointments within a further two-month period.

ARTICLE 5

The conciliation commission shall take its decisions by majority vote of its members. It shall, unless the parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the dispute, which the parties shall consider in good faith.

ARTICLE 6

A disagreement as to whether the conciliation commission has competence shall be decided by the commission.

STATUS OF RATIFICATION

(As of 10 July 1995)

Participant	Signature	Ratification Acceptance (At) Approval (Ap) Accession (Ac)	
Afghanistan	12. 6.1992		
Albania		5. 1.1994	(Ac)
Algeria	13. 6.1992		
Angola	12. 6.1992		
Antigua and Barbuda	5. 6.1992	9. 3.1993	
Argentina	12. 6.1992	22.11.1994	
Armenia	13. 6.1992	14. 5.1993	(At)
Australia	5. 6.1992	18. 6.1993	
Austria	13. 6.1992	18. 8.1994	
Azerbaijan	12. 6.1992		
Bahamas	12. 6.1992	2. 9.1993	
Bahrain	9. 6.1992		
Bangladesh	5. 6.1992	3. 5.1994	
Barbados	12. 6.1992	10.12.1993	
Belarus	11. 6.1992	8. 9.1993	
Belgium	5. 6.1992		
Belize	13. 6.1992	30.12.1993	
Benin	13. 6.1992	30. 6.1994	
Bhutan	11. 6.1992		
Bolivia	13. 6.1992	3.10.1994	
Botswana	8. 6.1992		
Brazil	5. 6.1992	28. 2.1994	
Bulgaria	12. 6.1992		
Burkina Faso	12. 6.1992	2. 9.1993	
Burundi	11. 6.1992		
Cambodia		9. 2.1994	(Ac)
Cameroon	14. 6.1992	19.10.1994	
Canada	11. 6.1992	4.12.1992	
Cape Verde	12. 6.1992	29. 3.1995	
Central African Republic	13. 6.1992	15. 3.1995	
Chad	12. 6.1992	7. 6.1994	
Chile	13. 6.1992	9. 9.1994	
China	11. 6.1992	5. 1.1993	
Colombia	12. 6.1992	28.11.1994	
Comoros	11. 6.1992	29. 9.1994	
Congo	11. 6.1992		
Cook Islands	12. 6.1992	20. 4.1993	
Costa Rica	13. 6.1992	26. 8.1994	
Cote d'Ivoire	10. 6.1992	29.11.1994	
Croatia	11. 6.1992		
Cuba	12. 6.1992	8. 3.1994	
Cyprus	12. 6.1992		
Czech Republic	4. 6.1993	3.12.1993 (Ap)	
Democratic People's Republic of Korea	11. 6.1992	26.10.1994 (At)	
Denmark	12. 6.1992	21.12.1993	
Djibouti	13. 6.1992	1. 9.1994	

Dominica		6. 4.1994	(Ac)
Dominican Republic	13. 6.1992		
Ecuador	9. 6.1992	23. 2.1993	
Egypt	9. 6.1992	2. 6.1994	
El Salvador	13. 6.1992	8. 9.1994	
Equatorial Guinea		6.12.1994	(Ac)
Estonia	12. 6.1992	27. 7.1994	
Ethiopia	10. 6.1992	5. 4.1994	
Fiji	9.10.1992	25. 2.1993	
Finland	5. 6.1992	27. 7.1994	(Ap)
France	13. 6.1992	1. 7.1994	
Gabon	12. 6.1992		
Gambia	12. 6.1992	10. 6.1994	
Georgia		2. 6.1994	(Ac)
Germany	12. 6.1992	21.12.1993	
Ghana	12. 6.1992	29. 8.1994	
Greece	12. 6.1992	4. 8.1994	
Grenada	3.12.1992	11. 8.1994	
Guatemala	13. 6.1992	10. 7.1995	
Guinea	12. 6.1992	7. 5.1993	
Guinea-Bissau	12. 6.1992		
Guyana	13. 6.1992	29. 8.1994	
Haiti	13. 6.1992		
Honduras	13. 6.1992		
Hungary	13. 6.1992	24. 2.1994	
Iceland	10. 6.1992	12. 9.1994	
India	5. 6.1992	18. 2.1994	
Indonesia	5. 6.1992	23. 8.1994	
Iran	14. 6.1992		
Ireland	13. 6.1992		
Israel	11. 6.1992		
Italy	5. 6.1992	15. 4.1994	
Jamaica	11. 6.1992	6. 1.1995	
Japan	13. 6.1992	28. 5.1993	(At)
Jordan	11. 6.1992	12.11.1993	
Kazakhstan	9. 6.1992	6. 9.1994	
Kenya	11. 6.1992	26. 7.1994	
Kiribati		16. 8.1994	(Ac)
Kuwait	9. 6.1992		
Latvia	11. 6.1992		
Lebanon	12. 6.1992	15.12.1994	
Lesotho	11. 6.1992	10. 1.1995	
Liberia	12. 6.1992		
Libyan Arab Jamahirya	29. 6.1992		
Liechtenstein	5. 6.1992		
Lithuania	11. 6.1992		
Luxembourg	9. 6.1992	9. 5.1994	
Madagascar	8. 6.1992		
Malawi	10. 6.1992	2. 2.1994	
Malaysia	12. 6.1992	24. 6.1994	
Maldives	12. 6.1992	9.11.1992	
Mali	22. 9.1992	29. 3.1995	
Malta	12. 6.1992		
Marshall Islands	12. 6.1992	8.10.1992	
Mauritania	12. 6.1992		
Mauritius	10. 6.1992	4. 9.1992	
Mexico	13. 6.1992	11. 3.1993	
Micronesia	12. 6.1992	20. 6.1994	
Moldova	5. 6.1992		
Monaco	11. 6.1992	24.11.1992	
Mongolia	12. 6.1992	30. 9.1993	
Morocco	13. 6.1992		
Mozambique	12. 6.1992		
Myanmar	11. 6.1992	25.11.1994	
Namibia	12. 6.1992		

Nauru	5. 6.1992	11.11.1993	
Nepal	12. 6.1992	23.11.1993	
Netherlands	5. 6.1992	12. 7.1994	(Ap)
New Zealand	12. 6.1992	16. 9.1993	
Nicaragua	13. 6.1992		
Niger	11. 6.1992		
Nigeria	13. 6.1992	29. 8.1994	
Norway	9. 6.1992	9. 7.1993	
Oman	10. 6.1992	8. 2.1995	
Pakistan	5. 6.1992	26. 7.1994	
Panama	13. 6.1992	17. 1.1995	
Papua New Guinea	13. 6.1992	16. 3.1993	
Paraguay	12. 6.1992	24. 2.1994	
Peru	12. 6.1992	7. 6.1993	
Philippines	12. 6.1992	8.10.1993	
Poland	5. 6.1992		
Portugal	13. 6.1992	21.12.1993	
Qatar	11. 6.1992		
Republic of Korea	13. 6.1992	3.10.1994	
Romania	5. 6.1992	16. 8.1994	
Russian Federation	13. 6.1992	5. 4.1995	
Rwanda	10. 6.1992		
Saint Kitts and Nevis	12. 6.1992	7. 1.1993	
Saint Lucia		28. 7.1993	(Ac)
Samoa	12. 6.1992	9. 2.1994	
San Marino	10. 6.1992	28.10.1994	
Sao Tome and Principe	12. 6.1992		
Senegal	13. 6.1992	17.10.1994	
Seychelles	10. 6.1992	22. 9.1992	
Singapore	10. 3.1993		
Sierra Leone		12.12.1994	(Ac)
Slovakia	19. 5.1993	25. 8.1994	(Ap)
Slovenia	13. 6.1992		
Solomon Islands	13. 6.1992		
South Africa	4. 6.1993		
Spain	13. 6.1992	21.12.1993	
Sri Lanka	10. 6.1992	23. 3.1994	
Sudan	9. 6.1992		
Suriname	13. 6.1992		
Swaziland	12. 6.1992	9.11.1994	
Sweden	8. 6.1992	16.12.1993	
Switzerland	12. 6.1992	21.11.1994	
Syrian Arab Republic	3. 5.1993		
Thailand	12. 6.1992		
Togo	12. 6.1992		
Trinidad and Tobago	11. 6.1992		
Tunisia	13. 6.1992	15. 7.1993	
Turkey	11. 6.1992		
Tuvalu	8. 6.1992		
Uganda	12. 6.1992	8. 9.1994	
Ukraine	11. 6.1992	7. 2.1995	
United Arab Emirates	11. 6.1992		
United Kingdom of Great Britain and Northern Ireland	12. 6.1992	3. 6.1994	
United Republic of Tanzania	12. 6.1992		
United States of America	4. 6.1993		
Uruguay	9. 6.1993	5.11.1993	
Vanuatu	9. 6.1992	25. 3.1993	
Venezuela	12. 6.1992	13. 9.1994	
Viet Nam	28. 5.1993	16.11.1994	
Yemen	12. 6.1992		
Yugoslavia	8. 6.1992		

Zaire	11. 6.1992	3.12.1994	
Zambia	11. 6.1992	28. 5.1993	
Zimbabwe	12. 6.1992	11.11.1994	
European Economic Community	13. 6.1992	21.12.1993	(Ap)

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

TEXT OF THE CONVENTION

The Parties to this Convention,

Acknowledging that change in the Earth's climate and its adverse effects are a common concern of humankind,

Concerned that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind,

Noting that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs,

Aware of the role and importance in terrestrial and marine ecosystems of sinks and reservoirs of greenhouse gases,

Noting that there are many uncertainties in predictions of climate change, particularly with regard to the timing, magnitude and regional patterns thereof,

Acknowledging that the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions,

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972,

Recalling also that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Reaffirming the principle of sovereignty of States in international cooperation to address climate change,

Recognizing that States should enact effective environmental legislation, that environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply, and that standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries,

Recalling the provisions of General Assembly resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development, and resolutions 43/53 of 6 December 1988, 44/207 of 22 December 1989, 45/212 of 21 December 1990 and 46/169 of 19 December 1991 on protection of global climate for present and future generations of mankind,

Recalling also the provisions of General Assembly resolution 44/206 of 22 December 1989 on the possible adverse effects of sea-level rise on islands and coastal areas, particularly low-lying coastal areas and the pertinent provisions of General Assembly resolution 44/172 of 19 December 1989 on the implementation of the Plan of Action to Combat Desertification,

Recalling further the Vienna Convention for the Protection of the Ozone Layer, 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, as adjusted and amended on 29 June 1990,

Noting the Ministerial Declaration of the Second World Climate Conference adopted on 7 November 1990,

Conscious of the valuable analytical work being conducted by many States on climate change and of the important contributions of the World Meteorological Organization, the United Nations Environment Programme and other organs, organizations and bodies of the United Nations system, as well as other international and intergovernmental bodies, to the exchange of results of scientific research and the coordination of research,

Recognizing that steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas,

Recognizing that various actions to address climate change can be justified economically in their own right and can also help in solving other environmental problems,

Recognizing also the need for developed countries to take immediate action in a flexible manner on the basis of clear priorities, as a first step towards comprehensive response strategies at the global, national and, where agreed, regional levels that take into account all greenhouse gases, with due consideration of their relative contributions to the enhancement of the greenhouse effect,

Recognizing further that low-lying and other small island countries, countries with low-lying coastal, arid and semi-arid areas or areas liable to floods, drought and desertification, and developing countries with fragile mountainous ecosystems are particularly vulnerable to the adverse effects of climate change,

Recognizing the special difficulties of those countries, especially developing countries, whose economies are particularly dependent on fossil fuel production, use and exportation, as a consequence of action taken on limiting greenhouse gas emissions,

Affirming that responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Recognizing that all countries, especially developing countries, need access to resources required to achieve sustainable social and economic development and that, in order for developing countries to progress towards that goal, their energy consumption will need to grow taking into account the possibilities for achieving greater energy efficiency and for controlling greenhouse gas emissions in general, including through the application of new technologies on terms which make such an application economically and socially beneficial,

Determined to protect the climate system for present and future generations,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

DEFINITIONS

(Titles of articles are included solely to assist the reader)

For the purposes of this Convention:

1. "Adverse effects of climate change" means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare.

2. "Climate change" means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

3. "Climate system" means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions.

4. "Emissions" means the release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time.

5. "Greenhouse gases" means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.

6. "Regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.

7. "Reservoir" means a component or components of the climate system where a greenhouse gas or a precursor of a greenhouse gas is stored.

8. "Sink" means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere.

9. "Source" means any process or activity which releases a greenhouse gas, an aerosol or a precursor of a greenhouse gas into the atmosphere.

ARTICLE 2

OBJECTIVE

The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

ARTICLE 3

PRINCIPLES

In their actions to achieve the objective of the Convention and to implement its provisions, the Parties shall be guided, *inter alia*, by the following:

1. The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.

2. The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and of those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration.

3. The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and

comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties.

4. The Parties have a right to, and should, promote sustainable development. Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change.

5. The Parties should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, thus enabling them better to address the problems of climate change. Measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

ARTICLE 4

COMMITMENTS

1. All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall:

   (a) Develop, periodically update, publish and make available to the Conference of the Parties, in accordance with Article 12, national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies to be agreed upon by the Conference of the Parties;

   (b) Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change by addressing anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, and measures to facilitate adequate adaptation to climate change;

   (c) Promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors;

   (d) Promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems;

   (e) Cooperate in preparing for adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, and for the protection and rehabilitation of areas, particularly in Africa, affected by drought and desertification, as well as floods;

   (f) Take climate change considerations into account, to the extent feasible, in their relevant social, economic and environmental policies and actions, and employ appropriate methods, for example impact assessments, formulated and determined nationally, with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment, of projects or measures undertaken by them to mitigate or adapt to climate change;

   (g) Promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system and intended to further the understanding and to

reduce or eliminate the remaining uncertainties regarding the causes, effects, magnitude and timing of climate change and the economic and social consequences of various response strategies;

(h) Promote and cooperate in the full, open and prompt exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of various response strategies;

(i) Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations; and

(j) Communicate to the Conference of the Parties information related to implementation, in accordance with Article 12.

2. The developed country Parties and other Parties included in Annex I commit themselves specifically as provided for in the following:

(a) Each of these Parties shall adopt national[1] policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs. These policies and measures will demonstrate that developed countries are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention, recognizing that the return by the end of the present decade to earlier levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol would contribute to such modification, and taking into account the differences in these Parties' starting points and approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, available technologies and other individual circumstances, as well as the need for equitable and appropriate contributions by each of these Parties to the global effort regarding that objective. These Parties may implement such policies and measures jointly with other Parties and may assist other Parties in contributing to the achievement of the objective of the Convention and, in particular, that of this subparagraph;

(b) In order to promote progress to this end, each of these Parties shall communicate, within six months of the entry into force of the Convention for it and periodically thereafter, and in accordance with Article 12, detailed information on its policies and measures referred to in subparagraph (a) above, as well as on its resulting projected anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol for the period referred to in subparagraph (a), with the aim of returning individually or jointly to their 1990 levels these anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol. This information will be reviewed by the Conference of the Parties, at its first session and periodically thereafter, in accordance with Article 7;

(c) Calculations of emissions by sources and removals by sinks of greenhouse gases for the purposes of subparagraph (b) above should take into account the best available scientific knowledge, including of the effective capacity of sinks and the respective contributions of such gases to climate change. The Conference of the Parties shall consider and agree on methodologies for these calculations at its first session and review them regularly thereafter;

(d) The Conference of the Parties shall, at its first session, review the adequacy of subparagraphs (a) and (b) above. Such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information. Based on this review, the Conference of the Parties shall take appropriate action, which may include the adoption of amendments to the commitments in subparagraphs (a) and (b) above. The Conference of the Parties, at its first session, shall also take decisions regarding criteria for joint implementation as indicated in

subparagraph (a) above. A second review of subparagraphs (a) and (b) shall take place not later than 31 December 1998, and thereafter at regular intervals determined by the Conference of the Parties, until the objective of the Convention is met;

(e) Each of these Parties shall :

(i) Coordinate as appropriate with other such Parties, relevant economic and administrative instruments developed to achieve the objective of the Convention; and

(ii) Identify and periodically review its own policies and practices which encourage activities that lead to greater levels of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol than would otherwise occur;

(f) The Conference of the Parties shall review, not later than 31 December 1998, available information with a view to taking decisions regarding such amendments to the lists in Annexes I and II as may be appropriate, with the approval of the Party concerned;

(g) Any Party not included in Annex I may, in its instrument of ratification, acceptance, approval or accession, or at any time thereafter, notify the Depositary that it intends to be bound by subparagraphs (a) and (b) above. The Depositary shall inform the other signatories and Parties of any such notification.

3. The developed country Parties and other developed Parties included in Annex II shall provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations under Article 12, paragraph 1. They shall also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of implementing measures that are covered by paragraph 1 of this Article and that are agreed between a developing country Party and the international entity or entities referred to in Article 11, in accordance with that Article. The implementation of these commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among the developed country Parties.

4. The developed country Parties and other developed Parties included in Annex II shall also assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects.

5. The developed country Parties and other developed Parties included in Annex II shall take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other Parties, particularly developing country Parties, to enable them to implement the provisions of the Convention. In this process, the developed country Parties shall support the development and enhancement of endogenous capacities and technologies of developing country Parties. Other Parties and organizations in a position to do so may also assist in facilitating the transfer of such technologies.

6. In the implementation of their commitments under paragraph 2 above, a certain degree of flexibility shall be allowed by the Conference of the Parties to the Parties included in Annex I undergoing the process of transition to a market economy, in order to enhance the ability of these Parties to address climate change, including with regard to the historical level of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol chosen as a reference.

7. The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties.

8. In the implementation of the commitments in this Article, the Parties shall give full consideration to what actions are necessary under the Convention, including actions related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the adverse effects of climate change and/or the impact of the implementation of response measures, especially on:

   (a) Small island countries;

   (b) Countries with low-lying coastal areas;

   (c) Countries with arid and semi-arid areas, forested areas and areas liable to forest decay;

   (d) Countries with areas prone to natural disasters;

   (e) Countries with areas liable to drought and desertification;

   (f) Countries with areas of high urban atmospheric pollution;

   (g) Countries with areas with fragile ecosystems, including mountainous ecosystems;

   (h) Countries whose economies are highly dependent on income generated from the production, processing and export, and/or on consumption of fossil fuels and associated energy-intensive products; and

   (i) Land-locked and transit countries.

Further, the Conference of the Parties may take actions, as appropriate, with respect to this paragraph.

9. The Parties shall take full account of the specific needs and special situations of the least developed countries in their actions with regard to funding and transfer of technology.

10. The Parties shall, in accordance with Article 10, take into consideration in the implementation of the commitments of the Convention the situation of Parties, particularly developing country Parties, with economies that are vulnerable to the adverse effects of the implementation of measures to respond to climate change. This applies notably to Parties with economies that are highly dependent on income generated from the production, processing and export, and/or consumption of fossil fuels and associated energy-intensive products and/or the use of fossil fuels for which such Parties have serious difficulties in switching to alternatives.

ARTICLE 5

RESEARCH AND SYSTEMATIC OBSERVATION

In carrying out their commitments under Article 4, paragraph 1(g), the Parties shall:

   (a) Support and further develop, as appropriate, international and intergovernmental programmes and networks or organizations aimed at defining, conducting, assessing and financing research, data collection and systematic observation, taking into account the need to minimize duplication of effort;

   (b) Support international and intergovernmental efforts to strengthen systematic observation and national scientific and technical research capacities and capabilities, particularly in developing countries, and to promote access to, and the exchange of, data and analyses thereof obtained from areas beyond national jurisdiction; and

   (c) Take into account the particular concerns and needs of developing countries and cooperate in improving their endogenous capacities and capabilities to participate in the efforts referred to in subparagraphs (a) and (b) above.

ARTICLE 6

EDUCATION, TRAINING AND PUBLIC AWARENESS

In carrying out their commitments under Article 4, paragraph 1(i), the Parties shall:

(a) Promote and facilitate at the national and, as appropriate, subregional and regional levels, and in accordance with national laws and regulations, and within their respective capacities:

(i) The development and implementation of educational and public awareness programmes on climate change and its effects;

(ii) Public access to information on climate change and its effects;

(iii) Public participation in addressing climate change and its effects and developing adequate responses; and

(iv) Training of scientific, technical and managerial personnel.

(b) Cooperate in and promote, at the international level, and, where appropriate, using existing bodies:

(i) The development and exchange of educational and public awareness material on climate change and its effects; and

(ii) The development and implementation of education and training programmes, including the strengthening of national institutions and the exchange or secondment of personnel to train experts in this field, in particular for developing countries.

ARTICLE 7

CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established.

2. The Conference of the Parties, as the supreme body of this Convention, shall keep under regular review the implementation of the Convention and any related legal instruments that the Conference of the Parties may adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To this end, it shall:

(a) Periodically examine the obligations of the Parties and the institutional arrangements under the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge;

(b) Promote and facilitate the exchange of information on measures adopted by the Parties to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;

(c) Facilitate, at the request of two or more Parties, the coordination of measures adopted by them to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;

(d) Promote and guide, in accordance with the objective and provisions of the Convention, the development and periodic refinement of comparable methodologies, to be agreed on by the Conference of the Parties, *inter alia*, for preparing inventories of greenhouse gas emissions by sources and removals by sinks, and for evaluating the effectiveness of measures to limit the emissions and enhance the removals of these gases;

(e) Assess, on the basis of all information made available to it in accordance with the provisions of the Convention, the implementation of the Convention by the Parties, the overall effects of the measures taken pursuant to the Convention, in particular environmental, economic and social effects as well as their cumulative impacts and the extent to which progress towards the objective of the Convention is being achieved;

(f) Consider and adopt regular reports on the implementation of the Convention and ensure their publication;

(g) Make recommendations on any matters necessary for the implementation of the Convention;

(h) Seek to mobilize financial resources in accordance with Article 4, paragraphs 3, 4 and 5, and Article 11;

(i) Establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;

(j) Review reports submitted by its subsidiary bodies and provide guidance to them;

(k) Agree upon and adopt, by consensus, rules of procedure and financial rules for itself and for any subsidiary bodies;

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

(m) Exercise such other functions as are required for the achievement of the objective of the Convention as well as all other functions assigned to it under the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure as well as those of the subsidiary bodies established by the Convention, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim secretariat referred to in Article 21 and shall take place not later than one year after the date of entry into force of the Convention. Thereafter, ordinary sessions of the Conference of the Parties shall be held every year unless otherwise decided by the Conference of the Parties.

5. Extraordinary sessions 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 the Parties by the secretariat, it is supported by at least one third of the Parties.

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

ARTICLE 8

SECRETARIAT

1. A secretariat is hereby established.

2. The functions of the secretariat shall be:

(a) To make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;

(b) To compile and transmit reports submitted to it;

(c) To facilitate assistance to the Parties, particularly developing country Parties, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;

(d) To prepare reports on its activities and present them to the Conference of the Parties;

(e) To ensure the necessary coordination with the secretariats of other relevant international bodies;

(f) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(g) To perform the other secretariat functions specified in the Convention and in any of its protocols and such other functions as may be determined by the Conference of the Parties.

3. The Conference of the Parties, at its first session, shall designate a permanent secretariat and make arrangements for its functioning.

ARTICLE 9

SUBSIDIARY BODY FOR SCIENTIFIC AND TECHNOLOGICAL ADVICE

1. A subsidiary body for scientific and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely information and advice on scientific and technological matters relating to the Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the guidance of the Conference of the Parties, and drawing upon existing competent international bodies, this body shall:

(a) Provide assessments of the state of scientific knowledge relating to climate change and its effects;

(b) Prepare scientific assessments on the effects of measures taken in the implementation of the Convention;

(c) Identify innovative, efficient and state-of-the-art technologies and know-how and advise on the ways and means of promoting development and/or transferring such technologies;

(d) Provide advice on scientific programmes, international cooperation in research and development related to climate change, as well as on ways and means of supporting endogenous capacity-building in developing countries; and

(e) Respond to scientific, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.

3. The functions and terms of reference of this body may be further elaborated by the Conference of the Parties.

ARTICLE 10

SUBSIDIARY BODY FOR IMPLEMENTATION

1. A subsidiary body for implementation is hereby established to assist the Conference of the Parties in the assessment and review of the effective implementation of the Convention. This body shall be open to participation by all Parties and comprise government representatives who are experts on matters related to climate change. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the guidance of the Conference of the Parties, this body shall:

   (a) Consider the information communicated in accordance with Article 12, paragraph 1, to assess the overall aggregated effect of the steps taken by the Parties in the light of the latest scientific assessments concerning climate change;

   (b) Consider the information communicated in accordance with Article 12, paragraph 2, in order to assist the Conference of the Parties in carrying out the reviews required by Article 4, paragraph 2(d); and

   (c) Assist the Conference of the Parties, as appropriate, in the preparation and implementation of its decisions.

ARTICLE 11

FINANCIAL MECHANISM

1. A mechanism for the provision of financial resources on a grant or concessional basis, including for the transfer of technology, is hereby defined. It shall function under the guidance of and be accountable to the Conference of the Parties, which shall decide on its policies, programme priorities and eligibility criteria related to this Convention. Its operation shall be entrusted to one or more existing international entities.

2. The financial mechanism shall have an equitable and balanced representation of all Parties within a transparent system of governance.

3. The Conference of the Parties and the entity or entities entrusted with the operation of the financial mechanism shall agree upon arrangements to give effect to the above paragraphs, which shall include the following:

   (a) Modalities to ensure that the funded projects to address climate change are in conformity with the policies, programme priorities and eligibility criteria established by the Conference of the Parties;

   (b) Modalities by which a particular funding decision may be reconsidered in light of these policies, programme priorities and eligibility criteria;

   (c) Provision by the entity or entities of regular reports to the Conference of the Parties on its funding operations, which is consistent with the requirement for accountability set out in paragraph 1 above; and

   (d) Determination in a predictable and identifiable manner of the amount of funding necessary and available for the implementation of this Convention and the conditions under which that amount shall be periodically reviewed.

4. The Conference of the Parties shall make arrangements to implement the above-mentioned provisions at its first session, reviewing and taking into account the interim arrangements referred to in Article 21, paragraph 3, and shall decide whether these interim arrangements shall be maintained. Within four years thereafter, the Conference of the Parties shall review the financial mechanism and take appropriate measures.

5. The developed country Parties may also provide and developing country Parties avail themselves of, financial resources related to the implementation of the Convention through bilateral, regional and other multilateral channels.

ARTICLE 12

COMMUNICATION OF INFORMATION RELATED TO IMPLEMENTATION

1. In accordance with Article 4, paragraph 1, each Party shall communicate to the Conference of the Parties, through the secretariat, the following elements of information:

   (a) A national inventory of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, to the extent its capacities permit, using comparable methodologies to be promoted and agreed upon by the Conference of the Parties;

   (b) A general description of steps taken or envisaged by the Party to implement the Convention; and

   (c) Any other information that the Party considers relevant to the achievement of the objective of the Convention and suitable for inclusion in its communication, including, if feasible, material relevant for calculations of global emission trends.

2. Each developed country Party and each other Party included in Annex I shall incorporate in its communication the following elements of information:

   (a) A detailed description of the policies and measures that it has adopted to implement its commitment under Article 4, paragraphs 2(a) and 2(b); and

   (b) A specific estimate of the effects that the policies and measures referred to in subparagraph (a) immediately above will have on anthropogenic emissions by its sources and removals by its sinks of greenhouse gases during the period referred to in Article 4, paragraph 2(a).

3. In addition, each developed country Party and each other developed Party included in Annex II shall incorporate details of measures taken in accordance with Article 4, paragraphs 3, 4 and 5.

4. Developing country Parties may, on a voluntary basis, propose projects for financing, including specific technologies, materials, equipment, techniques or practices that would be needed to implement such projects, along with, if possible, an estimate of all incremental costs, of the reductions of emissions and increments of removals of greenhouse gases, as well as an estimate of the consequent benefits.

5. Each developed country Party and each other Party included in Annex I shall make its initial communication within six months of the entry into force of the Convention for that Party. Each Party not so listed shall make its initial communication within three years of the entry into force of the Convention for that Party, or of the availability of financial resources in accordance with Article 4, paragraph 3. Parties that are least developed countries may make their initial communication at their discretion. The frequency of subsequent communications by all Parties shall be determined by the Conference of the Parties, taking into account the differentiated timetable set by this paragraph.

6. Information communicated by Parties under this Article shall be transmitted by the secretariat as soon as possible to the Conference of the Parties and to any subsidiary bodies concerned. If necessary, the procedures for the communication of information may be further considered by the Conference of the Parties.

7. From its first session, the Conference of the Parties shall arrange for the provision to developing country Parties of technical and financial support, on request, in compiling and communicating information under this Article, as well as in identifying the technical and financial needs associated with proposed projects and response measures under Article 4. Such support may be provided by other Parties, by competent international organizations and by the secretariat, as appropriate.

8. Any group of Parties may, subject to guidelines adopted by the Conference of the

Parties, and to prior notification to the Conference of the Parties, make a joint communication in fulfilment of their obligations under this Article, provided that such a communication includes information on the fulfilment by each of these Parties of its individual obligations under the Convention.

9. Information received by the secretariat that is designated by a Party as confidential, in accordance with criteria to be established by the Conference of the Parties, shall be aggregated by the secretariat to protect its confidentiality before being made available to any of the bodies involved in the communication and review of information.

10. Subject to paragraph 9 above, and without prejudice to the ability of any Party to make public its communication at any time, the secretariat shall make communications by Parties under this Article publicly available at the time they are submitted to the Conference of the Parties.

ARTICLE 13

RESOLUTION OF QUESTIONS REGARDING IMPLEMENTATION

The Conference of the Parties shall, at its first session, consider the establishment of a multilateral consultative process, available to Parties on their request, for the resolution of questions regarding the implementation of the Convention.

ARTICLE 14

SETTLEMENT OF DISPUTES

1. In the event of a dispute between any two or more Parties concerning the interpretation or application of the Convention, the Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes as compulsory *ipso facto* and without special agreement, in relation to any Party accepting the same obligation:

(a) Submission of the dispute to the International Court of Justice, and/or

(b) Arbitration in accordance with procedures to be adopted by the Conference of the Parties as soon as practicable, in an annex on arbitration.

A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedures referred to in subparagraph (b) above.

3. A declaration made under paragraph 2 above shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

4. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the arbitral tribunal, unless the parties to the dispute otherwise agree.

5. Subject to the operation of paragraph 2 above, if after twelve months following notification by one Party to another that a dispute exists between them, the Parties concerned have not been able to settle their dispute through the means mentioned in paragraph 1 above, the dispute shall be submitted, at the request of any of the parties to the dispute, to conciliation.

6. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members

appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a recommendatory award, which the parties shall consider in good faith.

7. Additional procedures relating to conciliation shall be adopted by the Conference of the Parties, as soon as practicable, in an annex on conciliation.

8. The provisions of this Article shall apply to any related legal instrument which the Conference of the Parties may adopt, unless the instrument provides otherwise.

ARTICLE 15

AMENDMENTS TO THE CONVENTION

1. Any Party may propose amendments to the Convention.

2. Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to the Convention and, for information, to the Depositary.

3. The Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 above shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three fourths of the Parties to the Convention.

5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.

6. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

ARTICLE 16

ADOPTION AND AMENDMENT OF ANNEXES TO THE CONVENTION

1. Annexes to the Convention shall form an integral part thereof and, unless otherwise expressly provided, a reference to the Convention constitutes at the same time a reference to any annexes thereto. Without prejudice to the provisions of Article 14, paragraphs 2(b) and 7, such annexes shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.

2. Annexes to the Convention shall be proposed and adopted in accordance with the procedure set forth in Article 15, paragraphs 2, 3 and 4.

3. An annex that has been adopted in accordance with paragraph 2 above shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary to such Parties of the adoption of the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex. The annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day

after the date on which withdrawal of such notification has been received by the Depositary.

4. The proposal, adoption and entry into force of amendments to annexes to the Convention shall be subject to the same procedure as that for the proposal, adoption and entry into force of annexes to the Convention in accordance with paragraphs 2 and 3 above.

5. If the adoption of an annex or an amendment to an annex involves an amendment to the Convention, that annex or amendment to an annex shall not enter into force until such time as the amendment to the Convention enters into force.

ARTICLE 17

PROTOCOLS

1. The Conference of the Parties may, at any ordinary session, adopt protocols to the Convention.

2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a session.

3. The requirements for the entry into force of any protocol shall be established by that instrument.

4. Only Parties to the Convention may be Parties to a protocol.

5. Decisions under any protocol shall be taken only by the Parties to the protocol concerned.

ARTICLE 18

RIGHT TO VOTE

1. Each Party to the Convention shall have one vote, except as provided for in paragraph 2 below.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

ARTICLE 19

DEPOSITARY

The Secretary-General of the United Nations shall be the Depositary of the Convention and of protocols adopted in accordance with Article 17.

ARTICLE 20

SIGNATURE

This Convention shall be open for signature by States Members of the United Nations or of any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations at Rio de Janeiro, during the United Nations Conference on Environment and Development, and thereafter at United Nations Headquarters in New York from 20 June 1992 to 19 June 1993.

ARTICLE 21

INTERIM ARRANGEMENTS

1. The secretariat functions referred to in Article 8 will be carried out on an interim basis by the secretariat established by the General Assembly of the United Nations in its resolution 45/212 of 21 December 1990, until the completion of the first session of the Conference of the Parties.

2. The head of the interim secretariat referred to in paragraph 1 above will cooperate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the need for objective scientific and technical advice. Other relevant scientific bodies could also be consulted.

3. The Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development shall be the international entity entrusted with the operation of the financial mechanism referred to in Article 11 on an interim basis. In this connection, the Global Environment Facility should be appropriately restructured and its membership made universal to enable it to fulfil the requirements of Article 11.

ARTICLE 22

RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization which becomes a Party to the Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

ARTICLE 23

ENTRY INTO FORCE

1. The Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

2. For each State or regional economic integration organization that ratifies, accepts or approves the Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

ARTICLE 24

RESERVATIONS

No reservations may be made to the Convention.

ARTICLE 25

WITHDRAWAL

1. At any time after three years from the date on which the Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.
3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

ARTICLE 26

AUTHENTIC TEXTS

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at New York this ninth day of May one thousand nine hundred and ninety-two.

• **Date of entry into force 21 March 1994**

ANNEX I

Australia
Austria
Belarus[a/]
Belgium
Bulgaria[a/]
Canada
Czechoslovakia[a/]
Denmark
European Community
Estonia[a/]
Finland
France
Germany
Greece
Hungary[a/]
Iceland
Ireland
Italy
Japan
Latvia[a/]
Lithuania[a/]
Luxembourg
Netherlands
New Zealand
Norway
Poland[a/]
Portugal
Romania[a/]
Russian Federation[a/]
Spain
Sweden
Switzerland
Turkey
Ukraine[a/]
United Kingdom of Great Britain andNorthern Ireland
United States of America

[a/] Countries that are undergoing the process of transition to a market economy.

ANNEX II

- Australia
- Austria
- Belgium
- Canada
- Denmark
- European Community
- Finland
- France
- Germany
- Greece
- Iceland
- Ireland
- Italy
- Japan
- Luxembourg
- Netherlands
- New Zealand
- Norway
- Portugal
- Spain
- Sweden
- Switzerland
- Turkey
- United Kingdom of Great Britain and Northern Ireland
- United States of America

STATUS OF RATIFICATION

(as of 22 June 1995)

Participant	Signature	Ratification Acceptance (At) Approval (Ap) Accession (Ac)	
Afghanistan	12. 6.1992		
Albania		3.10.1994	(Ac)
Algeria	13. 6.1992	9. 6.1993	
Angola	14. 6.1992		
Antigua and Barbuda	4. 6.1992	2. 2.1993	
Argentina	12. 6.1992	11. 3.1994	
Armenia	13. 6.1992	14. 5.1993	(At)
Australia	4. 6.1992	30.12.1992	
Austria	8. 6.1992	28. 2.1994	
Azerbaijan	12. 6.1992	16. 5.1995	
Bahamas	12. 6.1992	29. 3.1994	
Bahrain	8. 6.1992	28.12.1994	
Bangladesh	9. 6.1992	15. 4.1994	
Barbados	12. 6.1992	23. 3.1994	
Belarus	11. 6.1992		
Belgium	4. 6.1992		
Belize	13. 6.1992	31.10.1994	
Benin	13. 6.1992	30. 6.1994	
Bhutan	11. 6.1992		
Bolivia	10. 6.1992	3.10.1994	
Botswana	12. 6.1992	27. 1.1993	
Brazil	4. 6.1992	28. 2.1994	
Bulgaria	5. 6.1992	12. 5.1995	
Burkina Faso	12. 6.1992	2. 9.1993	
Burundi	11. 6.1992		
Cameroon	14. 6.1992	19.10.1994	
Canada	12. 6.1992	4.12.1992	
Cape Verde	12. 6.1992	29. 3.1995	
Central African Republic	13. 6.1992	10. 3.1995	
Chad	12. 6.1992	7. 6.1994	
Chile	13. 6.1992	22.12.1994	
China	11. 6.1992	5. 1.1993	
Colombia	13. 6.1992	22. 3.1995	
Comoros	11. 6.1992	31.10.1994	
Congo	12. 6.1992		

Cook Islands	12. 6.1992	20. 4.1993	
Costa Rica	13. 6.1992	26. 8.1994	
Côte d'Ivoire	10. 6.1992	29.11.1994	
Croatia	11. 6.1992		
Cuba	13. 6.1992	5. 1.1994	
Cyprus	12. 6.1992		
Czech Republic	18. 6.1993	7.10.1993	
Democratic People's Republic of Korea	11. 6.1992	5.12.1994	
Denmark	9. 6.1992	21.12.1993	
Djibouti	12. 6.1992		
Dominica		21. 6.1993	(Ac)
Dominican Republic	12. 6.1992		
Ecuador	9. 6.1992	23. 2.1993	
Egypt	9. 6.1992	5.12.1994	
El Salvador	13. 6.1992		
Eritrea		24. 4.1995	(Ac)
Estonia	12. 6.1992	27. 7.1994	
Ethiopia	10. 6.1992	5. 4.1994	
Fiji	9.10.1992	25. 2.1993	
Finland	4. 6.1992	3. 5.1994	
France	13. 6.1992	25. 3.1994	
Gabon	12. 6.1992		
Gambia	12. 6.1992	10. 6.1994	
Georgia		29. 7.1994	(Ac)
Germany	12. 6.1992	9.12.1993	
Ghana	12. 6.1992		
Greece	12. 6.1992	4. 8.1994	
Grenada	3.12.1992	11. 8.1994	
Guatemala	13. 6.1992		
Guinea	12. 6.1992	7. 5.1993	
Guinea-Bissau	12. 6.1992		
Guyana	13. 6.1992	29. 8.1994	
Haiti		13. 6.1992	
Honduras	13. 6.1992		
Hungary	13. 6.1992	24. 2.1994	
Iceland	4. 6.1992	16. 6.1993	
India	10. 6.1992	1.11.1993	
Indonesia	5. 6.1992	23. 8.1994	
Iran	14. 6.1992		
Ireland	13. 6.1992	20. 4.1994	
Israel	4. 6.1992		
Italy	5. 6.1992	15. 4.1994	
Jamaica	12. 6.1992	6. 1.1995	
Japan	13. 6.1992	28. 5.1993	(At)
Jordan	11. 6.1992	12.11.1993	
Kazakhstan	8. 6.1992	17. 5.1995	
Kenya	12. 6.1992	30. 8.1994	
Kiribati*	13. 6.1992	7. 2.1995	
Kuwait		28.12.1994	(Ac)
Lao People's Democratic Republic		4. 1.1995	(Ac)
Latvia	11. 6.1992	23. 3.1995	
Lebanon	12. 6.1992	15.12.1994	
Lesotho	11. 6.1992	7. 2.1995	
Liberia	12. 6.1992		
Libyan Arab Jamahiriya	29. 6.1992		
Liechtenstein	4. 6.1992	22. 6.1994	
Lithuania	11. 6.1992	24. 3.1995	
Luxembourg	9. 6.1992	9. 5.1994	
Madagascar	10. 6.1992		
Malawi	10. 6.1992	21. 4.1994	
Malaysia	9. 6.1993	13. 7.1994	
Maldives	12. 6.1992	9.11.1992	
Mali	22. 9.1992	28.12.1994	

Malta	2. 6.1992	17. 3.1994	
Marshall Islands	12. 6.1992	8.10.1992	
Mauritania	12. 6.1992	20. 1.1994	
Mauritius	10. 6.1992	4. 9.1992	
Mexico	13. 6.1992	11. 3.1993	
Micronesia	12. 6.1992	18.11.1993	
Moldova	12. 6.1992	9. 6.1995	
Monaco	11. 6.1992	24.11.1992	
Mongolia	12. 6.1992	30. 9.1993	
Morocco	13. 6.1992		
Mozambique	12. 6.1992		
Myanmar	11. 6.1992	25.11.1994	
Namibia	12. 6.1992	16. 5.1995	
Nauru	8. 6.1992	11.11.1993	
Nepal	12. 6.1992	2. 5.1994	
Netherlands	4. 6.1992	20.12.1993	
New Zealand	4. 6.1992	16. 9.1993	
Nicaragua	13. 6.1992		
Niger	11. 6.1992		
Nigeria	13. 6.1992	29. 8.1994	
Norway	4. 6.1992	9. 7.1993	
Oman	11. 6.1992	8. 2.1995	
Pakistan	13. 6.1992	1. 6.1994	
Panama	18. 3.1993	23. 5.1995	
Papua New Guinea	13. 6.1992	16. 3.1993	
Paraguay	12. 6.1992	24. 2.1994	
Peru	12. 6.1992	7. 6.1993	
Philippines	12. 6.1992	2. 8.1994	
Poland	5. 6.1992	28. 7.1994	
Portugal	13. 6.1992	21.12.1993	
Republic of Korea	13. 6.1992	14.12.1993	
Romania	5. 6.1992	8. 6.1994	
Russian Federation	13. 6.1992	28.12.1994	
Rwanda	10. 6.1992		
Saint Kitts and Nevis	12. 6.1992	7. 1.1993	
Saint Lucia	14. 6.1993		
Samoa	12. 6.1992	29.11.1994	
San Marino	10. 6.1992	28.10.1994	
Sao Tome and Principe	12. 6.1992		
Saudia Arabia		28.12.1994	(Ac)
Senegal	13. 6.1992	17.10.1994	
Seychelles	10. 6.1992	22. 9.1992	
Sierra Leone	11. 2.1993	22. 6.1995	
Singapore	13. 6.1992		
Slovakia	19. 5.1993	25. 8.1994	
Slovenia	13. 6.1992		
Solomon Islands	13. 6.1992	28.12.1994	
Spain	13. 6.1992	21.12.1993	
Sri Lanka	10. 6.1992	23.11.1993	
Sudan	9. 6.1992	19.11.1993	
Suriname	13. 6.1992		
Swaziland	12. 6.1992		
Sweden	8. 6.1992	23. 6.1993	
Switzerland	12. 6.1992	10.12.1993	
Thailand	12. 6.1992	28.12.1994	
Togo	12. 6.1992	8. 3.1995	
Trinidad and Tobago	11. 6.1992	24. 6.1994	
Tunisia	13. 6.1992	15. 7.1993	
Turkmenistan		5. 6.1995	(Ac)
Tuvalu*	8. 6.1992	26.10.1993	
Uganda	13. 6.1992	8. 9.1993	
Ukraine	11. 6.1992		
United Kingdom of Great Britain and Northern Ireland	12. 6.1992	8.12.1993	

United Republic of Tanzania	12. 6.1992		
United States of America	12. 6.1992	15.10.1992	
Uruguay	4. 6.1992	18. 8.1994	
Uzbekistan		20. 6.1993	(Ac)
Vanuatu	9. 6.1992	25. 3.1993	
Venezuela	12. 6.1992	28.12.1994	
Viet Nam	11. 6.1992	16.11.1994	
Yemen	12. 6.1992		
Yugoslavia	8. 6.1992		
Zaire	11. 6.1992	9. 1.1995	
Zambia	11. 6.1992	28. 5.1993	
Zimbabwe	12. 6.1992	3.11.1992	
European Economic Community*	13. 6.1992	21.12.1993	

* With a Declaration.

Note

1. This includes policies and measures adopted by regional economic integration organizations.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Montego Bay, Jamaica, 10 December 1982

PART XII

PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

SECTION 1: GENERAL PROVISIONS

ARTICLE 192

GENERAL OBLIGATION

States have the obligation to protect and preserve the marine environment.

ARTICLE 193

SOVEREIGN RIGHT OF STATES TO EXPLOIT THEIR NATURAL RESOURCES

States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment.

ARTICLE 194

MEASURES TO PREVENT, REDUCE AND CONTROL POLLUTION OF THE MARINE ENVIRONMENT

1. States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavour to harmonize their policies in this connection.

2. States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention.

3. The measures taken pursuant to this Part shall deal with all sources of pollution of the marine environment. These measures shall include, *inter alia*, those designed to minimize to the fullest possible extent:

   (a) the release of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping;

   (b) pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional and unintentional discharges, and regulating the design, construction, equipment, operation and manning of vessels;

   (c) pollution from installations and devices used in exploration or exploitation of the natural resources of the sea-bed and subsoil, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices;

(d) pollution from other installations and devices operating in the marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices.

4. In taking measures to prevent, reduce or control pollution of the marine environment, States shall refrain from unjustifiable interference with activities carried out by other States in the exercise of their rights and in pursuance of their duties in conformity with this Convention.

5. The measures taken in accordance with this Part shall include those necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life.

ARTICLE 195

DUTY NOT TO TRANSFER DAMAGE OR HAZARDS OR TRANSFORM ONE TYPE OF POLLUTION INTO ANOTHER

In taking measures to prevent, reduce and control pollution of the marine environment, States shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

ARTICLE 196

USE OF TECHNOLOGIES OR INTRODUCTION OF ALIEN OR NEW SPECIES

1. States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto.

2. This article does not affect the application of this Convention regarding the prevention, reduction and control of pollution of the marine environment.

SECTION 2: GLOBAL AND REGIONAL CO-OPERATION

ARTICLE 197

CO-OPERATION ON A GLOBAL OR REGIONAL BASIS

States shall co-operate on a global basis and, as appropriate, on a regional basis, directly or through competent international organizations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with this Convention, for the protection and preservation of the marine environment, taking into account characteristic regional features.

ARTICLE 198

NOTIFICATION OF IMMINENT OR ACTUAL DAMAGE

When a State becomes aware of cases in which the marine environment is in imminent danger of being damaged or has been damaged by pollution, it shall immediately notify other States it deems likely to be affected by such damage, as well as the competent international organizations.

ARTICLE 199

CONTINGENCY PLANS AGAINST POLLUTION

In the cases referred to in article 198, States in the area affected, in accordance with their capabilities, and the competent international organizations shall co-operate, to the extent possible, in eliminating the effects of pollution and preventing or minimizing the damage. To this end, States shall jointly develop and promote contingency plans for responding to pollution incidents in the marine environment.

ARTICLE 200

STUDIES, RESEARCH PROGRAMMES AND EXCHANGE OF INFORMATION AND DATA

States shall co-operate, directly or through competent international organizations, for the purpose of promoting studies, undertaking programmes of scientific research and encouraging the exchange of information and data acquired about pollution of the marine environment. They shall endeavour to participate actively in regional and global programmes to acquire knowledge for the assessment of the nature and extent of pollution, exposure to it, and its pathways, risks and remedies.

ARTICLE 201

SCIENTIFIC CRITERIA FOR REGULATIONS

In the light of the information and data acquired pursuant to article 200, States shall co-operate, directly or through competent international organizations, in establishing appropriate scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention, reduction and control of pollution of the marine environment.

SECTION 3: TECHNICAL ASSISTANCE

ARTICLE 202

SCIENTIFIC AND TECHNICAL ASSISTANCE TO DEVELOPING STATES

States shall, directly or through competent international organizations:

(a) promote programmes of scientific, educational, technical and other assistance to developing States for the protection and preservation of the marine environment and the prevention, reduction and control of marine pollution. Such assistance shall include, *inter alia*:

   (i) training of their scientific and technical personnel;

   (ii) facilitating their participation in relevant international programmes;

   (iii) supplying them with necessary equipment and facilities;

   (iv) enhancing their capacity to manufacture such equipment;

   (v) advice on and developing facilities for research, monitoring, educational and other programmes;

(b) provide appropriate assistance, especially to developing States, for the minimization of the effects of major incidents which may cause serious pollution of the marine environment;

(c) provide appropriate assistance, especially to developing States, concerning the preparation of environmental assessments.

ARTICLE 203

PREFERENTIAL TREATMENT FOR DEVELOPING STATES

Developing States shall, for the purposes of prevention, reduction and control of pollution of the marine environment or minimization of its effects, be granted preference by international organizations in:

(a) the allocation of appropriate funds and technical assistance; and

(b) the utilization of their specialized services.

SECTION 4: MONITORING AND ENVIRONMENTAL ASSESSMENT

ARTICLE 204

MONITORING OF THE RISKS OR EFFECTS OF POLLUTION

1. States shall, consistent with the rights of other States, endeavour, as far as practicable, directly or through the competent international organizations, to observe, measure, evaluate and analyse, by recognized scientific methods, the risks or effects of pollution of the marine environment.

2. In particular, States shall keep under surveillance the effects of any activities which they permit or in which they engage in order to determine whether these activities are likely to pollute the marine environment.

ARTICLE 205

PUBLICATION OF REPORTS

States shall publish reports of the results obtained pursuant to article 204 or provide such reports at appropriate intervals to the competent international organizations, which should make them available to all States.

ARTICLE 206

ASSESSMENT OF POTENTIAL EFFECTS OF ACTIVITIES

When States have reasonable grounds for believing that planned activities under their jurisdiction or control may cause substantial pollution of or significant and harmful changes to the marine environment, they shall, as far as practicable, assess the potential effects of such activities on the marine environment and shall communicate reports of the results of such assessments in the manner provided in article 205.

SECTION 5: INTERNATIONAL RULES AND NATIONAL LEGISLATION TO PREVENT, REDUCE AND CONTROL POLLUTION OF THE MARINE ENVIRONMENT

ARTICLE 207

POLLUTION FROM LAND-BASED SOURCES

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources, including rivers, estuaries, pipelines and outfall structures, taking into account internationally agreed rules, standards and recommended practices and procedures.

2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.

3. States shall endeavour to harmonize their policies in this connection at the appropriate regional level.

4. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment from land-based sources, taking into account characteristic regional features, the economic capacity of developing States and their need for economic development. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

5. Laws, regulations, measures, rules, standards and recommended practices and procedures referred to in paragraphs 1, 2 and 4 shall include those designed to minimize, to the fullest extent possible, the release of toxic, harmful or noxious substances, especially those which are persistent, into the marine environment.

ARTICLE 208

POLLUTION FROM SEA-BED ACTIVITIES SUBJECT TO NATIONAL JURISDICTION

1. Coastal States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment arising from or in connection with sea-bed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to articles 60 and 80.

2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.

3. Such laws, regulations and measures shall be no less effective than international rules, standards and recommended practices and procedures.

4. States shall endeavour to harmonize their policies in this connection at the appropriate regional level.

5. States, acting especially through competent international organizations or diplomatic conference, shall establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment referred to in paragraph 1. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

ARTICLE 209

POLLUTION FROM ACTIVITIES IN THE AREA

1. International rules, regulations and procedures shall be established in accordance with Part XI to prevent, reduce and control pollution of the marine environment from activities in the Area. Such rules, regulations and procedures shall be re-examined from time to time as necessary.

2. Subject to the relevant provisions of this section, States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from activities in the Area undertaken by vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority, as the case may be. The requirements of such laws and regulations shall be no less effective than the international rules, regulations and procedures referred to in paragraph 1.

ARTICLE 210

POLLUTION BY DUMPING

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment by dumping.

2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.

3. Such laws, regulations and measures shall ensure that dumping is not carried out without the permission of the competent authorities of States.

4. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

5. Dumping within the territorial sea and the exclusive economic zone or onto the continental shelf shall not be carried out without the express prior approval of the coastal State, which has the right to permit, regulate and control such dumping after due consideration of the matter with other States which by reason of their geographical situation may be adversely affected thereby.

6. National laws, regulations and measures shall be no less effective in preventing, reducing and controlling such pollution than the global rules and standards.

ARTICLE 211

POLLUTION FROM VESSELS

1. States, acting through the competent international organization or general diplomatic conference, shall establish international rules and standards to prevent, reduce and control pollution of the marine environment from vessels and promote the adoption, in the same manner, wherever appropriate, of routeing systems designed to minimize the threat of accidents which might cause pollution of the marine environment, including the coastline, and pollution damage to the related interests of coastal States. Such rules and standards shall, in the same manner, be re-examined from time to time as necessary.

2. States shall adopt laws and regulations for the prevention, reduction and control of pollution of the marine environment from vessels flying their flag or of their registry. Such laws and regulations shall at least have the same effect as that of generally accepted international rules and standards established through the competent international organization or general diplomatic conference.

3. States which establish particular requirements for the prevention, reduction and control of pollution of the marine environment as a condition for the entry of foreign vessels into their ports or internal waters or for a call at their off-shore terminals shall give due publicity to such requirements and shall communicate them to the competent international organization. Whenever such requirements are established in identical form by two or more coastal States in an endeavour to harmonize policy, the communication shall indicate which States are participating in such co-operative arrangements. Every State shall require the master of a vessel flying its flag or of its registry, when navigating within the territorial sea of a State participating in such co-operative arrangements, to furnish, upon the request of that State, information as to whether it is proceeding to a State of the same region participating in such co-operative arrangements and, if so, to indicate whether it complies with the port entry requirements of that State. This article is without prejudice to the continued exercise by a vessel of its right of innocent passage or to the application of article 25, paragraph 2.

4. Coastal States may, in the exercise of their sovereignty within their territorial sea, adopt laws and regulations for the prevention, reduction and control of marine pollution from foreign vessels, including vessels exercising the right of innocent passage. Such laws and regulations shall, in accordance with Part II, section 3, not hamper innocent passage of foreign vessels.

5. Coastal States, for the purpose of enforcement as provided for in section 6, may in

respect of their exclusive economic zones adopt laws and regulations for the prevention, reduction and control of pollution from vessels conforming to and giving effect to generally accepted international rules and standards established through the competent international organization or general diplomatic conference.

6. (a) Where the international rules and standards referred to in paragraph 1 are inadequate to meet special circumstances and coastal States have reasonable grounds for believing that a particular, clearly defined area of their respective exclusive economic zones is an area where the adoption of special mandatory measures for the prevention of pollution from vessels is required for recognized technical reasons in relation to its oceanographical and ecological conditions, as well as its utilization or the protection of its resources and the particular character of its traffic, the coastal States, after appropriate consultations through the competent international organization with any other States concerned, may, for that area, direct a communication to that organization, submitting scientific and technical evidence in support and information on necessary reception facilities. Within 12 months after receiving such a communication, the organization shall determine whether the conditions in that area correspond to the requirements set out above. If the organization so determines, the coastal States may, for that area, adopt laws and regulations for the prevention, reduction and control of pollution from vessels implementing such international rules and standards or navigational practices as are made applicable, through the organization, for special areas. These laws and regulations shall not become applicable to foreign vessels until 15 months after the submission of the communication to the organization.

   (b) The coastal States shall publish the limits of any such particular, clearly defined area.

   (c) If the coastal States intend to adopt additional laws and regulations for the same area for the prevention, reduction and control of pollution from vessels, they shall, when submitting the aforesaid communication, at the same time notify the organization thereof. Such additional laws and regulations may relate to discharges or navigational practices but shall not require foreign vessels to observe design, construction, manning or equipment standards other than generally accepted international rules and standards; they shall become applicable to foreign vessels 15 months after the submission of the communication to the organization, provided that the organization agrees within 12 months after the submission of the communication.

7. The international rules and standards referred to in this article should include *inter alia* those relating to prompt notification to coastal States, whose coastline or related interests may be affected by incidents, including maritime casualties, which involve discharges or probability of discharges.

ARTICLE 212

POLLUTION FROM OR THROUGH THE ATMOSPHERE

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from or through the atmosphere, applicable to the air space under their sovereignty and to vessels flying their flag or vessels or aircraft of their registry, taking into account internationally agreed rules standards and recommended practices and procedures and the safety of air navigation.

2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.

3. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution.

SECTION 6: ENFORCEMENT

ARTICLE 213

ENFORCEMENT WITH RESPECT TO POLLUTION FROM LAND-BASED SOURCES

States shall enforce their laws and regulations adopted in accordance with article 207 and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment from land-based sources.

ARTICLE 214

ENFORCEMENT WITH RESPECT TO POLLUTION FROM SEA-BED ACTIVITIES

States shall enforce their laws and regulations adopted in accordance with article 208 and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment arising from or in connection with sea-bed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to articles 60 and 80.

ARTICLE 215

ENFORCEMENT WITH RESPECT TO POLLUTION FROM ACTIVITIES IN THE AREA

Enforcement of international rules, regulations and procedures established in accordance with Part XI to prevent, reduce and control pollution of the marine environment from activities in the Area shall be governed by that Part.

ARTICLE 216

ENFORCEMENT WITH RESPECT TO POLLUTION BY DUMPING

1. Laws and regulations adopted in accordance with this Convention and applicable international rules and standards established through competent international organizations or diplomatic conference for the prevention, reduction and control of pollution of the marine environment by dumping shall be enforced:

   (a) by the coastal State with regard to dumping within its territorial sea or its exclusive economic zone or onto its continental shelf;

   (b) by the flag State with regard to vessels flying its flag or vessels or aircraft of its registry;

   (c) by any State with regard to acts of loading of wastes or other matter occurring within its territory or at its off-shore terminals.

2. No State shall be obliged by virtue of this article to institute proceedings when another State has already instituted proceedings in accordance with this article.

ARTICLE 217

ENFORCEMENT BY FLAG STATES

1. States shall ensure compliance by vessels flying their flag or of their registry with applicable international rules and standards, established through the competent international organization or general diplomatic conference, and with their laws and regulations adopted in accordance with this Convention for the prevention, reduction

and control of pollution of the marine environment from vessels and shall accordingly adopt laws and regulations and take other measures necessary for their implementation. Flag States shall provide for the effective enforcement of such rules, standards, laws and regulations, irrespective of where a violation occurs.

2. States shall, in particular, take appropriate measures in order to ensure that vessels flying their flag or of their registry are prohibited from sailing, until they can proceed to sea in compliance with the requirements of the international rules and standards referred to in paragraph 1, including requirements in respect of design, construction, equipment and manning of vessels.

3. States shall ensure that vessels flying their flag or of their registry carry on board certificates required by and issued pursuant to international rules and standards referred to in paragraph 1. States shall ensure that vessels flying their flag are periodically inspected in order to verify that such certificates are in conformity with the actual condition of the vessels. These certificates shall be accepted by other States as evidence of the condition of the vessels and shall be regarded as having the same force as certificates issued by them, unless there are clear grounds for believing that the condition of the vessel does not correspond substantially with the particulars of the certificates.

4. If a vessel commits a violation of rules and standards established through the competent international organization or general diplomatic conference, the flag State, without prejudice to articles 218, 220 and 228, shall provide for immediate investigation and where appropriate institute proceedings in respect of the alleged violation irrespective of where the violation occurred or where the pollution caused by such violation has occurred or has been spotted.

5. Flag States conducting an investigation of the violation may request the assistance of any other State whose co-operation could be useful in clarifying the circumstances of the case. States shall endeavour to meet appropriate requests of flag States.

6. States shall, at the written request of any State, investigate any violation alleged to have been committed by vessels flying their flag. If satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, flag States shall without delay institute such proceedings in accordance with their laws.

7. Flag States shall promptly inform the requesting State and the competent international organization of the action taken and its outcome. Such information shall be available to all States.

8. Penalties provided for by the laws and regulations of States for vessels flying their flag shall be adequate in severity to discourage violations wherever they occur.

ARTICLE 218

ENFORCEMENT BY PORT STATES

1. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may undertake investigations and, where the evidence so warrants, institute proceedings in respect of any discharge from that vessel outside the internal waters, territorial sea or exclusive economic zone of that State in violation of applicable international rules and standards established through the competent international organization or general diplomatic conference.

2. No proceedings pursuant to paragraph 1 shall be instituted in respect of a discharge violation in the internal waters, territorial sea or exclusive economic zone of another State unless requested by that State, the flag State, or a State damaged or threatened by the discharge violation, or unless the violation has caused or is likely to cause pollution in the internal waters, territorial sea or exclusive economic zone of the State instituting the proceedings.

3. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State shall, as far as practicable, comply with requests from any State for investigation of a discharge violation referred to in paragraph 1, believed to have occurred in, caused, or threatened damage to the internal waters, territorial sea or exclusive economic zone of the requesting State. It shall likewise, as far as practicable, comply with requests from the flag State for investigation of such a violation, irrespective of where the violation occurred.

4. The records of the investigation carried out by a port State pursuant to this article shall be transmitted upon request to the flag State or to the coastal State. Any proceedings instituted by the port State on the basis of such an investigation may, subject to section 7, be suspended at the request of the coastal State when the violation has occurred within its internal waters, territorial sea or exclusive economic zone. The evidence and records of the case, together with any bond or other financial security posted with the authorities of the port State, shall in that event be transmitted to the coastal State. Such transmittal shall preclude the continuation of proceedings in the port State.

ARTICLE 219

MEASURES RELATING TO SEAWORTHINESS OF VESSELS TO AVOID POLLUTION

Subject to section 7, States which, upon request or on their own initiative, have ascertained that a vessel within one of their ports or at one of their offshore terminals is in violation of applicable international rules and standards relating to seaworthiness of vessels and thereby threatens damage to the marine environment shall, as far as practicable, take administrative measures to prevent the vessel from sailing. Such States may permit the vessel to proceed only to the nearest appropriate repair yard and, upon removal of the causes of the violation, shall permit the vessel to continue immediately.

ARTICLE 220

ENFORCEMENT BY COASTAL STATES

1. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may, subject to section 7, institute proceedings in respect of any violation of its laws and regulations adopted in accordance with this Convention or applicable international rules and standards for the prevention, reduction and control of pollution from vessels when the violation has occurred within the territorial sea or the exclusive economic zone of that State.

2. Where there are clear grounds for believing that a vessel navigating in the territorial sea of a State has, during its passage therein, violated laws and regulations of that State adopted in accordance with this Convention or applicable international rules and standards for the prevention, reduction and control of pollution from vessels, that State, without prejudice to the application of the relevant provisions of Part II, section 3, may undertake physical inspection of the vessel relating to the violation and may, where the evidence so warrants institute proceedings, including detention of the vessel, in accordance with its laws, subject to the provisions of section 7.

3. Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation of applicable international rules and standards for the prevention, reduction and control of pollution from vessels or laws and regulations of that State conforming and giving effect to such rules and standards, that State may require the vessel to give information regarding its identity and port of registry, its last and its next port of call and other relevant information required to establish whether a violation has occurred.

4. States shall adopt laws and regulations and take other measures so that vessels flying their flag comply with requests for information pursuant to paragraph 3.

5. Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation referred to in paragraph 3 resulting in a substantial discharge causing or threatening significant pollution of the marine environment, that State may undertake physical inspection of the vessel for matters relating to the violation if the vessel has refused to give information or if the information supplied by the vessel is manifestly at variance with the evident factual situation and if the circumstances of the case justify such inspection.

6. Where there is clear objective evidence that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation referred to in paragraph 3 resulting in a discharge causing major damage or threat of major damage to the coastline or related interests of the coastal State, or to any resources of its territorial sea or exclusive economic zone, that State may, subject to section 7, provided that the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with its laws.

7. Notwithstanding the provisions of paragraph 6, whenever appropriate procedures have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for bonding or other appropriate financial security has been assured, the coastal State if bound by such procedures shall allow the vessel to proceed.

8. The provisions of paragraphs 3, 4, 5, 6 and 7 also apply in respect of national laws and regulations adopted pursuant to article 211, paragraph 6.

ARTICLE 221

MEASURES TO AVOID POLLUTION ARISING FROM MARITIME CASUALTIES

1. Nothing in this Part shall prejudice the right of States, pursuant to international law, both customary and conventional, to take and enforce measures beyond the territorial sea proportionate to the actual or threatened damage to protect their coastline or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty or acts relating to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. For the purposes of this article, "maritime casualty" means a collision of vessels, stranding or other incident of navigation, or other occurrence on board a vessel or external to it resulting in material damage or imminent threat of material damage to a vessel or cargo.

ARTICLE 222

ENFORCEMENT WITH RESPECT TO POLLUTION FROM OR THROUGH THE ATMOSPHERE

States shall enforce, within the air space under their sovereignty or with regard to vessels flying their flag or vessels or aircraft of their registry, their laws and regulations adopted in accordance with article 212, paragraph 1, and with other provisions of this Convention and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment from or through the atmosphere, in conformity with all relevant international rules and standards concerning the safety of air navigation.

SECTION 7: SAFEGUARDS

ARTICLE 223

MEASURES TO FACILITATE PROCEEDINGS

In proceedings instituted pursuant to this Part, States shall take measures to facilitate the hearing of witnesses and the admission of evidence submitted by authorities of another State, or by the competent international organization, and shall facilitate the attendance at such proceedings of official representatives of the competent international organization, the flag State and any State affected by pollution arising out of any violation. The official representatives attending such proceedings shall have such rights and duties as may be provided under national laws and regulations or international law.

ARTICLE 224

EXERCISE OF POWERS OF ENFORCEMENT

The powers of enforcement against foreign vessels under this Part may only be exercised by officials or by warships, military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

ARTICLE 225

DUTY TO AVOID ADVERSE CONSEQUENCES IN THE EXERCISE OF THE POWERS OF ENFORCEMENT

In the exercise under this Convention of their powers of enforcement against foreign vessels, States shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

ARTICLE 226

INVESTIGATION OF FOREIGN VESSELS

1. (a) States shall not delay a foreign vessel longer than is essential for purposes of the investigations provided for in articles 216, 218 and 220. Any physical inspection of a foreign vessel shall be limited to an examination of such certificates, records or other documents as the vessel is required to carry by generally accepted international rules and standards or of any similar documents which it is carrying; further physical inspection of the vessel may be undertaken only after such an examination and only when:

   (i) there are clear grounds for believing that the condition of the vessel or its equipment does not correspond substantially with the particulars of those documents;

   (ii) the contents of such documents are not sufficient to confirm or verify a suspected violation; or

   (iii) the vessel is not carrying valid certificates and records.

   (b) If the investigation indicates a violation of applicable laws and regulations or international rules and standards for the protection and preservation of the marine environment, release shall be made promptly subject to reasonable procedures such as bonding or other appropriate financial security.

   (c) Without prejudice to applicable international rules and standards relating to the seaworthiness of vessels, the release of a vessel may, whenever it would present an unreasonable threat of damage to the marine environment, be refused or made conditional upon proceeding to the nearest appropriate repair

yard. Where release has been refused or made conditional, the flag State of the vessel must be promptly notified, and may seek release of the vessel in accordance with Part XV.

2. States shall co-operate to develop procedures for the avoidance of unnecessary physical inspection of vessels at sea.

ARTICLE 227

NON-DISCRIMINATION WITH RESPECT TO FOREIGN VESSELS

In exercising their rights and performing their duties under this Part, States shall not discriminate in form or in fact against vessels of any other State.

ARTICLE 228

SUSPENSION AND RESTRICTIONS ON INSTITUTION OF PROCEEDINGS

1. Proceedings to impose penalties in respect of any violation of applicable laws and regulations or international rules and standards relating to the prevention, reduction and control of pollution from vessels committed by a foreign vessel beyond the territorial sea of the State instituting proceedings shall be suspended upon the taking of proceedings to impose penalties in respect of corresponding charges by the flag State within six months of the date on which proceedings were first instituted, unless those proceedings relate to a case of major damage to the coastal State or the flag State in question has repeatedly disregarded its obligation to enforce effectively the applicable international rules and standards in respect of violations committed by its vessels. The flag State shall in due course make available to the State previously instituting proceedings a full dossier of the case and the records of the proceedings, whenever the flag State has requested the suspension of proceedings in accordance with this article. When proceedings instituted by the flag State have been brought to a conclusion, the suspended proceedings shall be terminated. Upon payment of costs incurred in respect of such proceedings, any bond posted or other financial security provided in connection with the suspended proceedings shall be released by the coastal State.

2. Proceedings to impose penalties on foreign vessels shall not be instituted after the expiry of three years from the date on which the violation was committed, and shall not be taken by any State in the event of proceedings having been instituted by another State subject to the provisions set out in paragraph 1.

3. The provisions of this article are without prejudice to the right of the flag State to take any measures, including proceedings to impose penalties, according to its laws irrespective of prior proceedings by another State.

ARTICLE 229

INSTITUTION OF CIVIL PROCEEDINGS

Nothing in this Convention affects the institution of civil proceedings in respect of any claim for loss or damage resulting from pollution of the marine environment.

ARTICLE 230

MONETARY PENALTIES AND THE OBSERVANCE OF RECOGNIZED RIGHTS OF THE ACCUSED

1. Monetary penalties only may be imposed with respect to violations of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment, committed by foreign vessels beyond the territorial sea.

2. Monetary penalties only may be imposed with respect to violations of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment, committed by foreign vessels in the territorial sea, except in the case of a wilful and serious act of pollution in the territorial sea.

3. In the conduct of proceedings in respect of such violations committed by a foreign vessel which may result in the imposition of penalties, recognized rights of the accused shall be observed.

ARTICLE 231

NOTIFICATION TO THE FLAG STATE AND OTHER STATES CONCERNED

States shall promptly notify the flag State and any other State concerned of any measures taken pursuant to section 6 against foreign vessels, and shall submit to the flag State all official reports concerning such measures. However, with respect to violations committed in the territorial sea, the foregoing obligations of the coastal State apply only to such measures as are taken in proceedings. The diplomatic agents or consular officers and where possible the maritime authority of the flag State, shall be immediately informed of any such measures taken pursuant to section 6 against foreign vessels.

ARTICLE 232

LIABILITY OF STATES ARISING FROM ENFORCEMENT MEASURES

States shall be liable for damage or loss attributable to them arising from measures taken pursuant to section 6 when such measures are unlawful or exceed those reasonably required in the light of available information. States shall provide for recourse in their courts for actions in respect of such damage or loss.

ARTICLE 233

SAFEGUARDS WITH RESPECT TO STRAITS USED FOR INTERNATIONAL NAVIGATION

Nothing in sections 5, 6 and 7 affects the legal regime of straits used for international navigation. However, if a foreign ship other than those referred to in section 10 has committed a violation of the laws and regulations referred to in article 42, paragraph 1(a) and (b), causing or threatening major damage to the marine environment of the straits, the States bordering the straits may take appropriate enforcement measures and if so shall respect *mutatis mutandis* the provisions of this section.

SECTION 8: ICE-COVERED AREAS

ARTICLE 234

ICE-COVERED AREAS

Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone, where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions or exceptional hazards to navigation, and pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance. Such laws and regulations shall have due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence.

SECTION 9: RESPONSIBILITY AND LIABILITY

ARTICLE 235

RESPONSIBILITY AND LIABILITY

1. States are responsible for the fulfilment of their international obligations concerning the protection and preservation of the marine environment. They shall be liable in accordance with international law.

2. States shall ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief in respect of damage caused by pollution of the marine environment by natural or juridical persons under their jurisdiction.

3. With the objective of assuring prompt and adequate compensation in respect of all damage caused by pollution of the marine environment, States shall co-operate in the implementation of existing international law and the further development of international law relating to responsibility and liability for the assessment of and compensation for damage and the settlement of related disputes, as well as, where appropriate, development of criteria and procedures for payment of adequate compensation, such as compulsory insurance or compensation funds.

SECTION 10: SOVEREIGN IMMUNITY

ARTICLE 236

SOVEREIGN IMMUNITY

The provisions of this Convention regarding the protection and preservation of the marine environment do not apply to any warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being only on government non-commercial service. However, each State shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with this Convention.

SECTION 11: OBLIGATIONS UNDER OTHER CONVENTIONS ON THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

ARTICLE 237

OBLIGATIONS UNDER OTHER CONVENTIONS ON THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

1. The provisions of this Part are without prejudice to the specific obligations assumed by States under special conventions and agreements concluded previously which relate to the protection and preservation of the marine environment and to agreements which may be concluded in furtherance of the general principles set forth in this Convention.

2. Specific obligations assumed by States under special conventions, with respect to the protection and preservation of the marine environment, should be carried out in a manner consistent with the general principles and objectives of this Convention.

• Date of entry into force 16 November 1994

UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

The Parties to this Convention,

Affirming that human beings in affected or threatened areas are at the centre of concerns to combat desertification and mitigate the effects of drought,

Reflecting the urgent concern of the international community, including States and international organizations, about the adverse impacts of desertification and drought,

Aware that arid, semi-arid and dry sub-humid areas together account for a significant proportion of the Earth's land area and are the habitat and source of livelihood for a large segment of its population,

Acknowledging that desertification and drought are problems of global dimension in that they affect all regions of the world and that joint action of the international community is needed to combat desertification and/or mitigate the effects of drought,

Noting the high concentration of developing countries, notably the least developed countries, among those experiencing serious drought and/or desertification, and the particularly tragic consequences of these phenomena in Africa,

Noting also that desertification is caused by complex interactions among physical, biological, political, social, cultural and economic factors,

Considering the impact of trade and relevant aspects of international economic relations on the ability of affected countries to combat desertification adequately,

Conscious that sustainable economic growth, social development and poverty eradication are priorities of affected developing countries, particularly in Africa, and are essential to meeting sustainability objectives,

Mindful that desertification and drought affect sustainable development through their interrelationships with important social problems such as poverty, poor health and nutrition, lack of food security, and those arising from migration, displacement of persons and demographic dynamics,

Appreciating the significance of the past efforts and experience of States and international organizations in combating desertification and mitigating the effects of drought, particularly in implementing the Plan of Action to Combat Desertification which was adopted at the United Nations Conference on Desertification in 1977,

Realizing that, despite efforts in the past, progress in combating desertification and mitigating the effects of drought has not met expectations and that a new and more effective approach is needed at all levels within the framework of sustainable development,

Recognizing the validity and relevance of decisions adopted at the United Nations Conference on Environment and Development, particularly of Agenda 21 and its chapter 12, which provide a basis for combating desertification,

Reaffirming in this light the commitments of developed countries as contained in paragraph 13 of chapter 33 of Agenda 21,

Recalling General Assembly resolution 47/188, particularly the priority in it prescribed for Africa, and all other relevant United Nations resolutions, decisions and programmes on desertification and drought, as well as relevant declarations by African countries and those from other regions,

Reaffirming the Rio Declaration on Environment and Development which states, in its Principle 2, that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility

to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Recognizing that national Governments play a critical role in combating desertification and mitigating the effects of drought and that progress in that respect depends on local implementation of action programmes in affected areas,

Recognizing also the importance and necessity of international cooperation and partnership in combating desertification and mitigating the effects of drought,

Recognizing further the importance of the provision to affected developing countries, particularly in Africa, of effective means, *inter alia* substantial financial resources, including new and additional funding, and access to technology, without which it will be difficult for them to implement fully their commitments under this Convention,

Expressing concern over the impact of desertification and drought on affected countries in Central Asia and the Transcaucasus,

Stressing the important role played by women in regions affected by desertification and/or drought, particularly in rural areas of developing countries, and the importance of ensuring the full participation of both men and women at all levels in programmes to combat desertification and mitigate the effects of drought,

Emphasizing the special role of non-governmental organizations and other major groups in programmes to combat desertification and mitigate the effects of drought,

Bearing in mind the relationship between desertification and other environmental problems of global dimension facing the international and national communities,

Bearing also in mind the contribution that combating desertification can make to achieving the objectives of the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and other related environmental conventions,

Believing that strategies to combat desertification and mitigate the effects of drought will be most effective if they are based on sound systematic observation and rigorous scientific knowledge and if they are continuously re-evaluated,

Recognizing the urgent need to improve the effectiveness and coordination of international cooperation to facilitate the implementation of national plans and priorities,

Determined to take appropriate action in combating desertification and mitigating the effects of drought for the benefit of present and future generations,

Have agreed as follows:

PART I

INTRODUCTION

ARTICLE 1

USE OF TERMS

For the purposes of this Convention:

(a) "desertification" means land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities;

(b) "combating desertification" includes activities which are part of the integrated development of land in arid, semi-arid and dry sub-humid areas for sustainable development which are aimed at:

(i) prevention and/or reduction of land degradation;

(ii) rehabilitation of partly degraded land; and

(iii) reclamation of desertified land;

(c) "drought" means the naturally occurring phenomenon that exists when precipitation has been significantly below normal recorded levels, causing serious hydrological imbalances that adversely affect land resource production systems;

(d) "mitigating the effects of drought" means activities related to the prediction of drought and intended to reduce the vulnerability of society and natural systems to drought as it relates to combating desertification;

(e) "land" means the terrestrial bio-productive system that comprises soil, vegetation, other biota, and the ecological and hydrological processes that operate within the system;

(f) "land degradation" means reduction or loss, in arid, semi-arid and dry sub-humid areas, of the biological or economic productivity and complexity of rainfed cropland, irrigated cropland, or range, pasture, forest and woodlands resulting from land uses or from a process or combination of processes, including processes arising from human activities and habitation patterns, such as:

(i) soil erosion caused by wind and/or water;

(ii) deterioration of the physical, chemical and biological or economic properties of soil; and

(iii) long-term loss of natural vegetation;

(g) "arid, semi-arid and dry sub-humid areas" means areas, other than polar and sub-polar regions, in which the ratio of annual precipitation to potential evapotranspiration falls within the range from 0.05 to 0.65;

(h) "affected areas" means arid, semi-arid and/or dry sub-humid areas affected or threatened by desertification;

(i) "affected countries" means countries whose lands include, in whole or in part, affected areas;

(j) "regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention;

(k) "developed country Parties" means developed country Parties and regional economic integration organizations constituted by developed countries.

ARTICLE 2

OBJECTIVE

1. The objective of this Convention is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas.

2. Achieving this objective will involve long-term integrated strategies that focus simultaneously, in affected areas, on improved productivity of land, and the rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions, in particular at the community level.

ARTICLE 3

PRINCIPLES

In order to achieve the objective of this Convention and to implement its provisions, the Parties shall be guided, *inter alia*, by the following:

(a) the Parties should ensure that decisions on the design and implementation of programmes to combat desertification and/or mitigate the effects of drought are taken with the participation of populations and local communities and that an enabling environment is created at higher levels to facilitate action at national and local levels;

(b) the Parties should, in a spirit of international solidarity and partnership, improve cooperation and coordination at subregional, regional and international levels, and better focus financial, human, organizational and technical resources where they are needed;

(c) the Parties should develop, in a spirit of partnership, cooperation among all levels of government, communities, non-governmental organizations and landholders to establish a better understanding of the nature and value of land and scarce water resources in affected areas and to work towards their sustainable use; and

(d) the Parties should take into full consideration the special needs and circumstances of affected developing country Parties, particularly the least developed among them.

PART II

GENERAL PROVISIONS

ARTICLE 4

GENERAL OBLIGATIONS

1. The Parties shall implement their obligations under this Convention, individually or jointly, either through existing or prospective bilateral and multilateral arrangements or a combination thereof, as appropriate, emphasizing the need to coordinate efforts and develop a coherent long-term strategy at all levels.

2. In pursuing the objective of this Convention, the Parties shall:

(a) adopt an integrated approach addressing the physical, biological and socio-economic aspects of the processes of desertification and drought;

(b) give due attention, within the relevant international and regional bodies, to the situation of affected developing country Parties with regard to international trade, marketing arrangements and debt with a view to establishing an enabling international economic environment conducive to the promotion of sustainable development;

(c) integrate strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought;

(d) promote cooperation among affected country Parties in the fields of environmental protection and the conservation of land and water resources, as they relate to desertification and drought;

(e) strengthen subregional, regional and international cooperation;

(f) cooperate within relevant intergovernmental organizations;

(g) determine institutional mechanisms, if appropriate, keeping in mind the need to avoid duplication; and

(h) promote the use of existing bilateral and multilateral financial mechanisms and arrangements that mobilize and channel substantial financial resources to affected developing country Parties in combating desertification and mitigating the effects of drought.

3. Affected developing country Parties are eligible for assistance in the implementation of the Convention.

ARTICLE 5

OBLIGATIONS OF AFFECTED COUNTRY PARTIES

In addition to their obligations pursuant to article 4, affected country Parties undertake to:

(a) give due priority to combating desertification and mitigating the effects of drought, and allocate adequate resources in accordance with their circumstances and capabilities;

(b) establish strategies and priorities, within the framework of sustainable development plans and/or policies, to combat desertification and mitigate the effects of drought;

(c) address the underlying causes of desertification and pay special attention to the socio-economic factors contributing to desertification processes;

(d) promote awareness and facilitate the participation of local populations, particularly women and youth, with the support of non-governmental organizations, in efforts to combat desertification and mitigate the effects of drought; and

(e) provide an enabling environment by strengthening, as appropriate, relevant existing legislation and, where they do not exist, enacting new laws and establishing long-term policies and action programmes.

ARTICLE 6

OBLIGATIONS OF DEVELOPED COUNTRY PARTIES

In addition to their general obligations pursuant to article 4, developed country Parties undertake to:

(a) actively support, as agreed, individually or jointly, the efforts of affected developing country Parties, particularly those in Africa, and the least developed countries, to combat desertification and mitigate the effects of drought;

(b) provide substantial financial resources and other forms of support to assist affected developing country Parties, particularly those in Africa, effectively to develop and implement their own long-term plans and strategies to combat desertification and mitigate the effects of drought;

(c) promote the mobilization of new and additional funding pursuant to article 20, paragraph 2 (b);

(d) encourage the mobilization of funding from the private sector and other non-governmental sources; and

(e) promote and facilitate access by affected country Parties, particularly affected developing country Parties, to appropriate technology, knowledge and know-how.

ARTICLE 7

PRIORITY FOR AFRICA

In implementing this Convention, the Parties shall give priority to affected African country Parties, in the light of the particular situation prevailing in that region, while not neglecting affected developing country Parties in other regions.

ARTICLE 8

RELATIONSHIP WITH OTHER CONVENTIONS

1. The Parties shall encourage the coordination of activities carried out under this Convention and, if they are Parties to them, under other relevant international agreements, particularly the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, in order to derive maximum benefit from activities under each agreement while avoiding duplication of effort. The Parties shall encourage the conduct of joint programmes, particularly in the fields of research, training, systematic observation and information collection and exchange, to the extent that such activities may contribute to achieving the objectives of the agreements concerned.

2. The provisions of this Convention shall not affect the rights and obligations of any Party deriving from a bilateral, regional or international agreement into which it has entered prior to the entry into force of this Convention for it.

PART III

ACTION PROGRAMMES, SCIENTIFIC AND TECHNICAL COOPERATION AND SUPPORTING MEASURES

SECTION 1: ACTION PROGRAMMES

ARTICLE 9

BASIC APPROACH

1. In carrying out their obligations pursuant to article 5, affected developing country Parties and any other affected country Party in the framework of its regional implementation annex or, otherwise, that has notified the Permanent Secretariat in writing of its intention to prepare a national action programme, shall, as appropriate, prepare, make public and implement national action programmes, utilizing and building, to the extent possible, on existing relevant successful plans and programmes, and subregional and regional action programmes, as the central element of the strategy to combat desertification and mitigate the effects of drought. Such programmes shall be updated through a continuing participatory process on the basis of lessons from field action, as well as the results of research. The preparation of national action programmes shall be closely interlinked with other efforts to formulate national policies for sustainable development.

2. In the provision by developed country Parties of different forms of assistance under the terms of article 6, priority shall be given to supporting, as agreed, national, subregional and regional action programmes of affected developing country Parties, particularly those in Africa, either directly or through relevant multilateral organizations or both.

3. The Parties shall encourage organs, funds and programmes of the United Nations system and other relevant intergovernmental organizations, academic institutions,

the scientific community and non-governmental organizations in a position to cooperate, in accordance with their mandates and capabilities, to support the elaboration, implementation and follow-up of action programmes.

ARTICLE 10

NATIONAL ACTION PROGRAMMES

1. The purpose of national action programmes is to identify the factors contributing to desertification and practical measures necessary to combat desertification and mitigate the effects of drought.

2. National action programmes shall specify the respective roles of government, local communities and land users and the resources available and needed. They shall, *inter alia:*

   (a) incorporate long-term strategies to combat desertification and mitigate the effects of drought, emphasize implementation and be integrated with national policies for sustainable development;

   (b) allow for modifications to be made in response to changing circumstances and be sufficiently flexible at the local level to cope with different socio-economic, biological and geo-physical conditions;

   (c) give particular attention to the implementation of preventive measures for lands that are not yet degraded or which are only slightly degraded;

   (d) enhance national climatological, meteorological and hydrological capabilities and the means to provide for drought early warning;

   (e) promote policies and strengthen institutional frameworks which develop cooperation and coordination, in a spirit of partnership, between the donor community, governments at all levels, local populations and community groups, and facilitate access by local populations to appropriate information and technology;

   (f) provide for effective participation at the local, national and regional levels of non-governmental organizations and local populations, both women and men, particularly resource users, including farmers and pastoralists and their representative organizations, in policy planning, decision-making, and implementation and review of national action programmes; and

   (g) require regular review of, and progress reports on, their implementation.

3. National action programmes may include, *inter alia*, some or all of the following measures to prepare for and mitigate the effects of drought:

   (a) establishment and/or strengthening, as appropriate, of early warning systems, including local and national facilities and joint systems at the subregional and regional levels, and mechanisms for assisting environmentally displaced persons;

   (b) strengthening of drought preparedness and management, including drought contingency plans at the local, national, subregional and regional levels, which take into consideration seasonal to interannual climate predictions;

   (c) establishment and/or strengthening, as appropriate, of food security systems, including storage and marketing facilities, particularly in rural areas;

   (d) establishment of alternative livelihood projects that could provide incomes in drought prone areas; and

   (e) development of sustainable irrigation programmes for both crops and livestock.

4. Taking into account the circumstances and requirements specific to each affected

country Party, national action programmes include, as appropriate, *inter alia*, measures in some or all of the following priority fields as they relate to combating desertification and mitigating the effects of drought in affected areas and to their populations: promotion of alternative livelihoods and improvement of national economic environments with a view to strengthening programmes aimed at the eradication of poverty and at ensuring food security; demographic dynamics; sustainable management of natural resources; sustainable agricultural practices; development and efficient use of various energy sources; institutional and legal frameworks; strengthening of capabilities for assessment and systematic observation, including hydrological and meteorological services, and capacity building, education and public awareness.

ARTICLE 11

SUBREGIONAL AND REGIONAL ACTION PROGRAMMES

Affected country Parties shall consult and cooperate to prepare, as appropriate, in accordance with relevant regional implementation annexes, subregional and/or regional action programmes to harmonize, complement and increase the efficiency of national programmes. The provisions of article 10 shall apply *mutatis mutandis* to subregional and regional programmes. Such cooperation may include agreed joint programmes for the sustainable management of transboundary natural resources, scientific and technical cooperation, and strengthening of relevant institutions.

ARTICLE 12

INTERNATIONAL COOPERATION

Affected country Parties, in collaboration with other Parties and the international community, should cooperate to ensure the promotion of an enabling international environment in the implementation of the Convention. Such cooperation should also cover fields of technology transfer as well as scientific research and development, information collection and dissemination and financial resources.

ARTICLE 13

SUPPORT FOR THE ELABORATION AND IMPLEMENTATION OF ACTION PROGRAMMES

1. Measures to support action programmes pursuant to article 9 include, *inter alia:*

   (a) financial cooperation to provide predictability for action programmes, allowing for necessary long-term planning;

   (b) elaboration and use of cooperation mechanisms which better enable support at the local level, including action through non-governmental organizations, in order to promote the replicability of successful pilot programme activities where relevant;

   (c) increased flexibility in project design, funding and implementation in keeping with the experimental, iterative approach indicated for participatory action at the local community level; and

   (d) as appropriate, administrative and budgetary procedures that increase the efficiency of cooperation and of support programmes.

2. In providing such support to affected developing country Parties, priority shall be given to African country Parties and to least developed country Parties.

ARTICLE 14

COORDINATION IN THE ELABORATION AND IMPLEMENTATION OF ACTION PROGRAMMES

1. The Parties shall work closely together, directly and through relevant intergovernmental organizations, in the elaboration and implementation of action programmes.

2. The Parties shall develop operational mechanisms, particularly at the national and field levels, to ensure the fullest possible coordination among developed country Parties, developing country Parties and relevant intergovernmental and non-governmental organizations, in order to avoid duplication, harmonize interventions and approaches, and maximize the impact of assistance. In affected developing country Parties, priority will be given to coordinating activities related to international cooperation in order to maximize the efficient use of resources, to ensure responsive assistance, and to facilitate the implementation of national action programmes and priorities under this Convention.

ARTICLE 15

REGIONAL IMPLEMENTATION ANNEXES

Elements for incorporation in action programmes shall be selected and adapted to the socio-economic, geographical and climatic factors applicable to affected country Parties or regions, as well as to their level of development. Guidelines for the preparation of action programmes and their exact focus and content for particular subregions and regions are set out in the regional implementation annexes.

SECTION 2: SCIENTIFIC AND TECHNICAL COOPERATION

ARTICLE 16

INFORMATION COLLECTION, ANALYSIS AND EXCHANGE

The Parties agree, according to their respective capabilities, to integrate and coordinate the collection, analysis and exchange of relevant short term and long term data and information to ensure systematic observation of land degradation in affected areas and to understand better and assess the processes and effects of drought and desertification. This would help accomplish, *inter alia*, early warning and advance planning for periods of adverse climatic variation in a form suited for practical application by users at all levels, including especially local populations. To this end, they shall, as appropriate:

(a) facilitate and strengthen the functioning of the global network of institutions and facilities for the collection, analysis and exchange of information, as well as for systematic observation at all levels, which shall, *inter alia:*

  (i) aim to use compatible standards and systems;

  (ii) encompass relevant data and stations, including in remote areas;

  (iii) use and disseminate modern technology for data collection, transmission and assessment on land degradation; and

  (iv) link national, subregional and regional data and information centres more closely with global information sources;

(b) ensure that the collection, analysis and exchange of information address the needs of local communities and those of decision makers, with a view to resolving specific problems, and that local communities are involved in these activities;

(c) support and further develop bilateral and multilateral programmes and projects aimed at defining, conducting, assessing and financing the collection, analysis

and exchange of data and information, including, *inter alia*, integrated sets of physical, biological, social and economic indicators;

(d) make full use of the expertise of competent intergovernmental and non-governmental organizations, particularly to disseminate relevant information and experiences among target groups in different regions;

(e) give full weight to the collection, analysis and exchange of socio-economic data, and their integration with physical and biological data;

(f) exchange and make fully, openly and promptly available information from all publicly available sources relevant to combating desertification and mitigating the effects of drought; and

(g) subject to their respective national legislation and/or policies, exchange information on local and traditional knowledge, ensuring adequate protection for it and providing appropriate return from the benefits derived from it, on an equitable basis and on mutually agreed terms, to the local populations concerned.

ARTICLE 17

RESEARCH AND DEVELOPMENT

1. The Parties undertake, according to their respective capabilities, to promote technical and scientific cooperation in the fields of combating desertification and mitigating the effects of drought through appropriate national, subregional, regional and international institutions. To this end, they shall support research activities that:

(a) contribute to increased knowledge of the processes leading to desertification and drought and the impact of, and distinction between, causal factors, both natural and human, with a view to combating desertification and mitigating the effects of drought, and achieving improved productivity as well as sustainable use and management of resources;

(b) respond to well defined objectives, address the specific needs of local populations and lead to the identification and implementation of solutions that improve the living standards of people in affected areas;

(c) protect, integrate, enhance and validate traditional and local knowledge, know-how and practices, ensuring, subject to their respective national legislation and/ or policies, that the owners of that knowledge will directly benefit on an equitable basis and on mutually agreed terms from any commercial utilization of it or from any technological development derived from that knowledge;

(d) develop and strengthen national, subregional and regional research capabilities in affected developing country Parties, particularly in Africa, including the development of local skills and the strengthening of appropriate capacities, especially in countries with a weak research base, giving particular attention to multidisciplinary and participative socio-economic research;

(e) take into account, where relevant, the relationship between poverty, migration caused by environmental factors, and desertification;

(f) promote the conduct of joint research programmes between national, subregional, regional and international research organizations, in both the public and private sectors, for the development of improved, affordable and accessible technologies for sustainable development through effective participation of local populations and communities; and

(g) enhance the availability of water resources in affected areas, by means of, *inter alia*, cloud-seeding.

2. Research priorities for particular regions and subregions, reflecting different local conditions, should be included in action programmes. The Conference of the Parties

shall review research priorities periodically on the advice of the Committee on Science and Technology.

ARTICLE 18

TRANSFER, ACQUISITION, ADAPTATION AND DEVELOPMENT OF TECHNOLOGY

1. The Parties undertake, as mutually agreed and in accordance with their respective national legislation and/or policies, to promote, finance and/or facilitate the financing of the transfer, acquisition, adaptation and development of environmentally sound, economically viable and socially acceptable technologies relevant to combating desertification and/or mitigating the effects of drought, with a view to contributing to the achievement of sustainable development in affected areas. Such cooperation shall be conducted bilaterally or multilaterally, as appropriate, making full use of the expertise of intergovernmental and non-governmental organizations. The Parties shall, in particular:

    (a) fully utilize relevant existing national, subregional, regional and international information systems and clearing-houses for the dissemination of information on available technologies, their sources, their environmental risks and the broad terms under which they may be acquired;

    (b) facilitate access, in particular by affected developing country Parties, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, to technologies most suitable to practical application for specific needs of local populations, paying special attention to the social, cultural, economic and environmental impact of such technology;

    (c) facilitate technology cooperation among affected country Parties through financial assistance or other appropriate means;

    (d) extend technology cooperation with affected developing country Parties, including, where relevant, joint ventures, especially to sectors which foster alternative livelihoods; and

    (e) take appropriate measures to create domestic market conditions and incentives, fiscal or otherwise, conducive to the development, transfer, acquisition and adaptation of suitable technology, knowledge, know-how and practices, including measures to ensure adequate and effective protection of intellectual property rights.

2. The Parties shall, according to their respective capabilities, and subject to their respective national legislation and/or policies, protect, promote and use in particular relevant traditional and local technology, knowledge, know-how and practices and, to that end, they undertake to:

    (a) make inventories of such technology, knowledge, know-how and practices and their potential uses with the participation of local populations, and disseminate such information, where appropriate, in cooperation with relevant intergovernmental and non-governmental organizations;

    (b) ensure that such technology, knowledge, know-how and practices are adequately protected and that local populations benefit directly, on an equitable basis and as mutually agreed, from any commercial utilization of them or from any technological development derived therefrom;

    (c) encourage and actively support the improvement and dissemination of such technology, knowledge, know-how and practices or of the development of new technology based on them; and

    (d) facilitate, as appropriate, the adaptation of such technology, knowledge, know-how and practices to wide use and integrate them with modern technology, as appropriate.

SECTION 3: SUPPORTING MEASURES

ARTICLE 19

CAPACITY BUILDING, EDUCATION AND PUBLIC AWARENESS

1. The Parties recognize the significance of capacity building — that is to say, institution building, training and development of relevant local and national capacities — in efforts to combat desertification and mitigate the effects of drought. They shall promote, as appropriate, capacity-building:

   (a) through the full participation at all levels of local people, particularly at the local level, especially women and youth, with the cooperation of non-governmental and local organizations;

   (b) by strengthening training and research capacity at the national level in the field of desertification and drought;

   (c) by establishing and/or strengthening support and extension services to disseminate relevant technology methods and techniques more effectively, and by training field agents and members of rural organizations in participatory approaches for the conservation and sustainable use of natural resources;

   (d) by fostering the use and dissemination of the knowledge, know-how and practices of local people in technical cooperation programmes, wherever possible;

   (e) by adapting, where necessary, relevant environmentally sound technology and traditional methods of agriculture and pastoralism to modern socio-economic conditions;

   (f) by providing appropriate training and technology in the use of alternative energy sources, particularly renewable energy resources, aimed particularly at reducing dependence on wood for fuel;

   (g) through cooperation, as mutually agreed, to strengthen the capacity of affected developing country Parties to develop and implement programmes in the field of collection, analysis and exchange of information pursuant to article 16;

   (h) through innovative ways of promoting alternative livelihoods, including training in new skills;

   (i) by training of decision makers, managers, and personnel who are responsible for the collection and analysis of data for the dissemination and use of early warning information on drought conditions and for food production;

   (j) through more effective operation of existing national institutions and legal frameworks and, where necessary, creation of new ones, along with strengthening of strategic planning and management; and

   (k) by means of exchange visitor programmes to enhance capacity building in affected country Parties through a long-term, interactive process of learning and study.

2. Affected developing country Parties shall conduct, in cooperation with other Parties and competent intergovernmental and non-governmental organizations, as appropriate, an interdisciplinary review of available capacity and facilities at the local and national levels, and the potential for strengthening them.

3. The Parties shall cooperate with each other and through competent intergovernmental organizations, as well as with non-governmental organizations, in undertaking and supporting public awareness and educational programmes in both affected and, where relevant, unaffected country Parties to promote understanding of the causes and effects of desertification and drought and of the importance of meeting the objective of this Convention. To that end, they shall:

(a) organize awareness campaigns for the general public;

(b) promote, on a permanent basis, access by the public to relevant information, and wide public participation in education and awareness activities;

(c) encourage the establishment of associations that contribute to public awareness;

(d) develop and exchange educational and public awareness material, where possible in local languages, exchange and second experts to train personnel of affected developing country Parties in carrying out relevant education and awareness programmes, and fully utilize relevant educational material available in competent international bodies;

(e) assess educational needs in affected areas, elaborate appropriate school curricula and expand, as needed, educational and adult literacy programmes and opportunities for all, in particular for girls and women, on the identification, conservation and sustainable use and management of the natural resources of affected areas; and

(f) develop interdisciplinary participatory programmes integrating desertification and drought awareness into educational systems and in non-formal, adult, distance and practical educational programmes.

4. The Conference of the Parties shall establish and/or strengthen networks of regional education and training centres to combat desertification and mitigate the effects of drought. These networks shall be coordinated by an institution created or designated for that purpose, in order to train scientific, technical and management personnel and to strengthen existing institutions responsible for education and training in affected country Parties, where appropriate, with a view to harmonizing programmes and to organizing exchanges of experience among them. These networks shall cooperate closely with relevant intergovernmental and non-governmental organizations to avoid duplication of effort.

ARTICLE 20

FINANCIAL RESOURCES

1. Given the central importance of financing to the achievement of the objective of the Convention, the Parties, taking into account their capabilities, shall make every effort to ensure that adequate financial resources are available for programmes to combat desertification and mitigate the effects of drought.

2. In this connection, developed country Parties, while giving priority to affected African country Parties without neglecting affected developing country Parties in other regions, in accordance with article 7, undertake to:

(a) mobilize substantial financial resources, including grants and concessional loans, in order to support the implementation of programmes to combat desertification and mitigate the effects of drought;

(b) promote the mobilization of adequate, timely and predictable financial resources, including new and additional funding from the Global Environment Facility of the agreed incremental costs of those activities concerning desertification that relate to its four focal areas, in conformity with the relevant provisions of the Instrument establishing the Global Environment Facility;

(c) facilitate through international cooperation the transfer of technology, knowledge and know-how; and

(d) explore, in cooperation with affected developing country Parties, innovative methods and incentives for mobilizing and channelling resources, including those of foundations, non-governmental organizations and other private sector entities, particularly debt swaps and other innovative means which increase financing by reducing the external debt burden of affected developing country Parties, particularly those in Africa.

3. Affected developing country Parties, taking into account their capabilities, undertake to mobilize adequate financial resources for the implementation of their national action programmes.

4. In mobilizing financial resources, the Parties shall seek full use and continued qualitative improvement of all national, bilateral and multilateral funding sources and mechanisms, using consortia, joint programmes and parallel financing, and shall seek to involve private sector funding sources and mechanisms, including those of non-governmental organizations. To this end, the Parties shall fully utilize the operational mechanisms developed pursuant to article 14.

5. In order to mobilize the financial resources necessary for affected developing country Parties to combat desertification and mitigate the effects of drought, the Parties shall:

(a) rationalize and strengthen the management of resources already allocated for combating desertification and mitigating the effects of drought by using them more effectively and efficiently, assessing their successes and shortcomings, removing hindrances to their effective use and, where necessary, reorienting programmes in light of the integrated long-term approach adopted pursuant to this Convention;

(b) give due priority and attention within the governing bodies of multilateral financial institutions, facilities and funds, including regional development banks and funds, to supporting affected developing country Parties, particularly those in Africa, in activities which advance implementation of the Convention, notably action programmes they undertake in the framework of regional implementation annexes; and

(c) examine ways in which regional and subregional cooperation can be strengthened to support efforts undertaken at the national level.

6. Other Parties are encouraged to provide, on a voluntary basis, knowledge, know-how and techniques related to desertification and/or financial resources to affected developing country Parties.

7. The full implementation by affected developing country Parties, particularly those in Africa, of their obligations under the Convention will be greatly assisted by the fulfilment by developed country Parties of their obligations under the Convention, including in particular those regarding financial resources and transfer of technology. In fulfilling their obligations, developed country Parties should take fully into account that economic and social development and poverty eradication are the first priorities of affected developing country Parties, particularly those in Africa.

ARTICLE 21

FINANCIAL MECHANISMS

1. The Conference of the Parties shall promote the availability of financial mechanisms and shall encourage such mechanisms to seek to maximize the availability of funding for affected developing country Parties, particularly those in Africa, to implement the Convention. To this end, the Conference of the Parties shall consider for adoption *inter alia* approaches and policies that:

(a) facilitate the provision of necessary funding at the national, subregional, regional and global levels for activities pursuant to relevant provisions of the Convention;

(b) promote multiple-source funding approaches, mechanisms and arrangements and their assessment, consistent with article 20;

(c) provide on a regular basis, to interested Parties and relevant intergovernmental and non-governmental organizations, information on available sources of funds and on funding patterns in order to facilitate coordination among them;

(d) facilitate the establishment, as appropriate, of mechanisms, such as national

desertification funds, including those involving the participation of non-governmental organizations, to channel financial resources rapidly and efficiently to the local level in affected developing country Parties; and

(e) strengthen existing funds and financial mechanisms at the subregional and regional levels, particularly in Africa, to support more effectively the implementation of the Convention.

2. The Conference of the Parties shall also encourage the provision, through various mechanisms within the United Nations system and through multilateral financial institutions, of support at the national, subregional and regional levels to activities that enable developing country Parties to meet their obligations under the Convention.

3. Affected developing country Parties shall utilize, and where necessary, establish and/or strengthen, national coordinating mechanisms, integrated in national development programmes, that would ensure the efficient use of all available financial resources. They shall also utilize participatory processes involving non-governmental organizations, local groups and the private sector, in raising funds, in elaborating as well as implementing programmes and in assuring access to funding by groups at the local level. These actions can be enhanced by improved coordination and flexible programming on the part of those providing assistance.

4. In order to increase the effectiveness and efficiency of existing financial mechanisms, a Global Mechanism to promote actions leading to the mobilization and channelling of substantial financial resources, including for the transfer of technology, on a grant basis, and/or on concessional or other terms, to affected developing country Parties, is hereby established. This Global Mechanism shall function under the authority and guidance of the Conference of the Parties and be accountable to it.

5. The Conference of the Parties shall identify, at its first ordinary session, an organization to house the Global Mechanism. The Conference of the Parties and the organization it has identified shall agree upon modalities for this Global Mechanism to ensure *inter alia* that such Mechanism:

(a) identifies and draws up an inventory of relevant bilateral and multilateral cooperation programmes that are available to implement the Convention;

(b) provides advice, on request, to Parties on innovative methods of financing and sources of financial assistance and on improving the coordination of cooperation activities at the national level;

(c) provides interested Parties and relevant intergovernmental and non-governmental organizations with information on available sources of funds and on funding patterns in order to facilitate coordination among them; and

(d) reports to the Conference of the Parties, beginning at its second ordinary session, on its activities.

6. The Conference of the Parties shall, at its first session, make appropriate arrangements with the organization it has identified to house the Global Mechanism for the administrative operations of such Mechanism, drawing to the extent possible on existing budgetary and human resources.

7. The Conference of the Parties shall, at its third ordinary session, review the policies, operational modalities and activities of the Global Mechanism accountable to it pursuant to paragraph 4, taking into account the provisions of article 7. On the basis of this review, it shall consider and take appropriate action.

PART IV

INSTITUTIONS

ARTICLE 22

CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established.

2. The Conference of the Parties is the supreme body of the Convention. It shall make, within its mandate, the decisions necessary to promote its effective implementation. In particular, it shall:

(a) regularly review the implementation of the Convention and the functioning of its institutional arrangements in the light of the experience gained at the national, subregional, regional and international levels and on the basis of the evolution of scientific and technological knowledge;

(b) promote and facilitate the exchange of information on measures adopted by the Parties, and determine the form and timetable for transmitting the information to be submitted pursuant to article 26, review the reports and make recommendations on them;

(c) establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;

(d) review reports submitted by its subsidiary bodies and provide guidance to them;

(e) agree upon and adopt, by consensus, rules of procedure and financial rules for itself and any subsidiary bodies;

(f) adopt amendments to the Convention pursuant to articles 30 and 31;

(g) approve a programme and budget for its activities, including those of its subsidiary bodies, and undertake necessary arrangements for their financing;

(h) as appropriate, seek the cooperation of, and utilize the services of and information provided by, competent bodies or agencies, whether national or international, intergovernmental or non-governmental;

(i) promote and strengthen the relationship with other relevant conventions while avoiding duplication of effort; and

(j) exercise such other functions as may be necessary for the achievement of the objective of the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure, by consensus, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim secretariat referred to in article 35 and shall take place not later than one year after the date of entry into force of the Convention. Unless otherwise decided by the Conference of the Parties, the second, third and fourth ordinary sessions shall be held yearly, and thereafter, ordinary sessions shall be held every two years.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be decided either by the Conference of the Parties in ordinary session or at the written request of any Party, provided that, within three months of the request being communicated to the Parties by the Permanent Secretariat, it is supported by at least one third of the Parties.

6. At each ordinary session, the Conference of the Parties shall elect a Bureau. The structure and functions of the Bureau shall be determined in the rules of procedure. In appointing the Bureau, due regard shall be paid to the need to ensure equitable geographical distribution and adequate representation of affected country Parties, particularly those in Africa.

7. The United Nations, its specialized agencies and any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the Permanent Secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

8. The Conference of the Parties may request competent national and international organizations which have relevant expertise to provide it with information relevant to article 16, paragraph (g), article 17, paragraph 1 (c) and article 18, paragraph 2(b).

ARTICLE 23

PERMANENT SECRETARIAT

1. A Permanent Secretariat is hereby established.

2. The functions of the Permanent Secretariat shall be:

   (a) to make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;

   (b) to compile and transmit reports submitted to it;

   (c) to facilitate assistance to affected developing country Parties, on request, particularly those in Africa, in the compilation and communication of information required under the Convention;

   (d) to coordinate its activities with the secretariats of other relevant international bodies and conventions;

   (e) to enter, under the guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

   (f) to prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties; and

   (g) to perform such other secretariat functions as may be determined by the Conference of the Parties.

3. The Conference of the Parties, at its first session, shall designate a Permanent Secretariat and make arrangements for its functioning.

ARTICLE 24

COMMITTEE ON SCIENCE AND TECHNOLOGY

1. A Committee on Science and Technology is hereby established as a subsidiary body of the Conference of the Parties to provide it with information and advice on scientific and technological matters relating to combating desertification and mitigating the effects of drought. The Committee shall meet in conjunction with the ordinary sessions of the Conference of the Parties and shall be multidisciplinary and open to the participation of all Parties. It shall be composed of government representatives

competent in the relevant fields of expertise. The Conference of the Parties shall decide, at its first session, on the terms of reference of the Committee.

2. The Conference of the Parties shall establish and maintain a roster of independent experts with expertise and experience in the relevant fields. The roster shall be based on nominations received in writing from the Parties, taking into account the need for a multidisciplinary approach and broad geographical representation.

3. The Conference of the Parties may, as necessary, appoint ad hoc panels to provide it, through the Committee, with information and advice on specific issues regarding the state of the art in fields of science and technology relevant to combating desertification and mitigating the effects of drought. These panels shall be composed of experts whose names are taken from the roster, taking into account the need for a multidisciplinary approach and broad geographical representation. These experts shall have scientific backgrounds and field experience and shall be appointed by the Conference of the Parties on the recommendation of the Committee. The Conference of the Parties shall decide on the terms of reference and the modalities of work of these panels.

ARTICLE 25

NETWORKING OF INSTITUTIONS, AGENCIES AND BODIES

1. The Committee on Science and Technology shall, under the supervision of the Conference of the Parties, make provision for the undertaking of a survey and evaluation of the relevant existing networks, institutions, agencies and bodies willing to become units of a network. Such a network shall support the implementation of the Convention.

2. On the basis of the results of the survey and evaluation referred to in paragraph 1, the Committee on Science and Technology shall make recommendations to the Conference of the Parties on ways and means to facilitate and strengthen networking of the units at the local, national and other levels, with a view to ensuring that the thematic needs set out in articles 16 to 19 are addressed.

3. Taking into account these recommendations, the Conference of the Parties shall:

   (a) identify those national, subregional, regional and international units that are most appropriate for networking, and recommend operational procedures, and a time frame, for them; and

   (b) identify the units best suited to facilitating and strengthening such networking at all levels.

PART V

PROCEDURES

ARTICLE 26

COMMUNICATION OF INFORMATION

1. Each Party shall communicate to the Conference of the Parties for consideration at its ordinary sessions, through the Permanent Secretariat, reports on the measures which it has taken for the implementation of the Convention. The Conference of the Parties shall determine the timetable for submission and the format of such reports.

2. Affected country Parties shall provide a description of the strategies established pursuant to article 5 and of any relevant information on their implementation.

3. Affected country Parties which implement action programmes pursuant to articles 9 to 15 shall provide a detailed description of the programmes and of their implementation.

4. Any group of affected country Parties may make a joint communication on measures taken at the subregional and/or regional levels in the framework of action programmes.

5. Developed country Parties shall report on measures taken to assist in the preparation and implementation of action programmes, including information on the financial resources they have provided, or are providing, under the Convention.

6. Information communicated pursuant to paragraphs 1 to 4 shall be transmitted by the Permanent Secretariat as soon as possible to the Conference of the Parties and to any relevant subsidiary body.

7. The Conference of the Parties shall facilitate the provision to affected developing countries, particularly those in Africa, on request, of technical and financial support in compiling and communicating information in accordance with this article, as well as identifying the technical and financial needs associated with action programmes.

ARTICLE 27

MEASURES TO RESOLVE QUESTIONS ON IMPLEMENTATION

The Conference of the Parties shall consider and adopt procedures and institutional mechanisms for the resolution of questions that may arise with regard to the implementation of the Convention.

ARTICLE 28

SETTLEMENT OF DISPUTES

1. Parties shall settle any dispute between them concerning the interpretation or application of the Convention through negotiation or other peaceful means of their own choice.

2. When ratifying, accepting, approving, or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

   (a) arbitration in accordance with procedures adopted by the Conference of the Parties in an annex as soon as practicable;

   (b) submission of the dispute to the International Court of Justice.

3. A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2 (a).

4. A declaration made pursuant to paragraph 2 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

5. The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before an arbitral tribunal or the International Court of Justice unless the Parties to the dispute otherwise agree.

6. If the Parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2 and if they have not been able to settle their dispute within twelve months following notification by one Party to another that a dispute exists between them, the dispute shall be submitted to conciliation at the request of any Party to the dispute, in

accordance with procedures adopted by the Conference of the Parties in an annex as soon as practicable.

ARTICLE 29

STATUS OF ANNEXES

1. Annexes form an integral part of the Convention and, unless expressly provided otherwise, a reference to the Convention also constitutes a reference to its annexes.

2. The Parties shall interpret the provisions of the annexes in a manner that is in conformity with their rights and obligations under the articles of this Convention.

ARTICLE 30

AMENDMENTS TO THE CONVENTION

1. Any Party may propose amendments to the Convention.

2. Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Permanent Secretariat at least six months before the meeting at which it is proposed for adoption. The Permanent Secretariat shall also communicate proposed amendments to the signatories to the Convention.

3. The Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted and no agreement reached, the amendment shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the Permanent Secretariat to the Depositary, who shall circulate it to all Parties for their ratification, acceptance, approval or accession.

4. Instruments of ratification, acceptance, approval or accession in respect of an amendment shall be deposited with the Depositary. An amendment adopted pursuant to paragraph 3 shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of ratification, acceptance, approval or accession by at least two thirds of the Parties to the Convention which were Parties at the time of the adoption of the amendment.

5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of ratification, acceptance or approval of, or accession to the said amendment.

6. For the purposes of this article and article 31, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

ARTICLE 31

ADOPTION AND AMENDMENT OF ANNEXES

1. Any additional annex to the Convention and any amendment to an annex shall be proposed and adopted in accordance with the procedure for amendment of the Convention set forth in article 30, provided that, in adopting an additional regional implementation annex or amendment to any regional implementation annex, the majority provided for in that article shall include a two-thirds majority vote of the Parties of the region concerned present and voting. The adoption or amendment of an annex shall be communicated by the Depositary to all Parties.

2. An annex, other than an additional regional implementation annex, or an amendment to an annex, other than an amendment to any regional implementation annex, that has been adopted in accordance with paragraph 1, shall enter into force for all Parties

to the Convention six months after the date of communication by the Depositary to such Parties of the adoption of such annex or amendment, except for those Parties that have notified the Depositary in writing within that period of their non-acceptance of such annex or amendment. Such annex or amendment shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

3. An additional regional implementation annex or amendment to any regional implementation annex that has been adopted in accordance with paragraph 1, shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary to such Parties of the adoption of such annex or amendment, except with respect to:

   (a) any Party that has notified the Depositary in writing, within such six month period, of its non-acceptance of that additional regional implementation annex or of the amendment to the regional implementation annex, in which case such annex or amendment shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary; and

   (b) any Party that has made a declaration with respect to additional regional implementation annexes or amendments to regional implementation annexes in accordance with article 34, paragraph 4, in which case any such annex or amendment shall enter into force for such a Party on the ninetieth day after the date of deposit with the Depositary of its instrument of ratification, acceptance, approval or accession with respect to such annex or amendment.

4. If the adoption of an annex or an amendment to an annex involves an amendment to the Convention, that annex or amendment to an annex shall not enter into force until such time as the amendment to the Convention enters into force.

ARTICLE 32

RIGHT TO VOTE

1. Except as provided for in paragraph 2, each Party to the Convention shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

PART VI

FINAL PROVISIONS

ARTICLE 33

SIGNATURE

This Convention shall be opened for signature at Paris, on 14-15 October 1994, by States Members of the United Nations or any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations. It shall remain open for signature, thereafter, at the United Nations Headquarters in New York until 13 October 1995.

ARTICLE 34

RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization which becomes a Party to the Convention without any of its member States being a Party to the Convention shall be bound by all the obligations under the Convention. Where one or more member States of such an organization are also Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. They shall also promptly inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

4. In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with respect to it, any additional regional implementation annex or any amendment to any regional implementation annex shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.

ARTICLE 35

INTERIM ARRANGEMENTS

The secretariat functions referred to in article 23 will be carried out on an interim basis by the secretariat established by the General Assembly of the United Nations in its resolution 47/188 of 22 December 1992, until the completion of the first session of the Conference of the Parties.

ARTICLE 36

ENTRY INTO FORCE

1. The Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to the Convention after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

ARTICLE 37

RESERVATIONS

No reservations may be made to this Convention.

ARTICLE 38

WITHDRAWAL

1. At any time after three years from the date on which the Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

ARTICLE 39

DEPOSITARY

The Secretary-General of the United Nations shall be the Depositary of the Convention.

ARTICLE 40

AUTHENTIC TEXTS

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed the present Convention.

DONE AT Paris, this 17th day of June one thousand nine hundred and ninety-four.

Date of entry into force 26 December 1996

ANNEX I

REGIONAL IMPLEMENTATION ANNEX FOR AFRICA

ARTICLE 1

SCOPE

This Annex applies to Africa, in relation to each Party and in conformity with the Convention, in particular its article 7, for the purpose of combating desertification and/or mitigating the effects of drought in its arid, semi-arid and dry sub-humid areas.

ARTICLE 2

PURPOSE

The purpose of this Annex, at the national, subregional and regional levels in Africa and in the light of its particular conditions, is to:

(a) identify measures and arrangements, including the nature and processes of assistance provided by developed country Parties, in accordance with the relevant provisions of the Convention;

(b) provide for the efficient and practical implementation of the Convention to address conditions specific to Africa; and

(c) promote processes and activities relating to combating desertification and/or mitigating the effects of drought within the arid, semi-arid and dry sub-humid areas of Africa.

ARTICLE 3

PARTICULAR CONDITIONS OF THE AFRICAN REGION

In carrying out their obligations under the Convention, the Parties shall, in the implementation of this Annex, adopt a basic approach that takes into consideration the following particular conditions of Africa:

(a) the high proportion of arid, semi-arid and dry sub-humid areas;

(b) the substantial number of countries and populations adversely affected by desertification and by the frequent recurrence of severe drought;

(c) the large number of affected countries that are landlocked;

(d) the widespread poverty prevalent in most affected countries, the large number of least developed countries among them, and their need for significant amounts of external assistance, in the form of grants and loans on concessional terms, to pursue their development objectives;

(e) the difficult socio-economic conditions, exacerbated by deteriorating and fluctuating terms of trade, external indebtedness and political instability, which induce internal, regional and international migrations;

(f) the heavy reliance of populations on natural resources for subsistence which, compounded by the effects of demographic trends and factors, a weak technological base and unsustainable production practices, contributes to serious resource degradation;

(g) the insufficient institutional and legal frameworks, the weak infrastructural base and the insufficient scientific, technical and educational capacity, leading to substantial capacity building requirements; and

(h) the central role of actions to combat desertification and/or mitigate the effects of drought in the national development priorities of affected African countries.

ARTICLE 4

COMMITMENTS AND OBLIGATIONS OF AFRICAN COUNTRY PARTIES

1. In accordance with their respective capabilities, African country Parties undertake to:

(a) adopt the combating of desertification and/or the mitigation of the effects of drought as a central strategy in their efforts to eradicate poverty;

(b) promote regional cooperation and integration, in a spirit of solidarity and partnership based on mutual interest, in programmes and activities to combat desertification and/or mitigate the effects of drought;

(c) rationalize and strengthen existing institutions concerned with desertification and drought and involve other existing institutions, as appropriate, in order to make them more effective and to ensure more efficient use of resources;

(d) promote the exchange of information on appropriate technology, knowledge, know-how and practices between and among them; and

(e) develop contingency plans for mitigating the effects of drought in areas degraded by desertification and/or drought.

2. Pursuant to the general and specific obligations set out in articles 4 and 5 of the Convention, affected African country Parties shall aim to:

   (a) make appropriate financial allocations from their national budgets consistent with national conditions and capabilities and reflecting the new priority Africa has accorded to the phenomenon of desertification and/or drought;

   (b) sustain and strengthen reforms currently in progress toward greater decentralization and resource tenure as well as reinforce participation of local populations and communities; and

   (c) identify and mobilize new and additional national financial resources, and expand, as a matter of priority, existing national capabilities and facilities to mobilize domestic financial resources.

ARTICLE 5

COMMITMENTS AND OBLIGATIONS OF DEVELOPED COUNTRY PARTIES

1. In fulfilling their obligations pursuant to articles 4, 6 and 7 of the Convention, developed country Parties shall give priority to affected African country Parties and, in this context, shall:

   (a) assist them to combat desertification and/or mitigate the effects of drought by, *inter alia*, providing and/or facilitating access to financial and/or other resources, and promoting, financing and/or facilitating the financing of the transfer, adaptation and access to appropriate environmental technologies and know-how, as mutually agreed and in accordance with national policies, taking into account their adoption of poverty eradication as a central strategy;

   (b) continue to allocate significant resources and/or increase resources to combat desertification and/or mitigate the effects of drought; and

   (c) assist them in strengthening capacities to enable them to improve their institutional frameworks, as well as their scientific and technical capabilities, information collection and analysis, and research and development for the purpose of combating desertification and/or mitigating the effects of drought.

2. Other country Parties may provide, on a voluntary basis, technology, knowledge and know-how relating to desertification and/or financial resources, to affected African country Parties. The transfer of such knowledge, know-how and techniques is facilitated by international cooperation.

ARTICLE 6

STRATEGIC PLANNING FRAMEWORK FOR SUSTAINABLE DEVELOPMENT

1. National action programmes shall be a central and integral part of a broader process of formulating national policies for the sustainable development of affected African country Parties.

2. A consultative and participatory process involving appropriate levels of government, local populations, communities and non-governmental organizations shall be undertaken to provide guidance on a strategy with flexible planning to allow maximum participation from local populations and communities. As appropriate, bilateral and multilateral assistance agencies may be involved in this process at the request of an affected African country Party.

ARTICLE 7

TIMETABLE FOR PREPARATION OF ACTION PROGRAMMES

Pending entry into force of this Convention, the African country Parties, in cooperation with other members of the international community, as appropriate, shall, to the extent possible, provisionally apply those provisions of the Convention relating to the preparation of national, subregional and regional action programmes.

ARTICLE 8

CONTENT OF NATIONAL ACTION PROGRAMMES

1. Consistent with article 10 of the Convention, the overall strategy of national action programmes shall emphasize integrated local development programmes for affected areas, based on participatory mechanisms and on integration of strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought. The programmes shall aim at strengthening the capacity of local authorities and ensuring the active involvement of local populations, communities and groups, with emphasis on education and training, mobilization of non-governmental organizations with proven expertise and strengthening of decentralized governmental structures.

2. National action programmes shall, as appropriate, include the following general features:

   (a) the use, in developing and implementing national action programmes, of past experiences in combating desertification and/or mitigating the effects of drought, taking into account social, economic and ecological conditions;

   (b) the identification of factors contributing to desertification and/or drought and the resources and capacities available and required, and the setting up of appropriate policies and institutional and other responses and measures necessary to combat those phenomena and/or mitigate their effects; and

   (c) the increase in participation of local populations and communities, including women, farmers and pastoralists, and delegation to them of more responsibility for management.

3. National action programmes shall also, as appropriate, include the following:

   (a) measures to improve the economic environment with a view to eradicating poverty:

      (i) increasing incomes and employment opportunities, especially for the poorest members of the community, by:

         - developing markets for farm and livestock products;
         - creating financial instruments suited to local needs;
         - encouraging diversification in agriculture and the setting-up of agricultural enterprises; and
         - developing economic activities of a para-agricultural or non-agricultural type;

      (ii) improving the long-term prospects of rural economies by the creation of:

         - incentives for productive investment and access to the means of production; and
         - price and tax policies and commercial practices that promote growth;

      (iii) defining and applying population and migration policies to reduce population pressure on land; and

(iv) promoting the use of drought resistant crops and the application of integrated dry-land farming systems for food security purposes;

(b) measures to conserve natural resources:

(i) ensuring integrated and sustainable management of natural resources, including:

- agricultural land and pastoral land;
- vegetation cover and wildlife;
- forests;
- water resources; and
- biological diversity;

(ii) training with regard to, and strengthening, public awareness and environmental education campaigns and disseminating knowledge of techniques relating to the sustainable management of natural resources; and

(iii) ensuring the development and efficient use of diverse energy sources, the promotion of alternative sources of energy, particularly solar energy, wind energy and bio-gas, and specific arrangements for the transfer, acquisition and adaptation of relevant technology to alleviate the pressure on fragile natural resources;

(c) measures to improve institutional organization:

(i) defining the roles and responsibilities of central government and local authorities within the framework of a land use planning policy;

(ii) encouraging a policy of active decentralization, devolving responsibility for management and decision-making to local authorities, and encouraging initiatives and the assumption of responsibility by local communities and the establishment of local structures; and

(iii) adjusting, as appropriate, the institutional and regulatory framework of natural resource management to provide security of land tenure for local populations;

(d) measures to improve knowledge of desertification:

(i) promoting research and the collection, processing and exchange of information on the scientific, technical and socio-economic aspects of desertification;

(ii) improving national capabilities in research and in the collection, processing, exchange and analysis of information so as to increase understanding and to translate the results of the analysis into operational terms; and

(iii) encouraging the medium and long term study of:

- socio-economic and cultural trends in affected areas;
- qualitative and quantitative trends in natural resources; and
- the interaction between climate and desertification; and

(e) measures to monitor and assess the effects of drought:

(i) developing strategies to evaluate the impacts of natural climate variability on regional drought and desertification and/or to utilize predictions of climate variability on seasonal to interannual time scales in efforts to mitigate the effects of drought;

(ii) improving early warning and response capacity, efficiently managing emergency relief and food aid, and improving food stocking and distribution systems, cattle protection schemes and public works and alternative livelihoods for drought prone areas; and

(iii) monitoring and assessing ecological degradation to provide reliable and timely information on the process and dynamics of resource degradation in order to facilitate better policy formulations and responses.

ARTICLE 9

PREPARATION OF NATIONAL ACTION PROGRAMMES AND IMPLEMENTATION AND EVALUATION INDICATORS

Each affected African country Party shall designate an appropriate national coordinating body to function as a catalyst in the preparation, implementation and evaluation of its national action programme. This coordinating body shall, in the light of article 3 and as appropriate:

(a) undertake an identification and review of actions, beginning with a locally driven consultation process, involving local populations and communities and with the cooperation of local administrative authorities, developed country Parties and intergovernmental and non-governmental organizations, on the basis of initial consultations of those concerned at the national level;

(b) identify and analyze the constraints, needs and gaps affecting development and sustainable land use and recommend practical measures to avoid duplication by making full use of relevant ongoing efforts and promote implementation of results;

(c) facilitate, design and formulate project activities based on interactive, flexible approaches in order to ensure active participation of the population in affected areas, to minimize the negative impact of such activities, and to identify and prioritize requirements for financial assistance and technical cooperation;

(d) establish pertinent, quantifiable and readily verifiable indicators to ensure the assessment and evaluation of national action programmes, which encompass actions in the short, medium and long terms, and of the implementation of such programmes; and

(e) prepare progress reports on the implementation of the national action programmes.

ARTICLE 10

ORGANIZATIONAL FRAMEWORK OF SUBREGIONAL ACTION PROGRAMMES

1. Pursuant to article 4 of the Convention, African country Parties shall cooperate in the preparation and implementation of subregional action programmes for central, eastern, northern, southern and western Africa and, in that regard, may delegate the following responsibilities to relevant subregional intergovernmental organizations:

(a) acting as focal points for preparatory activities and coordinating the implementation of the subregional action programmes;

(b) assisting in the preparation and implementation of national action programmes;

(c) facilitating the exchange of information, experience and know-how as well as providing advice on the review of national legislation; and

(d) any other responsibilities relating to the implementation of subregional action programmes.

2. Specialized subregional institutions may provide support, upon request, and/or be entrusted with the responsibility to coordinate activities in their respective fields of competence.

ARTICLE 11

CONTENT AND PREPARATION OF SUBREGIONAL ACTION PROGRAMMES

Subregional action programmes shall focus on issues that are better addressed at the subregional level. They shall establish, where necessary, mechanisms for the management of shared natural resources. Such mechanisms shall effectively handle transboundary problems associated with desertification and/or drought and shall provide support for the harmonious implementation of national action programmes. Priority areas for subregional action programmes shall, as appropriate, focus on:

(a) joint programmes for the sustainable management of transboundary natural resources through bilateral and multilateral mechanisms, as appropriate;

(b) coordination of programmes to develop alternative energy sources;

(c) cooperation in the management and control of pests as well as of plant and animal diseases;

(d) capacity building, education and public awareness activities that are better carried out or supported at the subregional level;

(e) scientific and technical cooperation, particularly in the climatological, meteorological and hydrological fields, including networking for data collection and assessment, information sharing and project monitoring, and coordination and prioritization of research and development activities;

(f) early warning systems and joint planning for mitigating the effects of drought, including measures to address the problems resulting from environmentally induced migrations;

(g) exploration of ways of sharing experiences, particularly regarding participation of local populations and communities, and creation of an enabling environment for improved land use management and for use of appropriate technologies;

(h) strengthening of the capacity of subregional organizations to coordinate and provide technical services, as well as establishment, reorientation and strengthening of subregional centres and institutions; and

(i) development of policies in fields, such as trade, which have impact upon affected areas and populations, including policies for the coordination of regional marketing regimes and for common infrastructure.

ARTICLE 12

ORGANIZATIONAL FRAMEWORK OF THE REGIONAL ACTION PROGRAMME

1. Pursuant to article 11 of the Convention, African country Parties shall jointly determine the procedures for preparing and implementing the regional action programme.

2. The Parties may provide appropriate support to relevant African regional institutions and organizations to enable them to assist African country Parties to fulfil their responsibilities under the Convention.

ARTICLE 13

CONTENT OF THE REGIONAL ACTION PROGRAMME

The regional action programme includes measures relating to combating desertification and/or mitigating the effects of drought in the following priority areas, as appropriate:

(a) development of regional cooperation and coordination of sub-regional action programmes for building regional consensus on key policy areas, including through regular consultations of sub-regional organizations;

(b) promotion of capacity building in activities which are better implemented at the regional level;

(c) the seeking of solutions with the international community to global economic and social issues that have an impact on affected areas taking into account article 4, paragraph 2 (b) of the Convention;

(d) promotion among the affected country Parties of Africa and its subregions, as well as with other affected regions, of exchange of information and appropriate techniques, technical know-how and relevant experience; promotion of scientific and technological cooperation particularly in the fields of climatology, meteorology, hydrology, water resource development and alternative energy sources; coordination of sub-regional and regional research activities; and identification of regional priorities for research and development;

(e) coordination of networks for systematic observation and assessment and information exchange, as well as their integration into world wide networks; and

(f) coordination of and reinforcement of sub-regional and regional early warning systems and drought contingency plans.

ARTICLE 14

FINANCIAL RESOURCES

1. Pursuant to article 20 of the Convention and article 4, paragraph 2, affected African country Parties shall endeavour to provide a macroeconomic framework conducive to the mobilization of financial resources and shall develop policies and establish procedures to channel resources more effectively to local development programmes, including through non-governmental organizations, as appropriate.

2. Pursuant to article 21, paragraphs 4 and 5 of the Convention, the Parties agree to establish an inventory of sources of funding at the national, subregional, regional and international levels to ensure the rational use of existing resources and to identify gaps in resource allocation, to facilitate implementation of the action programmes. The inventory shall be regularly reviewed and updated.

3. Consistent with article 7 of the Convention, the developed country Parties shall continue to allocate significant resources and/or increased resources as well as other forms of assistance to affected African country Parties on the basis of partnership agreements and arrangements referred to in article 18, giving, *inter alia*, due attention to matters related to debt, international trade and marketing arrangements in accordance with article 4, paragraph 2 (b) of the Convention.

ARTICLE 15

FINANCIAL MECHANISMS

1. Consistent with article 7 of the Convention underscoring the priority to affected African country Parties and considering the particular situation prevailing in this region, the Parties shall pay special attention to the implementation in Africa of the provisions of article 21, paragraph 1 (d) and (e) of the Convention, notably by:

(a) facilitating the establishment of mechanisms, such as national desertification funds, to channel financial resources to the local level; and

(b) strengthening existing funds and financial mechanisms at the subregional and regional levels.

2. Consistent with articles 20 and 21 of the Convention, the Parties which are also members of the governing bodies of relevant regional and subregional financial institutions, including the African Development Bank and the African Development Fund, shall promote efforts to give due priority and attention to the activities of those institutions that advance the implementation of this Annex.

3. The Parties shall streamline, to the extent possible, procedures for channelling funds to affected African country Parties.

ARTICLE 16

TECHNICAL ASSISTANCE AND COOPERATION

The Parties undertake, in accordance with their respective capabilities, to rationalize technical assistance to, and cooperation with, African country Parties with a view to increasing project and programme effectiveness by, *inter alia:*

(a) limiting the costs of support measures and backstopping, especially overhead costs; in any case, such costs shall only represent an appropriately low percentage of the total cost of the project so as to maximize project efficiency;

(b) giving preference to the utilization of competent national experts or, where necessary, competent experts from within the subregion and/or region, in project design, preparation and implementation, and to the building of local expertise where it does not exist; and

(c) effectively managing and coordinating, as well as efficiently utilizing, technical assistance to be provided.

ARTICLE 17

TRANSFER, ACQUISITION, ADAPTATION AND ACCESS TO ENVIRONMENTALLY SOUND TECHNOLOGY

In implementing article 18 of the Convention relating to transfer, acquisition, adaptation and development of technology, the Parties undertake to give priority to African country Parties and, as necessary, to develop with them new models of partnership and cooperation with a view to strengthening capacity building in the fields of scientific research and development and information collection and dissemination to enable them to implement their strategies to combat desertification and mitigate the effects of drought.

ARTICLE 18

COORDINATION AND PARTNERSHIP AGREEMENTS

1. African country Parties shall coordinate the preparation, negotiation and implementation of national, subregional and regional action programmes. They may involve, as appropriate, other Parties and relevant intergovernmental and non-governmental organizations in this process.

2. The objectives of such coordination shall be to ensure that financial and technical cooperation is consistent with the Convention and to provide the necessary continuity in the use and administration of resources.

3. African country Parties shall organize consultative processes at the national, subregional and regional levels. These consultative processes may:

(a) serve as a forum to negotiate and conclude partnership agreements based on national, subregional and regional action programmes; and

(b) specify the contribution of African country Parties and other members of the consultative groups to the programmes and identify priorities and agreements

on implementation and evaluation indicators, as well as funding arrangements for implementation.

4. The Permanent Secretariat may, at the request of African country Parties, pursuant to article 23 of the Convention, facilitate the convocation of such consultative processes by:

   (a) providing advice on the organization of effective consultative arrangements, drawing on experiences from other such arrangements;

   (b) providing information to relevant bilateral and multilateral agencies concerning consultative meetings or processes, and encouraging their active involvement; and

   (c) providing other information that may be relevant in establishing or improving consultative arrangements.

5. The subregional and regional coordinating bodies shall, *inter alia*:

   (a) recommend appropriate adjustments to partnership agreements;

   (b) monitor, assess and report on the implementation of the agreed subregional and regional programmes; and

   (c) aim to ensure efficient communication and cooperation among African country Parties.

6. Participation in the consultative groups shall, as appropriate, be open to Governments, interested groups and donors, relevant organs, funds and programmes of the United Nations system, relevant subregional and regional organizations, and representatives of relevant non-governmental organizations. Participants of each consultative group shall determine the modalities of its management and operation.

7. Pursuant to article 14 of the Convention, developed country Parties are encouraged to develop, on their own initiative, an informal process of consultation and coordination among themselves, at the national, subregional and regional levels, and, at the request of an affected African country Party or of an appropriate subregional or regional organization, to participate in a national, subregional or regional consultative process that would evaluate and respond to assistance needs in order to facilitate implementation.

ARTICLE 19

FOLLOW-UP ARRANGEMENTS

Follow-up of this Annex shall be carried out by African country Parties in accordance with the Convention as follows:

   (a) at the national level, by a mechanism the composition of which should be determined by each affected African country Party and which shall include representatives of local communities and shall function under the supervision of the national coordinating body referred to in article 9;

   (b) at the subregional level, by a multidisciplinary scientific and technical consultative committee, the composition and modalities of operation of which shall be determined by the African country Parties of the subregion concerned; and

   (c) at the regional level, by mechanisms defined in accordance with the relevant provisions of the Treaty establishing the African Economic Community, and by an African Scientific and Technical Advisory Committee.

ANNEX II

REGIONAL IMPLEMENTATION ANNEX FOR ASIA

ARTICLE 1

PURPOSE

The purpose of this Annex is to provide guidelines and arrangements for the effective implementation of the Convention in the affected country Parties of the Asian region in the light of its particular conditions.

ARTICLE 2

PARTICULAR CONDITIONS OF THE ASIAN REGION

In carrying out their obligations under the Convention, the Parties shall, as appropriate, take into consideration the following particular conditions which apply in varying degrees to the affected country Parties of the region:

(a) the high proportion of areas in their territories affected by, or vulnerable to, desertification and drought and the broad diversity of these areas with regard to climate, topography, land use and socio-economic systems;

(b) the heavy pressure on natural resources for livelihoods;

(c) the existence of production systems, directly related to widespread poverty, leading to land degradation and to pressure on scarce water resources;

(d) the significant impact of conditions in the world economy and social problems such as poverty, poor health and nutrition, lack of food security, migration, displaced persons and demographic dynamics;

(e) their expanding, but still insufficient, capacity and institutional frameworks to deal with national desertification and drought problems; and

(f) their need for international cooperation to pursue sustainable development objectives relating to combating desertification and mitigating the effects of drought.

ARTICLE 3

FRAMEWORK FOR NATIONAL ACTION PROGRAMMES

1. National action programmes shall be an integral part of broader national policies for sustainable development of the affected country Parties of the region.

2. The affected country Parties shall, as appropriate, develop national action programmes pursuant to articles 9 to 11 of the Convention, paying special attention to article 10, paragraph 2 (f). As appropriate, bilateral and multilateral cooperation agencies may be involved in this process at the request of the affected country Party concerned.

ARTICLE 4

NATIONAL ACTION PROGRAMMES

1. In preparing and implementing national action programmes, the affected country Parties of the region, consistent with their respective circumstances and policies, may, *inter alia*, as appropriate:

   (a) designate appropriate bodies responsible for the preparation, coordination and implementation of their action programmes;

(b) involve affected populations, including local communities, in the elaboration, coordination and implementation of their action programmes through a locally driven consultative process, with the cooperation of local authorities and relevant national and non-governmental organizations;

(c) survey the state of the environment in affected areas to assess the causes and consequences of desertification and to determine priority areas for action;

(d) evaluate, with the participation of affected populations, past and current programmes for combating desertification and mitigating the effects of drought, in order to design a strategy and elaborate activities in their action programmes;

(e) prepare technical and financial programmes based on the information derived from the activities in subparagraphs (a) to (d);

(f) develop and utilize procedures and benchmarks for evaluating implementation of their action programmes;

(g) promote the integrated management of drainage basins, the conservation of soil resources, and the enhancement and efficient use of water resources;

(h) strengthen and/or establish information, evaluation and follow up and early warning systems in regions prone to desertification and drought, taking account of climatological, meteorological, hydrological, biological and other relevant factors; and

(i) formulate in a spirit of partnership, where international cooperation, including financial and technical resources, is involved, appropriate arrangements supporting their action programmes.

2. Consistent with article 10 of the Convention, the overall strategy of national action programmes shall emphasize integrated local development programmes for affected areas, based on participatory mechanisms and on the integration of strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought. Sectoral measures in the action programmes shall be grouped in priority fields which take account of the broad diversity of affected areas in the region referred to in article 2 (a).

ARTICLE 5

SUBREGIONAL AND JOINT ACTION PROGRAMMES

1. Pursuant to article 11 of the Convention, affected country Parties in Asia may mutually agree to consult and cooperate with other Parties, as appropriate, to prepare and implement subregional or joint action programmes, as appropriate, in order to complement, and increase effectiveness in the implementation of, national action programmes. In either case, the relevant Parties may jointly agree to entrust subregional, including bilateral or national organizations, or specialized institutions, with responsibilities relating to the preparation, coordination and implementation of programmes. Such organizations or institutions may also act as focal points for the promotion and coordination of actions pursuant to articles 16 to 18 of the Convention.

2. In preparing and implementing subregional or joint action programmes, the affected country Parties of the region shall, *inter alia*, as appropriate:

(a) identify, in cooperation with national institutions, priorities relating to combating desertification and mitigating the effects of drought which can better be met by such programmes, as well as relevant activities which could be effectively carried out through them;

(b) evaluate the operational capacities and activities of relevant regional, subregional and national institutions;

(c) assess existing programmes relating to desertification and drought among all or some parties of the region or subregion and their relationship with national action programmes; and

(d) formulate in a spirit of partnership, where international cooperation, including financial and technical resources, is involved, appropriate bilateral and/or multilateral arrangements supporting the programmes.

3. Subregional or joint action programmes may include agreed joint programmes for the sustainable management of transboundary natural resources relating to desertification, priorities for coordination and other activities in the fields of capacity building, scientific and technical cooperation, particularly drought early warning systems and information sharing, and means of strengthening the relevant subregional and other organizations or institutions.

ARTICLE 6

REGIONAL ACTIVITIES

Regional activities for the enhancement of subregional or joint action programmes may include, *inter alia*, measures to strengthen institutions and mechanisms for coordination and cooperation at the national, subregional and regional levels, and to promote the implementation of articles 16 to 19 of the Convention. These activities may also include:

(a) promoting and strengthening technical cooperation networks;

(b) preparing inventories of technologies, knowledge, know-how and practices, as well as traditional and local technologies and know-how, and promoting their dissemination and use;

(c) evaluating the requirements for technology transfer and promoting the adaptation and use of such technologies; and

(d) encouraging public awareness programmes and promoting capacity building at all levels, strengthening training, research and development and building systems for human resource development.

ARTICLE 7

FINANCIAL RESOURCES AND MECHANISMS

1. The Parties shall, in view of the importance of combating desertification and mitigating the effects of drought in the Asian region, promote the mobilization of substantial financial resources and the availability of financial mechanisms, pursuant to articles 20 and 21 of the Convention.

2. In conformity with the Convention and on the basis of the coordinating mechanism provided for in article 8 and in accordance with their national development policies, affected country Parties of the region shall, individually or jointly:

(a) adopt measures to rationalize and strengthen mechanisms to supply funds through public and private investment with a view to achieving specific results in action to combat desertification and mitigate the effects of drought;

(b) identify international cooperation requirements in support of national efforts, particularly financial, technical and technological; and

(c) promote the participation of bilateral and/or multilateral financial cooperation institutions with a view to ensuring implementation of the Convention.

3. The Parties shall streamline, to the extent possible, procedures for channelling funds to affected country Parties in the region.

ARTICLE 8

COOPERATION AND COORDINATION MECHANISMS

1. Affected country Parties, through the appropriate bodies designated pursuant to article

4, paragraph 1 (a), and other Parties in the region, may, as appropriate, set up a mechanism for, *inter alia*, the following purposes:

(a) exchange of information, experience, knowledge and know-how;

(b) cooperation and coordination of actions, including bilateral and multilateral arrangements, at the subregional and regional levels;

(c) promotion of scientific, technical, technological and financial cooperation pursuant to articles 5 to 7;

(d) identification of external cooperation requirements; and

(e) follow-up and evaluation of the implementation of action programmes.

2. Affected country Parties, through the appropriate bodies designated pursuant to article 4, paragraph 1 (a), and other Parties in the region, may also, as appropriate, consult and coordinate as regards the national, subregional and joint action programmes. They may involve, as appropriate, other Parties and relevant intergovernmental and non-governmental organizations in this process. Such coordination shall, *inter alia*, seek to secure agreement on opportunities for international cooperation in accordance with articles 20 and 21 of the Convention, enhance technical cooperation and channel resources so that they are used effectively.

3. Affected country Parties of the region shall hold periodic coordination meetings, and the Permanent Secretariat may, at their request, pursuant to article 23 of the Convention, facilitate the convocation of such coordination meetings by:

(a) providing advice on the organization of effective coordination arrangements, drawing on experience from other such arrangements;

(b) providing information to relevant bilateral and multilateral agencies concerning coordination meetings, and encouraging their active involvement; and

(c) providing other information that may be relevant in establishing or improving coordination processes.

ANNEX III

REGIONAL IMPLEMENTATION ANNEX FOR LATIN AMERICA ANDTHE CARIBBEAN

ARTICLE 1

PURPOSE

The purpose of this Annex is to provide general guidelines for the implementation of the Convention in the Latin American and Caribbean region, in light of its particular conditions.

ARTICLE 2

PARTICULAR CONDITIONS OF THE LATIN AMERICAN AND CARIBBEAN REGION

The Parties shall, in accordance with the provisions of the Convention, take into consideration the following particular conditions of the region:

(a) the existence of broad expanses which are vulnerable and have been severely affected by desertification and/or drought and in which diverse characteristics may be observed, depending on the area in which they occur; this cumulative and intensifying process has negative social, cultural, economic and

environmental effects which are all the more serious in that the region contains one of the largest resources of biological diversity in the world;

(b) the frequent use of unsustainable development practices in affected areas as a result of complex interactions among physical, biological, political, social, cultural and economic factors, including international economic factors such as external indebtedness, deteriorating terms of trade and trade practices which affect markets for agricultural, fishery and forestry products; and

(c) a sharp drop in the productivity of ecosystems being the main consequence of desertification and drought, taking the form of a decline in agricultural, livestock and forestry yields and a loss of biological diversity; from the social point of view, the results are impoverishment, migration, internal population movements, and the deterioration of the quality of life; the region will therefore have to adopt an integrated approach to problems of desertification and drought by promoting sustainable development models that are in keeping with the environmental, economic and social situation in each country.

ARTICLE 3

ACTION PROGRAMMES

1. In conformity with the Convention, in particular its articles 9 to 11, and in accordance with their national development policies, affected country Parties of the region shall, as appropriate, prepare and implement national action programmes to combat desertification and mitigate the effects of drought as an integral part of their national policies for sustainable development. Subregional and regional programmes may be prepared and implemented in accordance with the requirements of the region.

2. In the preparation of their national action programmes, affected country Parties of the region shall pay particular attention to article 10, paragraph 2 (f) of the Convention.

ARTICLE 4

CONTENT OF NATIONAL ACTION PROGRAMMES

In the light of their respective situations, the affected country Parties of the region may take account, *inter alia*, of the following thematic issues in developing their national strategies for action to combat desertification and/or mitigate the effects of drought, pursuant to article 5 of the Convention:

(a) increasing capacities, education and public awareness, technical, scientific and technological cooperation and financial resources and mechanisms;

(b) eradicating poverty and improving the quality of human life;

(c) achieving food security and sustainable development and management of agricultural, livestock-rearing, forestry and multipurpose activities;

(d) sustainable management of natural resources, especially the rational management of drainage basins;

(e) sustainable management of natural resources in high-altitude areas;

(f) rational management and conservation of soil resources and exploitation and efficient use of water resources;

(g) formulation and application of emergency plans to mitigate the effects of drought;

(h) strengthening and/or establishing information, evaluation and follow-up and early warning systems in areas prone to desertification and drought, taking account of climatological, meteorological, hydrological, biological, soil, economic and social factors;

(i) developing, managing and efficiently using diverse sources of energy, including the promotion of alternative sources;

(j) conservation and sustainable use of biodiversity in accordance with the provisions of the Convention on Biological Diversity;

(k) consideration of demographic aspects related to desertification and drought; and

(l) establishing or strengthening institutional and legal frameworks permitting application of the Convention and aimed, *inter alia*, at decentralizing administrative structures and functions relating to desertification and drought, with the participation of affected communities and society in general.

ARTICLE 5

TECHNICAL, SCIENTIFIC AND TECHNOLOGICAL COOPERATION

In conformity with the Convention, in particular its articles 16 to 18, and on the basis of the coordinating mechanism provided for in article 7, affected country Parties of the region shall, individually or jointly:

(a) promote the strengthening of technical cooperation networks and national, subregional and regional information systems, as well as their integration, as appropriate, in worldwide sources of information;

(b) prepare an inventory of available technologies and know-how and promote their dissemination and use;

(c) promote the use of traditional technology, knowledge, know-how and practices pursuant to article 18, paragraph 2 (b), of the Convention;

(d) identify transfer of technology requirements; and

(e) promote the development, adaptation, adoption and transfer of relevant existing and new environmentally sound technologies.

ARTICLE 6

FINANCIAL RESOURCES AND MECHANISMS

In conformity with the Convention, in particular its articles 20 and 21, on the basis of the coordinating mechanism provided for in article 7 and in accordance with their national development policies, affected country Parties of the region shall, individually or jointly:

(a) adopt measures to rationalize and strengthen mechanisms to supply funds through public and private investment with a view to achieving specific results in action to combat desertification and mitigate the effects of drought;

(b) identify international cooperation requirements in support of national efforts; and

(c) promote the participation of bilateral and/or multilateral financial cooperation institutions with a view to ensuring implementation of the Convention.

ARTICLE 7

INSTITUTIONAL FRAMEWORK

1. In order to give effect to this Annex, affected country Parties of the region shall:

(a) establish and/or strengthen national focal points to coordinate action to combat desertification and/or mitigate the effects of drought; and

(b) set up a mechanism to coordinate the national focal points for the following purposes:

(i) exchanges of information and experience;

(ii) coordination of activities at the subregional and regional levels;

(iii) promotion of technical, scientific, technological and financial cooperation;

(iv) identification of external cooperation requirements; and

(v) follow-up and evaluation of the implementation of action programmes.

2. Affected country Parties of the region shall hold periodic coordination meetings and the Permanent Secretariat may, at their request, pursuant to article 23 of the Convention, facilitate the convocation of such coordination meetings, by:

(a) providing advice on the organization of effective coordination arrangements, drawing on experience from other such arrangements;

(b) providing information to relevant bilateral and multilateral agencies concerning coordination meetings, and encouraging their active involvement; and

(c) providing other information that may be relevant in establishing or improving coordination processes.

ANNEX IV

REGIONAL IMPLEMENTATION ANNEX FOR THE NORTHERN MEDITERRANEAN

ARTICLE 1

PURPOSE

The purpose of this Annex is to provide guidelines and arrangements necessary for the effective implementation of the Convention in affected country Parties of the northern Mediterranean region in the light of its particular conditions.

ARTICLE 2

PARTICULAR CONDITIONS OF THE NORTHERN MEDITERRANEAN REGION

The particular conditions of the northern Mediterranean region referred to in article 1 include:

(a) semi-arid climatic conditions affecting large areas, seasonal droughts, very high rainfall variability and sudden and high-intensity rainfall;

(b) poor and highly erodible soils, prone to develop surface crusts;

(c) uneven relief with steep slopes and very diversified landscapes;

(d) extensive forest coverage losses due to frequent wildfires;

(e) crisis conditions in traditional agriculture with associated land abandonment and deterioration of soil and water conservation structures;

(f) unsustainable exploitation of water resources leading to serious environmental damage, including chemical pollution, salinization and exhaustion of aquifers; and

(g) concentration of economic activity in coastal areas as a result of urban growth, industrial activities, tourism and irrigated agriculture.

ARTICLE 3

STRATEGIC PLANNING FRAMEWORK FOR SUSTAINABLE DEVELOPMENT

1. National action programmes shall be a central and integral part of the strategic planning framework for sustainable development of the affected country Parties of the northern Mediterranean.

2. A consultative and participatory process, involving appropriate levels of government, local communities and non-governmental organizations, shall be undertaken to provide guidance on a strategy with flexible planning to allow maximum local participation, pursuant to article 10, paragraph 2 (f) of the Convention.

ARTICLE 4

OBLIGATION TO PREPARE NATIONAL ACTION PROGRAMMES AND TIMETABLE

Affected country Parties of the northern Mediterranean region shall prepare national action programmes and, as appropriate, subregional, regional or joint action programmes. The preparation of such programmes shall be finalized as soon as practicable.

ARTICLE 5

PREPARATION AND IMPLEMENTATION OF NATIONAL ACTION PROGRAMMES

In preparing and implementing national action programmes pursuant to articles 9 and 10 of the Convention, each affected country Party of the region shall, as appropriate:

(a) designate appropriate bodies responsible for the preparation, coordination and implementation of its programme;

(b) involve affected populations, including local communities, in the elaboration, coordination and implementation of the programme through a locally driven consultative process, with the cooperation of local authorities and relevant non-governmental organizations;

(c) survey the state of the environment in affected areas to assess the causes and consequences of desertification and to determine priority areas for action;

(d) evaluate, with the participation of affected populations, past and current programmes in order to design a strategy and elaborate activities in the action programme;

(e) prepare technical and financial programmes based on the information gained through the activities in subparagraphs (a) to (d); and

(f) develop and utilize procedures and benchmarks for monitoring and evaluating the implementation of the programme.

ARTICLE 6

CONTENT OF NATIONAL ACTION PROGRAMMES

Affected country Parties of the region may include, in their national action programmes, measures relating to:

(a) legislative, institutional and administrative areas;

(b) land use patterns, management of water resources, soil conservation, forestry, agricultural activities and pasture and range management;

(c) management and conservation of wildlife and other forms of biological diversity;

(d) protection against forest fires;

(e) promotion of alternative livelihoods; and

(f) research, training and public awareness.

ARTICLE 7

SUBREGIONAL, REGIONAL AND JOINT ACTION PROGRAMMES

1. Affected country Parties of the region may, in accordance with article 11 of the Convention, prepare and implement subregional and/or regional action programmes in order to complement and increase the efficiency of national action programmes. Two or more affected country Parties of the region, may similarly agree to prepare a joint action programme between or among them.

2. The provisions of articles 5 and 6 shall apply *mutatis mutandis* to the preparation and implementation of subregional, regional and joint action programmes. In addition, such programmes may include the conduct of research and development activities concerning selected ecosystems in affected areas.

3. In preparing and implementing subregional, regional or joint action programmes, affected country Parties of the region shall, as appropriate:

   (a) identify, in cooperation with national institutions, national objectives relating to desertification which can better be met by such programmes and relevant activities which could be effectively carried out through them;

   (b) evaluate the operational capacities and activities of relevant regional, subregional and national institutions; and

   (c) assess existing programmes relating to desertification among Parties of the region and their relationship with national action programmes.

ARTICLE 8

COORDINATION OF SUBREGIONAL, REGIONAL AND JOINT ACTION PROGRAMMES

Affected country Parties preparing a subregional, regional or joint action programme may establish a coordination committee composed of representatives of each affected country Party concerned to review progress in combating desertification, harmonize national action programmes, make recommendations at the various stages of preparation and implementation of the subregional, regional or joint action programme, and act as a focal point for the promotion and coordination of technical cooperation pursuant to articles 16 to 19 of the Convention.

ARTICLE 9

NON-ELIGIBILITY FOR FINANCIAL ASSISTANCE

In implementing national, subregional, regional and joint action programmes, affected developed country Parties of the region are not eligible to receive financial assistance under this Convention.

ARTICLE 10

COORDINATION WITH OTHER SUBREGIONS AND REGIONS

Subregional, regional and joint action programmes in the northern Mediterranean region may be prepared and implemented in collaboration with those of other subregions or regions, particularly with those of the subregion of northern Africa.

SECTION 3

OTHER LEGAL INSTRUMENTS

1. London Guidelines for the Exchange of Information on Chemicals in International Trade, as amended in 1989
2. Code of Ethics on the International Trade in Chemicals, 1994
3. Forest Principles, 1992

LONDON GUIDELINES FOR THE EXCHANGE OF INFORMATION ON CHEMICALS IN INTERNATIONAL TRADE

Amended, 1989

Introduction to the Guidelines

1. This set of Guidelines is addressed to Governments with a view to assisting them in the process of increasing chemical safety in all countries through the exchange of information on chemicals in international trade. They have been developed on the basis of common elements and principles derived from relevant existing bilateral, regional and global instruments and national regulations, drawing upon experience already gained through their preparation and implementation.

2. The Guidelines are general in nature and are aimed at enhancing the sound management of chemicals through the exchange of scientific, technical, economic and legal information. Special provisions have been included regarding the exchange of information on banned or severely restricted chemicals in international trade, which call for cooperation between exporting and importing countries in the light of their joint responsibility for the protection of human health and the environment at the global level. To this end, all references in these Guidelines to a Government or Governments shall be deemed to apply equally to regional economic integration organizations for matters falling within their areas of competence.

3. The Guidelines are without prejudice to the provisions of particular systems or procedures included in existing or future national legislation and bilateral, regional and multilateral instruments for the exchange of information on chemicals; rather, they have been prepared with a view to assisting States in the process of developing such arrangements.

4. These Guidelines do not preclude States from instituting broader and more frequent information exchange or other systems involving consultation with importing countries on banned or severely restricted chemicals designed to gain experience with alternative procedures.

5. These Guidelines provide a mechanism for importing countries to formally record and disseminate their decisions regarding the future importation of chemicals which have been banned or severely restricted and outlines the shared responsibilities of importing and exporting countries and exporting industries in ensuring that these decisions are heeded.

6. The importance of technical and financial assistance to enhance decision-making and training in the safe use of chemicals is recognized by the Guidelines.

7. These Guidelines are complementary to existing instruments developed by the United Nations and the World Health Organization and to the International Code of Conduct on the Distribution and Use of Pesticides of the Food and Agriculture Organization of the United Nations, which is the primary guidance for the management of pesticides internationally. These Guidelines should be implemented in a non-duplicative manner for the different classes of chemicals covered by existing instruments.

8. Although the Guidelines have not been prepared specifically to address the situation of developing countries, they nevertheless provide a framework for the establishment of procedures for the effective use of information on chemicals in these countries. Implementation of the Guidelines should thus help them to avoid serious and costly health and environmental problems due to ignorance about the risks associated with the use of chemicals, particularly those that have been banned or severely restricted in other States.

PART I

GENERAL PROVISIONS

1. *Definitions*

For the purposes of the Guidelines:

(a) "Chemical" means a chemical substance whether by itself or in a mixture or preparation, whether manufactured or obtained from nature and includes such substances used as industrial chemicals and pesticides;

(b) "Banned chemical" means a chemical which has, for health or environmental reasons, been prohibited for all uses by final governmental regulatory action;

(c) "Severely restricted chemical" means a chemical for which, for health or environmental reasons, virtually all uses have been prohibited nationally by final government regulatory action, but for which certain specific uses remain authorized;

(d) "International trade" means export or import of chemicals;

(e) "Export" and "import" mean, in their respective connotations, the movement of a chemical from one State to another State, but exclude mere transit operations;

(f) "Management" means the handling, supply, transport, storage, treatment, application, or other use of a chemical subsequent to its Initial manufacture or formulation;

(g) "Prior informed consent" (PIC) refers to the *principle* that international shipment of a chemical that is banned or severely restricted in order to protect human health or the environment should not proceed without the agreement, where such agreement exists, or contrary to the decision, of the designated national authority in the importing country;

(h) "Prior informed consent procedure" (PIC procedure) means the *procedure* for formally obtaining and disseminating the decisions of importing countries as to whether they wish to receive future shipments of chemicals which have been banned or severely restricted. A specific procedure was established for selecting chemicals for initial implementation of the PIC procedures. These include chemicals which have been previously banned or severely restricted as well as certain pesticide formulations which are acutely toxic. This is explained in annex II.

2. *General principles*

(a) Both States of export and States of import should protect human health and the environment against potential harm by exchanging information on chemicals in international trade;

(b) In their activities with regard to chemicals, States should act, in so far as is applicable, in accordance with principle 21 of the Declaration of the United Nations Conference on the Human Environment;

(c) States taking measures to regulate chemicals with a view to protecting human, animal or plant life or health, or the environment, should ensure that regulations and standards for this purpose do not create unnecessary obstacles to international trade;

(d) States should ensure that governmental control measures or actions taken with regard to an imported chemical for which information has been received in implementation of the Guidelines are not more restrictive than those applied to the same chemical produced for domestic use or imported from a State other than the one that supplied the information;

(e) States with more advanced systems for the safe management of chemicals should share their experience with those countries in need of improved systems;

(f) Both States of import and States of export should, as appropriate, strengthen their existing infrastructures and institutions in the following way:

(i) Establishing and strengthening legislative and regulatory systems and other mechanisms for improving control and management of chemicals. This may include development of model legislation or regulations, in light of these Guidelines and other relevant guidelines prepared by other organizations;

(ii) Creating national registers of toxic chemicals, including both industrial chemicals and pesticides;

(iii) Preparing and updating manuals, directories and documentation for better utilization of facilities for information collection and dissemination at the country level and to on-line facilities at the regional level.

3. *Exemptions*

These Guidelines should not apply to:

(a) Pharmaceuticals, including narcotics, drugs and psychotropic substances;[1]

(b) Radioactive materials;

(c) Chemicals imported for the purposes of research or analysis in quantities not likely to affect the environment or human health;

(d) Chemicals imported as personal or household effects, in quantities reasonable for these uses;

(e) Food additives.[1]

4. *Effects on other instruments*

(a) States should take the necessary measures with regard to implementation of these Guidelines.

(b) The provisions of these Guidelines do not affect the obligations of States deriving from any relevant international agreement to which they are or may become party.

5. *Institutional arrangements*

5.1 UNEP and FAO should develop an information exchange system to ensure that designated national authorities of importing and exporting countries have a single contact point for obtaining information and communicating decisions on chemicals subject to the PIC procedure;

5.2 UNEP should share with FAO the operational responsibility for the implementation of the PIC procedure and jointly manage and implement common elements including the selection of chemicals to be included in the PIC procedure, preparation of PIC guidance documents, mechanism for information sharing, and creation of data bases;

5.3 UNEP should collaborate with FAO in reviewing the implementation of the PIC procedure, including participation, responses, and violations of importing country decisions;

5.4 For purposes of international communications, each State should designate a national governmental authority (or authorities) competent to perform the administrative functions related to the exchange of information and decisions regarding importation of chemicals included in the PIC procedure;[2]

5.5 The designated national authority should be authorized to communicate, directly or as provided by national law or regulation, with designated national authorities of other States and with international organizations concerned, to exchange information, to make and communicate decisions regarding chemicals included in the PIC procedure and to submit reports at the request of such States or organizations or on its own initiative;

5.6 States should ensure that designated national authorities have sufficient national resources to assume responsibility with regard to implementation of these Guidelines;

5.7 States should as soon as possible make available the name and address of their designated national authority to the International Register of Potentially Toxic Chemicals (IRPTC), as well as subsequent changes;

5.8 A register of designated national authorities should be maintained, regularly updated, and disseminated by IRPTC;

5.9 IRPTC should, in addition:

(a) Coordinate the network of designated national authorities;

(b) Develop recommendations on practices and procedures, and such joint programmes and measures as may be required to make the Guidelines effective;

(c) Maintain liaison with other concerned intergovernmental and non-governmental organizations;

(d) Keep under review the implementation of these Guidelines, on the basis of periodic reports from designated national authorities and provide biennial reports on the effectiveness of the Guidelines and suggestions for their improvement.

PART II

NOTIFICATION AND INFORMATION REGARDING BANNED AND SEVERELY RESTRICTED CHEMICALS AND OPERATION OF THE PIC PROCEDURE

6. *Notification of control action*

(a) States having taken control action to ban or severely restrict a chemical as defined in these Guidelines should notify IRPTC. IRPTC will disseminate these notifications as provided in these Guidelines;

(b) The purpose of the notification regarding control action is to give competent authorities in other States the opportunity to assess the risks associated with the chemical, and to make timely and informed decisions thereon, taking into account local environmental, public health, economic and administrative conditions, and with regard to existing information on toxicology, safety and regulatory aspects;

(c) The minimum information to be provided for this purpose should be:

(i) The chemical identification/specification of the chemical;

(ii) A summary of the control action taken and of the reasons for it. If the control action bans or restricts certain uses but allows other uses, such information should be included;

(iii) The fact that additional information is available, and the indication of the contact point in the State of export to which a request for further information should be addressed;

(d) To the extent practicable, the designated national authority issuing the notification should provide information concerning alternative measures, such as, for example, integrated pest management procedures, non-chemical alternatives and impact mitigation measures;

(e) Notification of control action should be provided as soon as practicable after the control action is taken.[3] For chemicals banned or severely restricted before the implementation of these Guidelines, an inventory of prior control actions should be provided to IRPTC, unless such information has already been provided and circulated by IRPTC to all designated national authorities.

7. *Operation of the PIC Procedure*

7.1 Determination of participation in the PIC procedure

PIC is a procedure which operates in addition to information exchange and export notification. Those countries which elect to participate in the PIC procedure will have the opportunity to record their decisions regarding future imports of banned or severely restricted chemicals in a formal way.

(a) Countries may participate in the information exchange procedures under these Guidelines without participating in the PIC procedure;

(b) All exporting countries are expected to participate in the PIC procedure by respecting the decisions of importing countries;

(c) IRPTC should invite countries to participate in the PIC procedure with respect to imports. Designated national authorities should reply indicating whether their country will participate. If there is no reply a follow-up letter should be sent 60 days after the first invitation. If there is no response, IRPTC should take additional steps to obtain a decision. If after that, there is still no response then it will be assumed that the country does not wish to participate in the procedure;

(d) A country may designate one competent body to handle both industrial chemicals and pesticides or may designate separate competent bodies for each;

(e) A country may elect at any time to participate or not participate in the PIC procedure by communicating its decision to IRPTC;

(f) IRPTC should make available on request a list of countries who have elected to participate, countries which have elected not to participate and countries which did not respond.

7.2 Identification of chemicals for inclusion in the PIC procedure

(a) As provided in paragraph 9, IRPTC will notify each participating country of each chemical that is the subject of a notification of a final government control action and that meets the definitions as being banned or severely restricted for environmental or human health reasons for a decision under its conditions of use as to whether that country wishes to permit use and importation of the chemical. An informal consultative process may be used to assist IRPTC in determining whether the control action meets the definitions of the Guidelines;

(b) As provided in paragraph 9, IRPTC should send qualifying control actions, along with PIC decision guidance documents, to the appropriate designated national authority or authorities in each participating country for decision.[4]

7.3 Response to notification of control action for chemicals identified for inclusion in the PIC procedure

(a) The designated national authority in each participating importing country shall make an initial response to IRPTC within 90 days. A response may take either of two forms:

  (i) A final decision to permit use and importation, to prohibit use and importation or to permit importation only under specified stated conditions;

  (ii) An interim response which may be:

    a. A statement that importation is under active review but that final decision has not yet been reached;

    b. A request for further information; and/or

    c. A request for assistance in evaluating the chemical.

An interim response may also contain a statement permitting importation with or without stated specified conditions or prohibiting importation during the interim period until a final decision is made;

(b) The designated national authority shall use the form provided to make such response;[5]

(c) IRPTC should send reminders to countries as necessary to encourage a response and should facilitate the provision of technical assistance where requested;

(d) If a participating importing country does not make a response or responds with an interim decision that does not address importation, the status quo with respect to importation of the chemical should continue. This means that the chemical should not be exported without the explicit consent of the importing country, unless it is a pesticide which is registered in the importing country or is a chemical the use or importation of which has been allowed by other governmental action of the importing country;

(e) If a country takes a unilateral action which affects the status quo with respect to a chemical, it must so notify IRPTC to make IRPTC aware of the decision. Such a unilateral action will be interpreted as superseding any previous decision it has made with respect to the chemical;

(f) When an importing country takes a final or interim decision which affects the status quo, it should also communicate this decision to the national competent authority responsible for controlling imports so that it can take appropriate import control actions under its authority.

7.4 Dissemination of information

(a) IRPTC will inform designated national authorities of decisions taken by participating importing countries in a timely fashion and should also make these available to industry and other interested parties on request, preferably through a computer data base. This information should also be included in the regular updates of the United Nations Consolidated List of Products whose Consumption and/or Sale have been Banned, Withdrawn or Severely Restricted by Governments. Semi-annually, IRPTC will notify all Governments in writing of the status of the decisions by importing countries;

(b) Governments of exporting countries shall, upon receipt of importing countries' decisions, transmit them to their industry.

8. *Information regarding exports*

(a) If an export of a chemical banned or severely restricted in the State of export occurs, the State of export should ensure that necessary steps are taken to provide the designated national authority of the State of import with relevant information;[6]

(b) The purpose of information regarding exports is to remind the State of import of the original notification regarding control action and to alert it to the fact that an export will occur or is occurring;

(c) The minimum information to be provided for this purpose should be:

(i) A copy of, or reference to, the information provided at the time of notification of control action;

(ii) Indication that an export of the chemical concerned will occur or is occurring;

(iii) An estimate of the quantity to be exported annually as well as any shipment-specific information that might be available;

(d) States should endeavour to ensure that, to the extent possible, information regarding exports provided or received in implementation of these guidelines is forwarded to the State of final destination and to IRPTC;

(e) Provision of information regarding exports should take place when the first export following the control action occurs, and should recur periodically or in the case of any significant development of new information or condition surrounding the control action. It is the intention that, in so far as possible, the information should be provided prior to export. Where the chemical has been banned or severely restricted before the adoption of these Guidelines, the "first export following the control action" should be considered to be the first export after adoption of these Guidelines.

9. *Channels of notification and information*

(a) Notifications of control actions should be addressed to IRPTC for transmission to designated national authorities;

(b) Participating importing countries should send their response on the prescribed forms to IRPTC for appropriate dissemination;

(c) PIC decision guidance documents will be transmitted by IRPTC to designated national authorities in participating importing countries for their

decision and response and to designated national authorities in other countries for their information;

(d) Information on exports should be addressed to the national authority designated for this purpose in the State of import.

10. *Feedback*

Designated national authorities of States of import should provide to IRPTC, for the purpose of periodic review pursuant to paragraph 5.9 (d), a summary of action taken as a result of notifications and information received pursuant to paragraphs 6, 7.3 and 8 and information on any difficulties which they have experienced in using these Guidelines.

11. *Confidential data*

(a) States undertaking information exchange in implementation of these Guidelines should establish internal procedures for the receipt, handling and protection of confidential and proprietary information received from other States;

(b) States receiving notifications and information regarding exports should be responsible for the protection of proprietary rights and the confidentiality of data received under these Guidelines when claimed by the State supplying the information.

12. *Functions of designated national authorities*

(a) *Control action.* It should be the function of designated national authorities, with regard to control action taken by States to ban or severely restrict a chemical:

(i) To provide notification to IRPTC, in accordance with these Guidelines, that such control action has been taken;

(ii) To receive from IRPTC notification that such action has been taken in other States, and to ensure its prompt transmittal to all other national authorities concerned;

(iii) To receive from the United Nations the regular updates of the United Nations Consolidated List of Products Whose Consumption and/or Sale have been Banned, Withdrawn or Severely Restricted by Governments;

(iv) To reply to the request for participation in the PIC procedures in accordance with paragraph 7.1 of these Guidelines;

(v) To respond to notifications of control action in accordance with paragraph 7.3 of these Guidelines, including response to the lists to be circulated in accordance with paragraph 7.2 and annex II;

(b) *Imports.* It should be the function of designated national authorities, with regard to imports of banned or severely restricted chemicals:

(i) To receive from States of export information on exports, and to ensure the prompt transmittal of such information to all other authorities concerned in the State of import;

(ii) To transmit to States of export requests for further information as required;

(iii) To provide feedback information to IRPTC on action taken as a result of notifications and information received and on any difficulties experienced in the exchange of data with States of exports;

(iv) To advise and assist import control authorities so that they can take appropriate import control actions under their authority;

(v) To strengthen national decision-making procedures and import control mechanisms;

(vi) To ensure that decisions apply uniformly to all sources of import and to domestic production of chemicals for domestic use;

(vii) To encourage that chemicals subject to PIC be purchased only from sources in exporting countries which are participants in that procedure;

(c) *Exports.* It should be the function of designated national authorities, with regard to exports of banned or severely restricted chemicals:

(i) To ensure the issuance or transmittal of information on exports;

(ii) To respond to requests for information from other States, especially as regards sources of precautionary information on safe use and handling of the chemicals concerned;

(iii) To communicate PIC decisions to their export industry;

(iv) To implement appropriate procedures, within their authority, designed to ensure that exports do not occur contrary to the PIC decisions of participating importing countries;

(d) *Other functions.* Designated national authorities should also consider the need:

(i) To provide information regarding applicable national regulations for the management of banned or severely restricted chemicals;

(ii) To ensure the provision of appropriate precautionary information to persons using or handling the chemicals concerned;

(iii) To keep records of notifications and information received, issued and transmitted which could be open for public inspection in accordance with national law, except for information classified as confidential or proprietary;

(iv) To keep records of imports and exports of banned and severely restricted chemicals.

PART III

GENERAL INFORMATION EXCHANGE AND PROVISION OF TECHNICAL ASSISTANCE REGARDING CHEMICALS

13. *Information, advice and assistance*

(a) For the protection of human health and the environment, States should facilitate:

(i) The exchange of scientific information (including toxicological and safety data) and technical, economic and legal information concerning the management of chemicals, particularly through designated national governmental authorities and through intergovernmental organizations as appropriate;

(ii) The provision upon request of technical advice and assistance concerning the management of chemicals to other States, on a bilateral or multilateral basis, taking into account the special needs of developing countries.

(b) With regard to the export of chemicals, States of export should ensure that, where appropriate, information, advice and assistance is provided to States of import concerned regarding the sound management of such chemicals, including appropriate precautionary information;

(c) With regard to the use of imported chemicals, States of import should, on the basis of notification and information provided by States of export, take the necessary measures to ensure that users are provided with information, advice and assistance for the sound management of such chemicals, including appropriate precautionary information;

(d) As far as practicable, precautionary information should be provided in the principal language or languages of the State of import and of the area of intended use, and should be accompanied by suitable pictorial and/or tactile aids and labels.

14. *Classification, packaging and labelling*

(a) States should recognize that classification, packaging and labelling are important elements in information exchange on chemicals in international trade, and that it is desirable that chemicals exported from their territories are subject to no less stringent requirements of classification, packaging and labelling than comparable products destined for use in the State of export;

(b) In the development and implementation of existing and future internationally harmonized procedures for the classification, packaging and labelling of chemicals in international trade, States should take into account the special circumstances surrounding the management of chemicals in developing countries;

(c) In the absence of other standards in the State of import, States should ensure that the classification, packaging and labelling of chemicals exported from their territories conform to recognized and, where appropriate, internationally harmonized procedures and practices for ensuring the protection of human health and the environment during use of these chemicals.

15. *Technical assistance*

(a) IRPTC should encourage funding agencies, such as the development banks and the United Nations Development Programme, and bilateral donors to provide training, technical assistance and funding for institutional strengthening and should further encourage other United Nations organizations to strengthen their activities related to safe management of chemicals;

(b) States with more advanced chemical regulatory programmes should provide technical assistance to other countries in developing infrastructure and capacity to manage chemicals within their countries, including implementation of the provisions of these Guidelines. Developing countries with more advanced systems should be particularly encouraged to provide technical assistance to other developing countries with no, or less advanced, systems of chemical management. To the extent possible, donor countries and institutions and recipient countries should inform IRPTC of all such technical assistance activities;

(c) Special attention should be devoted by technical assistance and funding authorities to those countries without any regulatory procedures on chemicals in developing a régime for their control;

(d) Essential elements of technical assistance needed by developing countries for the management of chemicals include:

(i) Strengthening existing infrastructure and institutions;

(ii) Provision for the interchange of experts, including short missions, from developed countries to developing countries and vice versa and in particular from one developing country to another for the purposes of:

a. Sharing each other's experience and exchanging ideas;

b. Advising on analysis of information on chemical risks and benefits,

conducting environmental impact assessment, and disposing of unusable products safely;

c. Sharing information on new products and alternatives;

d. Ascertaining research and development requirements for local pesticide efficacy studies and development of alternatives;

e. assisting one another in dealing with practical difficulties in implementing these Guidelines;

(iii) Training to include:

a. Technical workshops on a regional and international level;

b. Awareness campaigns on the safe management of chemicals for industrial and agricultural workers, customs officials and doctors;

c. Opportunities for decision makers in developing countries to study systems in countries which have been successfully implementing these Guidelines.

ANNEX I

NOTIFICATION OF CONTROL ACTION

Date received in IRPTC   Country Code

UNITED NATIONS ENVIRONMENT PROGRAMME

INTERNATIONAL REGISTER OF POTENTIALLY TOXIC CHEMICALS

LONDON GUIDELINES FOR THE EXCHANGE OF INFORMATION ON CHEMICALS IN INTERNATIONAL TRADE

NOTIFICATION SCHEME FOR BANNED AND SEVERELY RESTRICTED CHEMICALS

NOTIFICATION OF CONTROL ACTION

1. Country

2. Ministry/department and responsible authority (address,telephone, telefax, telex)

3 Name(s) of chemical (chemical name (IUPAC); common name; trade names)

4. Specification, if relevant for control action (e.g., for pesticides)

5. Code numbers

   Chemical Abstracts Service Registry No. (CAS)

   Other numbers (specify)

6. Control action

   Use(s) controlled and summary of control action   Effective date   Reference to national document

* If the control action bans or restricts certain uses, but allows other uses, such information should be included.

7. Reasons supporting the control action (relevant to protection of human health and the environment)

8. Alternatives

9. Designated national authority (address, telephone, telefax, telex)

10. Contact point where additional information may be obtained (address, telephone, telefax, telex)

11. Name and title of official issuing this notification (address, telephone, telefax, telex)

12. Date

ANNEX II

PROCEDURE FOR INITIAL IDENTIFICATION OF CHEMICALS FOR INCLUSION IN THE PRIOR INFORMED CONSENT PROCEDURE

1. Control actions have been taken prior to the adoption of the prior informed consent (PIC) procedure in the London Guidelines for the Exchange of Information on Chemicals in International Trade. Some have been notified to the International Register of Potentially Toxic Chemicals (IRPTC) and some have not been submitted. It is necessary to take these into account in starting up the PIC procedures. The following approach will be used to incorporate previous control actions:

    (a) Designated national authorities in all States should submit inventories of control actions in accordance with paragraph 6 of these Guidelines, including all information specified in that paragraph, to IRPTC if they have not already done so. Submissions should be made as soon as possible to be available in IRPTC prior to the date of implementation of the PIC procedures;

    (b) On the basis of these submissions, IRPTC will identify all chemicals banned or severely restricted by five or more countries. These will be introduced into the PIC process according to the following criteria:

        (i) All chemicals banned or severely restricted as defined in these Guidelines by 10 or more countries should be immediately placed on a list and circulated, with PIC decision guidance documents, to countries participating in these Guidelines for determination regarding future use and importation;

        (ii) Chemicals banned or severely restricted by 5 or more countries, but by less than 10, should be submitted to an informal consultation to determine whether they meet the definitions of banned and severely restricted for human health or environmental reasons. This determination should be made as expeditiously as possible. Those chemicals that meet the definitions will be circulated as an addition to the list referred to in subparagraph (i) above, with PIC decision guidance documents, for a determination by participating importing countries regarding their future use and importation;

    (c) Should additional inventories of past control actions be received by IRPTC subsequent to the implementation date of the PIC procedures, they will be added to the original inventory. This updated inventory should be assessed annually in the same manner as the original inventory under step (b) above and incorporated into the PIC procedure as appropriate. These additional chemicals should be circulated to participating importing countries for their consideration and determinations regarding future use and importation under the PIC procedures. This annual reappraisal of the inventory of past control actions should continue until IRPTC has received adequate information from Governments that these reappraisals are no longer essential to the operation of the PIC procedures.

2. Additionally, an Expert Group will consider the problem of acutely hazardous pesticide formulations to determine if there exists a need for a list of such products to supplement the chemicals already subject to the PIC procedure.

3. This Expert Group should be made up of representatives from the World Health Organization (WHO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Environment Programme (UNEP) and national pesticide registrars. They may call upon the expertise of industry and non-governmental organizations and other experts as they deem necessary and will review formulations based on the WHO Class IA compounds.

4. If the Group concludes that there are acutely hazardous pesticide formulations of concern to developing countries which are not already included in the PIC procedure, a supplemental list of such formulations will be recommended for inclusion.

ANNEX III

INFORMATION TO BE INCLUDED IN A PRIOR INFORMED CONSENT (PIC) DECISION GUIDANCE DOCUMENT

A prior informed consent (PIC) decision guidance document will be prepared for each chemical placed into the PIC procedures. The document should consist of three parts, containing the following information to the extent it is available. In the case of the initial list, a summary of all control actions to date will be provided. For subsequent control actions, each national action will be provided as received with appropriate references to previous actions for the second and following notifications by additional countries.

(a) *A summary of the control action:*

(i) The common and trade names of the chemical, its specification and numerical identification, using widely recognized chemical numbering systems;

(ii) Whether a pesticide or industrial chemical, or both;

(iii) Nature of the control action and date taken;

(iv) Reasons for the control action;

(v) Uses banned;

(vi) Uses continued in effect, if any;

(vii) Alternatives considered effective replacements by the country taking the control action, including, e.g., integrated pest management and non-chemical alternatives;

(viii) A contact for further information in the country taking the control action, including telephone, telefax and telex numbers, in addition to a mailing address;

(ix) Relevant references supporting the action;

(b) *Summary information on the chemical, including:*

(i) Description of the chemical;

(ii) Uses and formulations;

(iii) Chemical and physical properties;

(iv) Toxicological characteristics;

(v) Environmental characteristics, including effects on fish and wildlife, mechanisms of transport and fate.

(vi) Exposure potential, including:

a. Dietary, through food and water;

b. Occupational, both chronic and acute, including manufacture and use;

c. Environmental;

d. Product use, storage, transport and disposal;

e. Accidental poisoning;

(vii) Protective measures to reduce exposure;

(viii) Packaging and labelling recommendations;

(ix) Storage recommendations;

(x) Waste disposal methods;

(xi) Maximum residue limits assessment (for pesticides);

(xii) References;

(c) *Response form(s)* to provide a convenient way for a participating importing country to register its decision with the International Register of Potentially Toxic Chemicals (IRPTC). (In the case of the initial list one form will be necessary for each chemical.)

ANNEX IV

FORM FOR IMPORTING COUNTRY RESPONSE ON PRIOR INFORMED CONSENT CHEMICALS

1. Country ....

2. Ministry/department and responsible authority ....

3. Name(s) of chemical . ...

4. IRPTC reference number ....

5. Is this a registered/approved chemical in your country? Yes No

6. Country final decision regarding future importations

A final decision has been taken to: (check one)

___ Permit importation;

___ Prohibit importation and use;

___ Permit imports only under the following conditions:

....

....

7. Country interim response (answer this section only if no final decision has been taken and reported in 6):

(a) Nature of interim response:

___ Additional time will be required for a final decision

___ The following additional information is requested:

....

....

___ Technical assistance is requested to assist in reaching a final decision.

(b) Has or is this chemical being imported into the country? Yes No

If yes, may imports be permitted pending a final decision? Yes No
Imports permitted only under the following conditions:

....

....

8. Contact point for additional information (include telephone, telex and telefax numbers):

....

....

9. Name and title of official issuing this decision:

....

....

10. Date

ANNEX V

FORM FOR INFORMATION REGARDING EXPORT

UNITED NATIONS ENVIRONMENT PROGRAMME
INTERNATIONAL REGISTRAR OF POTENTIALLY TOXIC CHEMICALS

LONDON GUIDELINES FOR THE EXCHANGE OF INFORMATION
ON CHEMICALS IN INTERNATIONAL TRADE

NOTIFICATION SCHEME FOR BANNED AND SEVERELY RESTRICTED CHEMICALS

INFORMATION REGARDING EXPORT

1. Country of export

2. Ministry/department and responsible authority/or firm (address, telephone, telefax, telex)

3. Name(s) of chemical (Chemical name (IUPAC); common name; trade names)

4. Specification, if relevant for control action (e.g. for pesticides)

6. Country(ies) of destination

7. Designated national authority(ies) to which this information is addressed (address, telephone, telefax, telex)

8. Notification(s) of control action sent

Date(s)
Copy attached Yes No

5.	Code numbers Chem. Abstr. Service Reg. No. (CAS) Other numbers (specify)	Reference address of designated national authority

9. Information regarding export

10. Name, title, address, telephone, telefax and telex numbers of person providing this information

11. Date

Notes

1. It is open to States to apply these Guidelines to phararmaceuticals and food additives if they wish to do so.

2. Staes may designate more than one national authority for different purposes, such as for for

3. The form attached as annex I should be used for that purpose.

4. The contents of a PIC guidance document is outlined in annex III.

5. The content of a form for importing country response is outlined in annex IV.

6. The form attached as annex V should be used for that purpose. information exchange and making PIC determinations or for industrial chemicalks and pesticides. Where more than one national authority is designated, the term "designated national authority" in the text of these Guidelines should be interpreted as referring to the authority responsible for the actions being discussed.

CODE OF ETHICS ON THE INTERNATIONAL TRADE IN CHEMICALS

INTRODUCTION TO THE CODE

1. The code is general in nature and addressed industry and other private sector parties in all countries with the aim of setting out the principles and guidance, governing standards of conduct for the promotion of environmentally sound management of chemicals in international trade. The standards of conduct set out in the principles and guidance covers such activities as production and management of chemicals in international trade, taking into account their entire life cycle.

2. The code is developed in response to decision 16/35 of the Governing Council of the United Nations Environment Programme (UNEP) of May 1991 entitled "Toxic chemicals", and to Agenda 21, in particular its chapter 19 on environmentally sound management of toxic chemicals which was adopted by the United Nations Conference on Environment and Development at Rio de Janeiro in June 1992 and endorsed by resolution 47/190 of the United Nations General Assembly in December 1992.

3. The code is a complement to the amended London Guidelines for the Exchange of Information on Chemicals in International Trade[1] which address Governments and the scope of the code is broader than that of the amended London Guidelines. By the implementation of this code, the private sector parties are expected to enter into voluntary commitment to help achieve the objectives of the amended London Guidelines, i.e., to increase chemical safety and to enhance the sound management of chemicals in all countries through the exchange of information on chemicals in international trade.

4. Some of the subjects addressed in the code apply not only to chemicals in international trade but are generally applicable to all chemicals whether exported or retained for domestic use. This is consistent with the idea that there should not be a double standard vis a vis exported and domestically marketed chemicals with respect to health, safety and the environment. In this regard, several provisions in this code address chemicals in domestic and international trade.

5. The principles and guidance set out in the code apply globally and have been developed to permit flexible application taking into account local conditions in countries. There is a need to take full account of the special situation in developing countries in order to achieve the highest possible level of human health and environmental protection in all countries.

6. The code provides for procedures to monitor voluntary compliance by the parties concerned with the standards of conduct set out in the principles and guidance.

7. Subjects which are relevant to the management of chemicals for health and environmental reasons, but which do not relate to chemicals in international trade, have not been addressed in the code.[2]

8. The code is developed fully taking into account the work already done by private sector parties, in particular voluntary initiatives and programmes by industry. It is designed to be compatible with those existing initiatives and programmes developed and being implemented by the private sector parties. For the development of the code, the International Code of Conduct on the Distribution and Use of Pesticides of the Food and Agriculture Organization of the United Nations (FAO) was also fully taken into account.

9. The code is designed to be consistent with and complementary to existing instruments developed by United Nations agencies, including those under UNEP, FAO, the International Labour Organisation (ILO), the World Health Organization (WHO) and other intergovernmental organizations such as the Organisation for Economic Co-operation and Development (OECD), avoiding any duplication.

10. This code should not be interpreted to preclude private sector parties taking additional actions with respect to protection of health, safety and environment, nor should the code have the effect of replacing existing voluntary codes. Private sector parties should be encouraged to implement this code in a manner consistent with other health, safety and environmental initiatives and to go beyond what is stated in the code.

11. The adoption of the code is a voluntary action of the private sector parties[3]. It is not intended that the approval of the Government is required for adopting the code by the private sector parties.

12. This code should not be used by Governments or intergovernmental organizations to sustain or create tariff or non-tariff barriers to trade in chemicals.

PART I. GENERAL PROVISIONS

I. OBJECTIVE

1. The objective of this code is to set forth principles and guidance for private sector parties, governing standards of conduct in the production and management of chemicals in international trade, taking into account their entire life cycle, with the purpose of reducing risks to human health and the environment which might be posed by such chemicals.

II. DEFINITIONS[4]

2. For purposes of the code:

(a) "Banned chemical" means a chemical which has, for health or environmental reasons, been prohibited for all uses by final governmental regulatory action;

(b) "Severely restricted chemical" means a chemical for which , for health or environmental reasons, virtually all uses have been prohibited nationally by final government regulatory action, but for which certain specific uses remain authorized;

(c) "Hazardous chemical" means a chemical which represents a threat to human or animal health or to the environment.

(d) "Private sector parties" means industry, workers and their representatives, environmental and consumer groups and other non-governmental organizations, and the public.

(e) "Industry" means all segments involved in production and management of chemicals, taking into account their entire life cycle, including producers, formulators, importers and exporters, traders, and transporters.[5]

(f) "International trade in chemicals" means export or import of chemicals.

(g) "Export" and "import" mean, in their respective connotations, the movement of a chemical from one State to another State, but exclude mere transit operations.

(h) "Management" means the handling, supply transport, storage, treatment, application or other use of a chemical subsequent to its initial manufacture or formulation.

(i) "Prior informed consent" (PIC) refers to the principle that international shipment of a chemical that is banned or severely restricted in order to protect human health and the environment should not proceed without the agreement, where such agreement exists, or contrary to the decision of, the designated national authority in the importing country. For the purpose of this code,

"designated national authority" means a national government authority designated for purposes of information exchange and the prior informed consent procedure being carried out by UNEP and FAO.

(j) "Prior informed consent procedure" (PIC procedure) means the procedure for formally obtaining and disseminating the decisions of importing countries as to whether they wish to receive future shipments of chemicals which have been banned or severely restricted, being carried out by UNEP and FAO.

(k) "PIC decision" means a decision by a importing country of a chemical subject to the PIC procedure with respect to the future import of chemicals.

III. EXEMPTIONS [6]

3. The code should not apply to:

(a) Pharmaceuticals, including narcotics, drugs and psychotropic substances;

(b) Radioactive materials;

(c) Chemicals imported for the purpose of research or analysis in quantities not likely to affect the environment or human health;

(d) Chemicals imported as personal or household effects, in quantities reasonable for these uses;

(e) Food additives.

IV. THE COMMITMENT TO IMPROVED HEALTH, SAFETY AND ENVIRONMENTAL PROTECTION RELATED TO THE INTERNATIONAL TRADE IN CHEMICALS

4. Private sector parties involved in the international trade in chemicals should make a commitment to undertake self-regulatory measures to meet the standards of conduct set out in the principles and guidance contained in Part II below in order to ensure the safe production and management of chemicals in domestic and international trade, taking into account their entire life cycle.

5. Private sector parties should recognize in the commitment their shared responsibility, along with the governments of chemical exporting and importing countries, for the protection of human health and the environment. In particular, business and industry should recognize their responsibility for fully participating in the implementation and evaluation of activities related to Agenda 21[7].

6. The private sector parties that have already entered into the commitment under "Responsible Care" or a similar instrument consistent with this code, such as the FAO Code of Conduct, are encouraged to make a declaration, expressing that existing commitments are consistent with this code. The parties that have not made commitment under "Responsible Care" or a similar instrument should demonstrate their commitment by making an appropriate declaration in a written statement and publish such declaration.

7. Private sector parties making such written declaration should notify UNEP of their respective decisions to enter into commitment to meet the standards of conduct set out in the principles and guidance contained in the code.

8. The parties that have made such written declaration under paragraph 5 and entered into voluntary commitment under the code should initiate necessary action to meet the standards of conduct set out in the principles and guidance below within 180 days after the commitment is notified to UNEP.

9. The commitment by the private sector parties should include the following elements:

(a) Increase chemical safety and enhance the sound production and management of chemicals, taking into account their entire life cycle, in all countries by

providing government authorities and relevant private sector parties with relevant information on chemicals in domestic and international trade.

(b) Comply with the PIC procedure being carried out by UNEP and FAO to the extent applicable to private sector parties.

10. Enterprises/companies involved in the production or management of chemicals in domestic and international trade, taking into account their entire life cycle, should demonstrate this commitment at all levels of their enterprises/companies, starting with the highest level of management. This commitment should be communicated throughout the enterprises/companies.

PART II. GENERAL PRINCIPLES AND GUIDANCE FOR THE IMPLEMENTATION OF THE GENERAL PRINCIPLES

I. GENERAL PRINCIPLES

11. Having agreed to take appropriate actions to protect human health and the environment from adverse effects from the production and management of chemicals in international trade, taking into account their entire life cycle, and to promote chemical safety, private sector parties should:

(a) Act in accordance with the guidance set out in this code, and develop the means for applying the guidance in a manner appropriate to local circumstances;

(b) Allocate the resources necessary for the application of the guidance to their own activities;

(c) Enhance co-operation among private sector parties as well as with government agencies and relevant international organizations for the promotion the code;

(d) Cooperate with local community to address problems related to chemicals in international trade and solving such problems, including the provision of relevant information.

12. Enterprises/companies involved in the international trade in chemicals, such as producers, formulators, transporters, traders including exporters and importers, should:

(a) Develop management systems to enable the proper production and management of chemicals, taking into account their entire life cycle;

(b) To the extent practicable, evaluate and do business with suppliers, contract manufacturers, transporters, traders and professional users who meet applicable safety, health and environmental criteria.

13. Private sector parties should promote the application of the guidance set out in the code by:

(a) Establishing the means for sharing experience with various private sector parties, including those parties in different countries or regions, and, as appropriate, with relevant government authorities, concerning measures taken in accordance with the code;

(b) Offering assistance to others who produce and manage chemicals, taking into account their entire life cycle.

14. Private sector parties should work with government authorities responsible for health and environmental protection from harmful effect of chemicals in international trade, including customs offices, in accordance with the principles and guidance in the code.

15. Private sector parties should take initiatives to assist in the implementation of internationally agreed instruments related to chemicals in international trade, in particular the prior informed consent procedure being carried out by UNEP and FAO, as well as those instruments related to chemical accident prevention, preparedness and response.[8]

16. Private sector parties, in co-operation with Governments and relevant international organizations, should establish a procedure for reviewing and revising the code, as appropriate.

II. GUIDANCE FOR THE IMPLEMENTATION OF THE GENERAL PRINCIPLES

17. The following guidance, set out in seven categories, represent the standards of conduct which should be undertaken in order to fulfil the commitment and general principles set out above. Private sector parties should apply the paragraphs relevant to them, in a way which will be effective under their particular circumstances.

A. REDUCING RISKS

18. Chemical producers and formulators should:

    (a) Make every reasonable effort, to the extent practicable, to reduce risks by:

        (i) Introducing appropriate procedures to minimize adverse health and environmental effects from chemicals being manufactured and managed, taking into account their entire life cycle, under both normal operating conditions as well as emergency situations.

        (ii) Developing safer packaging, and using clear and concise labelling, taking into account existing international scheme with respect to packaging and labelling.

        (iii) Take initiatives, to the extent possible, in following chemicals to the ultimate consumer, keeping track of any problems arising in actual use of the chemicals, as a basis for changes in labelling, directions and packaging.

    (b) When safe manufacture and management of a chemical, taking into account its entire life cycle, does not seem possible, voluntarily take corrective action and help find solutions to difficulties.

    (c) Halt manufacturing and trade, and recall products when appropriate due to the unacceptable risks associated with the product.

19. Chemical producers, formulators and traders should:

    (a) Co-operate with relevant government authorities of importing countries and comply with their PIC decisions, recognizing that this might be dependent upon the governments of exporting countries fulfilling their responsibility to transmit to their industry the PIC decisions of importing countries under the PIC procedure[9].

    (b) Co-operate with government authorities in order to ensure implementation of the export notification procedures for banned or severely restricted chemicals, where applicable.

20. Industry should:

    (a) Whenever possible, endeavour to reduce the quantity of hazardous chemicals used.

    (b) Co-operate with government authorities in activities related to chemical accident prevention, preparedness and response, including the development of emergency preparedness plans and support international activities in this area.[10]

(c) In co-operation with the Government, ensure safe management and disposal of chemicals, taking into account their entire life cycle.

21. Private sector parties should ensure that transfer of know-how for the production of chemicals be subject to the standards of conduct set out in the code.

B. TESTING AND ASSESSMENT

22. Chemical producers and formulators should:

(a) As regards new chemicals, produce and commercialize only the chemicals that are known to have gone through a process of testing and assessment that is conducted in accordance with national laws and regulations or internationally accepted procedures and updated where appropriate, and where necessary, taking into account the specific conditions of intended use. This testing and assessment should provide the necessary basis for an evaluation of the risks of the chemical in order to allow appropriate actions to protect human health and the environment.[11]

(b) Provide summaries of the reports of such testing and assessment to government authorities and, upon request, provide these authorities with the full reports in accordance with applicable national laws and regulations, where such laws and regulations have been in force.

(c) Identify reasonably foreseeable uses and misuses of chemicals and, in order to do so, seek feedback from occupational users on use and misuse of chemicals. To the extent appropriate, undertake additional testing and revision of assessment taking into account the information on uses and misuses of chemicals.

(d) Ensure that proposed uses, labelling, information and advertising reflect the results of the testing and assessment.

(e) Provide, as appropriate, chemical producers and formulators in other countries or government authorities with advice and assistance related to testing and assessment, including assistance in the interpretation and evaluation of data.

(f) Ensure that contract manufacturers are kept informed of new significant health, safe and environmental data on chemicals in international trade.

C. QUALITY ASSURANCE

23. Chemical producers and formulators should:

(a) Maintain quality assurance procedures to ensure that chemicals comply with relevant human health and environmental standards and specifications, including non-exploitation of products which are out of date and, to this end, co-operate with government authorities, as appropriate.

(b) Ensure, to the extent possible, that chemicals manufactured or formulated by a subsidiary company or a contract manufacturer meets appropriate human health and environmental requirements and standards which are consistent with the requirements of the country of manufacture as well as those of the parent or contracting company.

24. Chemical producers, formulator and traders should ensure that the quality of a chemical complies with the information in the attached label and with the literature and specifications published by a chemical's manufacturer.

D. CLASSIFICATION, PACKAGING AND LABELLING

25. Chemical producers, formulators and traders should:

(a) Ensure that:

(i) chemicals are labelled;

(ii) labels include appropriate recommendations, instructions, warnings, precautions and first aid information;

(iii) labels show appropriate hazard classifications;

(iv) labels provide appropriate lot or batch information;

(v) labels are in a format appropriate for traders, transporters and occupational users with respect to, for example the language used and the use of symbols and pictograms.

(b) Ensure that classification, packaging and labelling of chemicals conform to applicable international rules, regulations and guidelines, such as the FAO Guidelines, including, for example those dealing with transportation. Where no such international rules, regulations or guidelines are available, an appropriate national or regional system for classification, packaging and labelling should be applied. Labelling requirements should cover:

(i) information to be given in the label;

(ii) legibility, durability and size of the label;

(iii) uniformity of labels and symbols, including colours.

26. Traders and transporters should ensure that chemicals are handled and transported safely in accordance with the information in the labels attached to the packages.

E. PROVISION OF INFORMATION

27. Chemical producers and formulators should:

(a) Provide occupational users, traders, transporters and contract manufacturers with appropriate information and guidance, which should be kept up-dated, to enable proper development, manufacture and management of all chemicals, taking into account their entire life cycle. Safety data sheets (or material safety data sheets) should be prepared for hazardous chemicals and be provided to occupational users, traders, and contract manufacturers to the extent that this could improve safety in the handling and use of the chemicals.

(b) Provide information and instructions in a form and language which will ensure safe and effective use of a chemical.

(c) Ensure consistency of all safety information provided on a given chemicals.

(d) Provide government authorities and consumers with relevant information on:

(i) health and environmental hazards which might be posed by chemicals in international trade;

(ii) recommended protective measures;

(iii) first aid measures.

In providing such information, claims for protection of confidential and proprietary information should not compromise the overriding objective of protecting health and the environment and promoting safety.

(e) Provide the information on safe handling of chemicals when they are outdated or expired.

28. Industry should:

(a) Make reasonable efforts to ensure that the information relevant to health and environmental protection from harmful effects of chemicals reaches the occupational users or traders in importing countries. The information should be included in the labels attached to the packages whenever possible.

(b) Co-operate with governments and competent international organizations for the purpose of information exchange, including the provision of information, upon request, to a government authority in an importing country concerning banned or severely restricted chemicals and alternatives to such chemicals.

(c) Communicate on health, safety and environmental matters to government authorities and other interested parties. In this regard, industry should establish and implement policies to ensure openness in health, safety and environmental information in a manner appropriate to local circumstances.

(d) Assist UNEP to establish databases to be used by designated national authorities for registration and monitoring of chemicals, taking into account their entire life cycle, and for attention to emergencies.

F. EDUCATION AND TRAINING

29. For the purpose of preventing harmful effects of chemicals in international trade to health and the environment, industry should continue to:

(a) Educate and train employees at all levels on the proper management of chemicals, taking into account their entire life cycle.

(b) Provide employees with safety data sheets or similar relevant information.

(c) Educate and train relevant employees so that they can advise occupational users and traders on the proper management of chemicals, taking into account their entire life cycle.

(d) Disseminate educational information to, *inter alia*, chemical handlers and consumers, as well as other interested parties such as medical personnel and customs officials, through a coordinated effort of Governments, international organizations and industry.

(e) Provide support for training of occupational users and government authorities in importing countries, including training for emergency responses.

G. ADVERTISING AND MARKETING

30. Recognizing difference in countries, and with a view to providing accurate information of chemicals to ultimate consumers, such as occupational users, industry should:

(a) Ensure that advertising is consistent with the standards of conduct set out in the code. Statements used in advertising should be capable of technical substantiation. Advertising should not be likely to mislead any buyer, in particular with regard to safety or suitability of use. Advertisements should not encourage uses inconsistent with approved labels or at variance with generally-accepted recommendations. Advertising should draw attention to warnings and should encourage careful reading of labels.

(b) Encourage importing enterprises/companies and relevant trade associations to cooperate in order to achieve fair and safe marketing and trade practices and to help government authorities to stamp out malpractice.

PART III. MONITORING AND FOLLOW-UP

31. Industry, non-governmental organizations, workers and consumers unions, and other relevant public interest groups, in cooperation with Governments and international organizations, should:

    (a) Take active role to monitor activities of industry and other private sector parties involved in the international trade in chemicals as to whether those activities are in compliance with the standards of conduct set out in the principles and guidance above.

    (b) Report the results of the monitoring to government authorities and competent international organizations, such as UNEP, with a view to:

        (i) Improving performance of industry and other private sector parties involved in the international trade in chemicals;

        (ii) Assisting Governments to adopt or amend national laws, regulations and administrative measures governing activities in the international trade in chemicals.

        (iii) Co-operating with Governments and international organizations to develop relevant international instruments.

    (c) Communicate on health, safety and environmental matters related to chemicals in international trade with other interested parties.

32. Industry is encouraged to cooperate with UNEP and non-governmental organizations in the implementation and monitoring of the standards of conduct set out in the principles and guidance above.

33. Industry should ensure that workers and others are not punished for monitoring and reporting its performance to Governments, international organizations and relevant private sector parties.

34. Private sector parties are encouraged to enter into voluntary agreements with Governments for the application of the standards of conduct set out in the principles and guidance above.

35. Private sector parties, in cooperation with Governments and international organizations such as UNEP, should promote the code to extend the parties committed to apply the standards of conduct set out in the principles and guidance above.

36. Private sector parties should develop procedures for self-evaluation to assess performance in undertaking self-regulatory measures to meet the standards of conduct set out in the principles and guidance above.

37. Private sector parties, in cooperation with Governments and international organizations, should periodically monitor compliance, review and revise, as appropriate, the code at international fora which will be convened by UNEP subject to the availability of resources.

38. UNEP will, within available resources:

    (a) maintain, up-date and publish a list of those private sector parties that have entered into commitment under the code;

    (b) compile and publish reports on progress in the application of the standards of conduct set out in the principles and guidance above.

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FOREST PRINCIPLES

Non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests, 1992

Preamble

(a) The subject of forests is related to the entire range of environmental and development issues and opportunities, including the right to socio-economic development on a sustainable basis.

(b) The guiding objective of these principles is to contribute to the management, conservation and sustainable development of forests and to provide for their multiple and complementary functions and uses.

(c) Forestry issues and opportunities should be examined in a holistic and balanced manner within the overall context of environment and development, taking into consideration the multiple functions and uses of forests, including traditional uses, and the likely economic and social stress when these uses are constrained or restricted, as well as the potential for development that sustainable forest management can offer.

(d) These principles reflect a first global consensus on forests. In committing themselves to the prompt implementation of these principles, countries also decide to keep them under assessment for their adequacy with regard to further international cooperation on forest issues.

(e) These principles should apply to all types of forests, both natural and planted, in all geographic regions and climatic zones, including austral, boreal, subtemperate, temperate, subtropical and tropical.

(f) All types of forests embody complex and unique ecological processes which are the basis for their present and potential capacity to provide resources to satisfy human needs as well as environmental values, and as such their sound management and conservation is of concern to the Governments of the countries to which they belong and are of value to local communities and to the environment as a whole.

(g) Forests are essential to economic development and the maintenance of all forms of life.

(h) Recognizing that the responsibility for forest management, conservation and sustainable development is in many States allocated among federal/national, state/provincial and local levels of government, each State, in accordance with its constitution and/or national legislation, should pursue these principles at the appropriate level of government.

PRINCIPLES/ELEMENTS

1. (a) "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies and have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction".

   (b) The agreed full incremental cost of achieving benefits associated with forest conservation and sustainable development requires increased international cooperation and should be equitably shared by the international community.

2. (a) States have the sovereign and inalienable right to utilize, manage and develop their forests in accordance with their development needs and level of

socio-economic development and on the basis of national policies consistent with sustainable development and legislation, including the conversion of such areas for other uses within the overall socio-economic development plan and based on rational land-use policies.

(b) Forest resources and forest lands should be sustainably managed to meet the social, economic, ecological, cultural and spiritual human needs of present and future generations. These needs are for forest products and services, such as wood and wood products, water, food, fodder, medicine, fuel, shelter, employment, recreation, habitats for wildlife, landscape diversity, carbon sinks and reservoirs, and for other forest products. Appropriate measures should be taken to protect forests against harmful effects of pollution, including air-borne pollution, fires, pests and diseases in order to maintain their full multiple value.

(c) The provision of timely, reliable and accurate information on forests and forest ecosystems is essential for public understanding and informed decision-making and should be ensured.

(d) Governments should promote and provide opportunities for the participation of interested parties, including local communities and indigenous people, industries, labour, non-governmental organizations and individuals, forest dwellers and women, in the development, implementation and planning of national forest policies.

3. (a) National policies and strategies should provide a framework for increased efforts, including the development and strengthening of institutions and programmes for the management, conservation and sustainable development of forests and forest lands.

(b) International institutional arrangements, building on those organizations and mechanisms already in existence, as appropriate, should facilitate international cooperation in the field of forests.

(c) All aspects of environmental protection and social and economic development as they relate to forests and forest lands should be integrated and comprehensive.

4. The vital role of all types of forests in maintaining the ecological processes and balance at the local, national, regional and global levels through, inter alia, their role in protecting fragile ecosystems, watersheds and freshwater resources and as rich storehouses of biodiversity and biological resources and sources of genetic material for biotechnology products, as well as photosynthesis, should be recognized.

5. (a) National forest policies should recognize and duly support the identity, culture and the rights of indigenous people, their communities and other communities and forest dwellers. Appropriate conditions should be promoted for these groups to enable them to have an economic stake in forest use, perform economic activities, and achieve and maintain cultural identity and social organization, as well as adequate levels of livelihood and well-being, through, inter alia, those land tenure arrangements which serve as incentives for the sustainable management of forests.

(b) The full participation of women in all aspects of the management, conservation and sustainable development of forests should be actively promoted.

6. (a) All types of forests play an important role in meeting energy requirements through the provision of a renewable source of bio-energy, particularly in developing countries, and the demands for fuelwood for household and industrial needs should be met through sustainable forest management, afforestation and reforestation. To this end, the potential contribution of plantations of both indigenous and introduced species for the provision of both fuel and industrial wood should be recognized.

(b) National policies and programmes should take into account the relationship, where it exists, between the conservation, management and sustainable

development of forests and all aspects related to the production, consumption, recycling and/or final disposal of forest products.

(c) Decisions taken on the management, conservation and sustainable development of forest resources should benefit, to the extent practicable, from a comprehensive assessment of economic and non-economic values of forest goods and services and of the environmental costs and benefits. The development and improvement of methodologies for such evaluations should be promoted.

(d) The role of planted forests and permanent agricultural crops as sustainable and environmentally sound sources of renewable energy and industrial raw material should be recognized, enhanced and promoted. Their contribution to the maintenance of ecological processes, to offsetting pressure on primary/old-growth forest and to providing regional employment and development with the adequate involvement of local inhabitants should be recognized and enhanced.

(e) Natural forests also constitute a source of goods and services, and their conservation, sustainable management and use should be promoted.

7. (a) Efforts should be made to promote a supportive international economic climate conducive to sustained and environmentally sound development of forests in all countries, which include, inter alia, the promotion of sustainable patterns of production and consumption, the eradication of poverty and the promotion of food security.

(b) Specific financial resources should be provided to developing countries with significant forest areas which establish programmes for the conservation of forests including protected natural forest areas. These resources should be directed notably to economic sectors which would stimulate economic and social substitution activities.

8. (a) Efforts should be undertaken towards the greening of the world. All countries, notably developed countries, should take positive and transparent action towards reforestation, afforestation and forest conservation, as appropriate.

(b) Efforts to maintain and increase forest cover and forest productivity should be undertaken in ecologically, economically and socially sound ways through the rehabilitation, reforestation and re-establishment of trees and forests on unproductive, degraded and deforested lands, as well as through the management of existing forest resources.

(c) The implementation of national policies and programmes aimed at forest management, conservation and sustainable development, particularly in developing countries, should be supported by international financial and technical cooperation, including through the private sector, where appropriate.

(d) Sustainable forest management and use should be carried out in accordance with national development policies and priorities and on the basis of environmentally sound national guidelines. In the formulation of such guidelines, account should be taken, as appropriate and if applicable, of relevant internationally agreed methodologies and criteria.

(e) Forest management should be integrated with management of adjacent areas so as to maintain ecological balance and sustainable productivity.

(f) National policies and/or legislation aimed at management, conservation and sustainable development of forests should include the protection of ecologically viable representative or unique examples of forests, including primary/old-growth forests, cultural, spiritual, historical, religious and other unique and valued forests of national importance.

(g) Access to biological resources, including genetic material, shall be with due regard to the sovereign rights of the countries where the forests are located and

to the sharing on mutually agreed terms of technology and profits from biotechnology products that are derived from these resources.

(h) National policies should ensure that environmental impact assessments should be carried out where actions are likely to have significant adverse impacts on important forest resources, and where such actions are subject to a decision of a competent national authority.

9. (a) The efforts of developing countries to strengthen the management, conservation and sustainable development of their forest resources should be supported by the international community, taking into account the importance of redressing external indebtedness, particularly where aggravated by the net transfer of resources to developed countries, as well as the problem of achieving at least the replacement value of forests through improved market access for forest products, especially processed products. In this respect, special attention should also be given to the countries undergoing the process of transition to market economies.

(b) The problems that hinder efforts to attain the conservation and sustainable use of forest resources and that stem from the lack of alternative options available to local communities, in particular the urban poor and poor rural populations who are economically and socially dependent on forests and forest resources, should be addressed by Governments and the international community.

(c) National policy formulation with respect to all types of forests should take account of the pressures and demands imposed on forest ecosystems and resources from influencing factors outside the forest sector, and intersectoral means of dealing with these pressures and demands should be sought.

10. New and additional financial resources should be provided to developing countries to enable them to sustainably manage, conserve and develop their forest resources, including through afforestation, reforestation and combating deforestation and forest and land degradation.

11. In order to enable, in particular, developing countries to enhance their endogenous capacity and to better manage, conserve and develop their forest resources, the access to and transfer of environmentally sound technologies and corresponding know-how on favourable terms, including on concessional and preferential terms, as mutually agreed, in accordance with the relevant provisions of Agenda 21, should be promoted, facilitated and financed, as appropriate.

12. (a) Scientific research, forest inventories and assessments carried out by national institutions which take into account, where relevant, biological, physical, social and economic variables, as well as technological development and its application in the field of sustainable forest management, conservation and development, should be strengthened through effective modalities, including international cooperation. In this context, attention should also be given to research and development of sustainably harvested non-wood products.

(b) National and, where appropriate, regional and international institutional capabilities in education, training, science, technology, economics, anthropology and social aspects of forests and forest management are essential to the conservation and sustainable development of forests and should be strengthened.

(c) International exchange of information on the results of forest and forest management research and development should be enhanced and broadened, as appropriate, making full use of education and training institutions, including those in the private sector.

(d) Appropriate indigenous capacity and local knowledge regarding the conservation and sustainable development of forests should, through

institutional and financial support, and in collaboration with the people in local communities concerned, be recognized, respected, recorded, developed and, as appropriate, introduced in the implementation of programmes. Benefits arising from the utilization of indigenous knowledge should therefore be equitably shared with such people.

13. (a) Trade in forest products should be based on non-discriminatory and multilaterally agreed rules and procedures consistent with international trade law and practices.In this context, open and free international trade in forest products should be facilitated.

(b) Reduction or removal of tariff barriers and impediments to the provision of better market access and better prices for higher value-added forest products and their local processing should be encouraged to enable producer countries to better conserve and manage their renewable forest resources.

(c) Incorporation of environmental costs and benefits into market forces and mechanisms, in order to achieve forest conservation and sustainable development, should be encouraged both domestically and internationally.

(d) Forest conservation and sustainable development policies should be integrated with economic, trade and other relevant policies.

(e) Fiscal, trade, industrial, transportation and other policies and practices that may lead to forest degradation should be avoided. Adequate policies, aimed at management, conservation and sustainable development of forests, including where appropriate, incentives, should be encouraged.

14. Unilateral measures, incompatible with international obligations or agreements, to restrict and/or ban international trade in timber or other forest products should be removed or avoided, in order to attain long-term sustainable forest management.

15. Pollutants, particularly air-borne pollutants, including those responsible for acidic deposition, that are harmful to the health of forest ecosystems at the local, national, regional and global levels should be controlled.

Notes

1. The ammended London Guidelines were adopted by the fifteenth saession of the Governing Council of the Unitd Nations Environment Programme on 25 May 1989

2. This includes for example, issues related to process safety and accident prevention, preparedness and response at fixed installations. International gfuidance materials have been prepared to address many of these subjects. Reference to a selection of these guidancxe materials have been included in the attached bibliography.

3. In a country where the government owns or has interest in chemical industry, "industry" and "private sector parties" may read "enterprises".

4. Definitions of "banned chemical", "severely restricted chemical", "international trade", "export", "import", "management", "prior informed consent", "prior informed consent procedure" are identical to those in the amended London Guidelines.

5. Where appropriate, some sections refer specifically to particular segments of the industry, for example chemical producers and formulators. In those countries in which some or all sectors of industry are owned and/or operated by government offices, it is expected that the parts of the code directed to industry would apply to the govemment agencies to the extent they are responsible for the relevant industrial activity.

6. The exemptions are identical to those set out in guideline 3 of the amended London Guidelines.

7. Agenda 21, chapter 30, paragraph 1.

8. References will be found in the selected bibliography attached to the code.

9. Paragraph 7.4(b) of the amended London Guidelines.

10. References will be found in the selected bibliography.

11. For existing chemicals, assessment could be done based on existing data, recognizing ongoing effort in this area.

PART III

BASIC TEXTS IN THE FIELD OF INTERNATIONAL LAW

BASIC TEXTS IN THE FIELD OF INTERNATIONAL LAW

1. Charter of the United Nations, including the Statute of the International Court of Justice
2. Vienna Convention on the Law of Treaties, 1969.
3. Declaration on Principles of International Law concerning Friendly Relations and Co-operation amongst states in accordance with the Charter of the United Nations (UNGA Resolution 2625 (XXV) 24 October 1970)

CHARTER OF THE UNITED NATIONS INCLUDING THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

We the peoples of the United Nations determined

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom, and for these ends

to practice tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

Have resolved to combine our efforts to accomplish these aims.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

I. PURPOSES AND PRINCIPLES

ARTICLE 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace:
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a centre for harmonizing the accusations of nations in the attainment of these common ends.

ARTICLE 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principles of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

II. MEMBERSHIP

ARTICLE 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

ARTICLE 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgement of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

ARTICLE 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges

of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

ARTICLE 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

III. ORGANS

ARTICLE 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

ARTICLE 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

IV. THE GENERAL ASSEMBLY

COMPOSITION

ARTICLE 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

FUNCTIONS AND POWERS

ARTICLE 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

ARTICLE 11

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United
Nations, or by the Security Council, or by a state which is not a Member of the United

Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such question to the state or states concerned or to the Security Council or both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

ARTICLE 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendations with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

ARTICLE 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

   (a) promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;

   (b) promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2 The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned n paragraph 1(b) above are set forth in Chapters IX and X.

ARTICLE 14

Subject to the provision of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

ARTICLE 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

ARTICLE 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

ARTICLE 17

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.
3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

VOTING

ARTICLE 18

1. Each Member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent Members of the Security Council, the election of the Members of the Economic and Social Council, the election of Members of the Trusteeship Council in accordance with paragraph 1(c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.
3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

ARTICLE 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

PROCEDURE

ARTICLE 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the members of the United Nations.

ARTICLE 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

ARTICLE 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

V. THE SECURITY COUNCIL COMPOSITION

ARTICLE 23

1. The Security Council shall consist of 11 Members of the United Nations. The Republic of China*, France, the Union of Soviet Socialist Republics**, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

* From 1971 the Chinese seat in the UN General Assembly and its permanent seat in the Security Council were occupied by the People's Republic of China.

** In December 1991 Russia assumed the former USSR's seat in the UN General Assembly and its permanent seat in the Security Council.

FUNCTIONS AND POWERS

ARTICLE 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

ARTICLE 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

ARTICLE 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

VOTING

ARTICLE 27

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

PROCEDURE

ARTICLE 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

ARTICLE 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

ARTICLE 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

ARTICLE 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

ARTICLE 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a member of the United Nations.

VI. PACIFIC SETTLEMENT OF DISPUTES

ARTICLE 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their disputes by such means.

ARTICLE 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

ARTICLE 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

ARTICLE 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedure for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the statute of the Court.

ARTICLE 37

1. Should the parties to a dispute of the nature referred to in Article 33, fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

ARTICLE 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

VII. ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

ARTICLE 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall

be taken in accordance with Articles 41 and 42, to maintain or restore international peace ' l security.

ARTICLE 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take into account of failure to comply with such provisional measures.

ARTICLE 41

The Security Council may decide what measures not involving the use of armed force are to employed to give effect to its decision, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

ARTICLE 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

ARTICLE 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

ARTICLE 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

ARTICLE 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement

and agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

ARTICLE 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

ARTICLE 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

ARTICLE 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

ARTICLE 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

ARTICLE 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

ARTICLE 51

...ing in the present Charter shall impair the inherent right of individual or collective ...ce if an armed attack occurs against a Member of the United Nations, until the ...cil has taken measures necessary to maintain international peace and security. ...en by Members in the exercise of this right of self-defence shall be immediately ... the Security Council and shall not in any way affect the authority and ...lity of the Security Council under the present Charter to take at any time such ... it deems necessary in order to maintain or restore international peace and security.

VIII. REGIONAL ARRANGEMENTS

ARTICLE 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

ARTICLE 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

ARTICLE 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

IX. INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

ARTICLE 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

(a) higher standards of living, full employment, and conditions of economic and social progress and development;

(b) solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and

(c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

ARTICLE 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

ARTICLE 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

ARTICLE 58

The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

ARTICLE 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

ARTICLE 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

X. THE ECONOMIC AND SOCIAL COUNCIL

COMPOSITION

ARTICLE 61

1. The Economic and Social Council shall consist of 18 Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election, 18 members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

FUNCTIONS AND POWERS

ARTICLE 62

1. the Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters

and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect from, and observance of, human rights and fundamental freedoms for all.

3. It may, prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

ARTICLE 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

ARTICLE 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate it observations on these reports to the General Assembly.

ARTICLE 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

ARTICLE 66

1. the Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

VOTING

ARTICLE 67

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

PROCEDURE

ARTICLE 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

ARTICLE 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

ARTICLE 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

ARTICLE 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

ARTICLE 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

XI. NON SELF-GOVERNING TERRITORIES

ARTICLE 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

(a) to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

(b) to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its people and their varying stages of advancement;

(c) to further international peace and security;

(d) to promote constructive measures of development, to encourage research, and

to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

(e) to transmit regularly to the Secretary-General for information purposes, subject to such limitations as security and constitutional considerations may require, statistical and other information, of a technical nature relating to economic, social and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

ARTICLE 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principles of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

XII. INTERNATIONAL TRUSTEESHIP SYSTEM

ARTICLE 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

ARTICLE 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

(a) to further international peace and security;

(b) to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

(c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

(d) to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

ARTICLE 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements.

(a) territories now held under mandate;

(b) territories which may be detached from enemy states as a result of the Second World War; and

(c) territories voluntarily placed under the system by states responsible for their administration.

2. it will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

ARTICLE 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

ARTICLE 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

ARTICLE 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Member of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

ARTICLE 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

ARTICLE 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

ARTICLE 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

ARTICLE 84

It shall be the duty of the administering authority to ensure that the trust territory shall

play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

ARTICLE 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

XIII. THE TRUSTEESHIP COUNCIL

COMPOSITION

ARTICLE 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

    (a) those Members administering trust territories;

    (b) such of those Members mentioned by name in Article 23 as are not administering trust territories; and

    (c) as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

FUNCTIONS AND POWERS

ARTICLE 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions may:

(a) consider reports submitted by the administering authority;

(b) accept petitions and examine them in consultation with the administering authority;

(c) provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and

(d) take these and other actions in conformity with the terms of the trusteeship agreements.

ARTICLE 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

VOTING

ARTICLE 89

1. Each member of the Trusteeship Council shall have one vote.

2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

PROCEDURE

ARTICLE 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

ARTICLE 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

XIV. THE INTERNATIONAL COURT OF JUSTICE

ARTICLE 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

ARTICLE 93

1. All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on condition to be determined in each case by the General Assembly upon the recommendation of the Security Council.

ARTICLE 94

1. Each member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, it if deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

ARTICLE 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

ARTICLE 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may, at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

XV. THE SECRETARIAT

ARTICLE 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly, upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

ARTICLE 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

ARTICLE 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

ARTICLE 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

ARTICLE 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. Those staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

XVI. MISCELLANEOUS PROVISIONS

ARTICLE 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

ARTICLE 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

ARTICLE 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

ARTICLE 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

XVII. TRANSITIONAL SECURITY ARRANGEMENTS

ARTICLE 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration signed at Moscow, October 30, 1943, and France, shall, in accordance with the provision of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

ARTICLE 107

Nothing in this present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

XVIII. AMENDMENTS

ARTICLE 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General

Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council.

ARTICLE 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

XIX. RATIFICATION AND SIGNATURE

ARTICLE 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

ARTICLE 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by the Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

Done at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

AMENDMENTS

The following amendments to Articles 23 and 27 of the Charter came into force in August 1965.

ARTICLE 23

1. The Security Council shall consist of 15 Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect 10 other Members of the United Nations, to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from 11 to 15, two of the four additional members shall be chosen for a term of one year. A retiring members shall not be eligible for immediate re-election.

ARTICLE 27

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

The following amendments in Article 61 of the Charter came into force in September 1973.

ARTICLE 61

1. The Economic and Social Council shall consist of 54 Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, 18 members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election after the increase in the membership of the Economic and Social Council from 27 to 54 members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, 27 additional members shall be elected. Of these 27 additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

The following amendment to paragraph 1 of Article 109 of the Charter came into force in June 1968

ARTICLE 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

ARTICLE 1.

The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

CHAPTER I.

ORGANISATION OF THE COURT

ARTICLE 2.

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognised competence in international law.

ARTICLE 3.

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same State.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one State shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

ARTICLE 4.

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their Governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of the Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a State which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

ARTICLE 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

ARTICLE 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national selections of international academies devoted to the study of law.

ARTICLE 7

1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

ARTICLE 8.

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

ARTICLE 9.

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main form of civilisation and of the principal legal systems of the world should be assured.

ARTICLE 10.

1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same State obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

ARTICLE 11.

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

ARTICLE 12.

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election,

those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

ARTICLE 13.

1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of the three years, and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

ARTICLE 14.

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

ARTICLE 15.

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

ARTICLE 16.

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

ARTICLE 17.

1. No member of the Court may act as agent, counsel, or advocate in any case.

2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

ARTICLE 18.

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

ARTICLE 19.

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

ARTICLE 20.

The member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

ARTICLE 21.

1. The Court shall elect its President and Vice-President for three years; they may be re-elected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

ARTICLE 22.

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.

ARTICLE 23.

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

ARTICLE 24.

1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

ARTICLE 25.

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing

one or more judges according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the Court.

ARTICLE 26.

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labour cases and cases relating to transit and communications.

2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

ARTICLE 27.

A judgement given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

ARTICLE 28.

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

ARTICLE 29.

With a view to the speedy despatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

ARTICLE 30.

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

ARTICLE 31.

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality

of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3, and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

ARTICLE 32.

1. Each member of the Court shall receive an annual salary.

2. The President shall receive a special annual allowance.

3. The Vice-President shall receive a special allowance for every day on which he acts as President.

4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.

5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their travelling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

ARTICLE 33.

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

CHAPTER II.

Competence of the Court.

ARTICLE 34.

1. Only States may be parties in cases before the Court.

2. The Court, subject to and in conformity with its Rules, may request of public international organisations information relevant to cases before it, and shall receive such information presented by such organisations on their own initiative.

3. Whenever the construction of the constituent instrument of a public international organisation or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organisation concerned and shall communicate to it copies of all the written proceedings.

ARTICLE 35.

1. The Court shall be open to the States parties to the present Statute.

2. The conditions under which the Court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a State which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such State is bearing a share of the expenses of the Court.

ARTICLE 36.

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

2. The States parties to the present Statute may at any time declare that they recognise as compulsory, *ipso facto* and without especial agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning -

    (a) the interpretation of a treaty;

    (b) any question of international law;

    (c) the existence of any fact which, if established, would constitute a breach of an international obligation;

    (d) the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain States, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

ARTICLE 37.

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

ARTICLE 38.

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply -

(a) international conventions, whether general or particular, establishing rules expressly recognised by the contesting States;

(b) international custom, as evidence of a general practice accepted as law;

(c) the general principles of law recognised by civilised nations;

(d) subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

CHAPTER III.

PROCEDURE.

ARTICLE 39.

1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorise a language other than French or English to be used by that party.

ARTICLE 40.

1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General and also any other States entitled to appear before the Court.

ARTICLE 41.

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

ARTICLE 42.

1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

ARTICLE 43.

1. The procedure shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication of the Court and to the parties of memorials , counter-memorials and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

ARTICLE 44.

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the Government of the State upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

ARTICLE 45.

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

ARTICLE 46.

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

ARTICLE 47.

1. Minutes shall be made at each hearing and signed by the Registrar and the President.

2. These minutes alone shall be authentic.

ARTICLE 48.

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

ARTICLE 49.

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

ARTICLE 50.

The Court may, at any time, entrust any individual, body, bureau, commission, or other organisation that it may select, with the task of carrying out an enquiry or giving an expert opinion.

ARTICLE 51.

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

ARTICLE 52.

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

ARTICLE 53.

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favour of its claim.
2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

ARTICLE 54.

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.
2. The Court shall withdraw to consider the judgment.
3. The deliberations of the Court shall take place in private and remain secret.

ARTICLE 55.

1. All questions shall be decided by a majority of the judges present.
2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

ARTICLE 56.

1. The judgment shall state the reasons on which it is based.
2. It shall contain the names of the judges who have taken part in the decision.

ARTICLE 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

ARTICLE 58.

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

ARTICLE 59.

The decision of the Court has no binding force except between the parties and in respect of that particular case.

ARTICLE 60.

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

ARTICLE 61.

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.
2. The proceeding for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognising that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.
3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.
4. The application for revision must be made at latest within six months of the discovery of the new fact.
5. No application for revision may be made after the lapse of ten years from the date of the judgment.

ARTICLE 62.

1. Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.
2. It shall be for the Court to decide upon this request.

ARTICLE 63.

1. Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar shall notify all such States forthwith.
2. Every State so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

ARTICLE 64.

Unless otherwise decided by the Court, each party shall bear its own costs.

CHAPTER IV.

ADVISORY OPINIONS.

ARTICLE 65.

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorised by or in accordance with the Charter of the United Nations to make such a request.
2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

ARTICLE 66.

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all States entitled to appear before the Court.

2. The Registrar shall also, by means of a special and direct communication, notify any State entitled to appear before the Court or international organisation considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. Should any such State entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such State may express a desire to submit a written statement or to be heard; and the Court will decide.

4. States and organisations having presented written or oral statements or both shall be permitted to comment on the statements made by other States or organisations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to States and organisations having submitted similar statements.

ARTICLE 67.

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the Untied Nations, of other States and of international organisations immediately concerned.

ARTICLE 68.

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognises them to be applicable.

CHAPTER V.

AMENDMENT.

ARTICLE 69.

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of States which are parties to the present Statute but are not Members of the United Nations.

ARTICLE 70.

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

VIENNA CONVENTION ON THE LAW OF TREATIES

VIENNA 23 May 1969

TEXT OF THE CONVENTION

The States Parties to the present Convention

Considering the fundamental role of treaties in the history of international relations,

Recognizing the ever-increasing importance of treaties as a source of international law and as a means of developing peaceful co-operation among nations, whatever their constitutional and social systems,

Noting that the principles of free consent and of good faith and the *pacta sunt servanda* rule are universally recognized,

Affirming that disputes concerning treaties, like other international disputes, should be settled by peaceful means and in conformity with the principles of justice and international law,

Recalling the determination of the peoples of the United Nations to establish conditions under which justice and respect for the obligations arising from treaties can be maintained,

Having in mind the principles of international law embodied in the Charter of the United Nations, such as the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all States, of non-interference in the domestic affairs of States, of the prohibition of the threat or use of force and of universal respect for, and observance of, human rights and fundamental freedoms for all,

Believing that the codification and progressive development of the law of treaties achieved in the present Convention will promote the purposes of the United Nations set forth in the Charter, namely, the maintenance of international peace and security, the development of friendly relations and the achievement of co-operation among nations,

Affirming that the rules of customary international law will continue to govern questions not regulated by the provisions of the present Convention,

Have agreed as follows:

PART I

INTRODUCTION

ARTICLE 1

SCOPE OF THE PRESENT CONVENTION

The present Convention applies to treaties between States.

ARTICLE 2

USE OF TERMS

1. For the purposes of the present Convention:

   (a) 'treaty' means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation;

(b) 'ratification', 'acceptance', 'approval' and 'accession' mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty;

(c) 'full powers' means a document emanating from the competent authority of a State designating a person or persons to represent the State for negotiating, adopting or authenticating the text of a treaty, for expressing the consent of the State to be bound by a treaty, or for accomplishing any other act with respect to a treaty;

(d) 'reservation' means a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State;

(e) 'negotiating State' means a State which took part in the drawing up and adoption of the text of the treaty;

(f) 'contracting State' means a State which has consented to be bound by the treaty, whether or not the treaty has entered into force;

(g) 'party' means a State which has consented to be bound by the treaty and for which the treaty is in force;

(h) 'third State' means a State not a party to the treaty;

(i) 'international organization' means an intergovernmental organization.

2. The provisions of paragraph 1 regarding the use of terms in the present Convention are without prejudice to the use of those terms or to the meanings which may be given to them in the internal law of any State.

ARTICLE 3

INTERNATIONAL AGREEMENTS NOT WITHIN THE SCOPE OF THE PRESENT CONVENTION

The fact that the present Convention does not apply to international agreements concluded between States and other subjects of international law or between such other subjects of international law, or to international agreements not in written form, shall not affect:

(a) the legal force of such agreements;

(b) the application to them of any of the rules set forth in the present Convention to which they would be subject under international law independently of the Convention;

(c) the application of the Convention to the relations of States as between themselves under international agreements to which other subjects of international law are also parties.

ARTICLE 4

NON-RETROACTIVITY OF THE PRESENT CONVENTION

Without prejudice to the application of any rules set forth in the present Convention to which treaties would be subject under international law independently of the Convention, the Convention applies only to treaties which are concluded by States after the entry into force of the present Convention with regard to such States.

ARTICLE 5

TREATIES CONSTITUTING INTERNATIONAL ORGANIZATIONS AND TREATIES ADOPTED WITHIN AN INTERNATIONAL ORGANIZATION

The present Convention applies to any treaty which is the constituent instrument of an international organization and to any treaty adopted within an international organization without prejudice to any relevant rules of the organization.

PART II

CONCLUSION AND ENTRY INTO FORCE OF TREATIES

SECTION 1: CONCLUSION OF TREATIES

ARTICLE 6

CAPACITY OF STATES TO CONCLUDE TREATIES

Every State possesses capacity to conclude treaties.

ARTICLE 7

FULL POWERS

1. A person is considered as representing a State for the purpose of adopting or authenticating the text of a treaty or for the purpose of expressing the consent of the State to be bound by a treaty if:

   (a) he produces appropriate full powers; or

   (b) it appears from the practice of the States concerned or from other circumstances that their intention was to consider that person as representing the State for such purposes and to dispense with full powers.

2. In virtue of their functions and without having to produce full powers, the following are considered as representing their State:

   (a) Heads of State, Heads of Government and Ministers for Foreign Affairs, for the purpose of performing all acts relating to the conclusion of a treaty;

   (b) heads of diplomatic missions, for the purpose of adopting the text of a treaty between the accrediting State and the State to which they are accredited;

   (c) representatives accredited by States to an international conference or to an international organization or one of its organs, for the purpose of adopting the text of a treaty in that conference, organization or organ.

ARTICLE 8

SUBSEQUENT CONFIRMATION OF AN ACT PERFORMED WITHOUT AUTHORIZATION

An act relating to the conclusion of a treaty performed by a person who cannot be considered under article 7 as authorized to represent a State for that purpose is without legal effect unless afterwards confirmed by that State.

ARTICLE 9

ADOPTION OF THE TEXT

1. The adoption of the text of a treaty takes place by the consent of all the States participating in its drawing up except as provided in paragraph 2.

2. The adoption of the text of a treaty at an international conference takes place by the vote of two-thirds of the States present and voting, unless by the same majority they shall decide to apply a different rule.

ARTICLE 10

AUTHENTICATION OF THE TEXT

The text of a treaty is established as authentic and definitive:

(a) by such procedure as may be provided for in the text or agreed upon by the States participating in its drawing up; or

(b) failing such procedure, by the signature, signature *ad referendum* or initialling by the representatives of those States of the text of the treaty or of the Final Act of a conference incorporating the text.

ARTICLE 11

MEANS OF EXPRESSING CONSENT TO BE BOUND BY A TREATY

The consent of a State to be bound by a treaty may be expressed by signature, exchange of instruments constituting a treaty, ratification, acceptance, approval or accession, or by any other means if so agreed.

ARTICLE 12

CONSENT TO BE BOUND BY A TREATY EXPRESSED BY SIGNATURE

1. The consent of a State to be bound by a treaty is expressed by the signature of its representative when:

   (a) the treaty provides that signature shall have that effect;

   (b) it is otherwise established that the negotiating States were agreed that signature should have that effect; or

   (c) the intention of the State to give that effect to the signature appears from the full powers of its representative or was expressed during the negotiation.

2. For the purposes of paragraph 1:

   (a) the initialling of a text constitutes a signature of the treaty when it is established that the negotiating States so agreed;

   (b) the signature *ad referendum*

   of a treaty by a representative, if confirmed by his State, constitutes a full signature of the treaty.

ARTICLE 13

CONSENT TO BE BOUND BY A TREATY EXPRESSED BY AN EXCHANGE OF INSTRUMENTS CONSTITUTING A TREATY

The consent of States to be bound by a treaty constituted by instruments exchanged between them is expressed by that exchange when:

(a) the instruments provide that their exchange shall have that effect; or

(b) it is otherwise established that those States were agreed that the exchange of instruments should have that effect

ARTICLE 14

CONSENT TO BE BOUND BY A TREATY EXPRESSED BY RATIFICATION, ACCEPTANCE OR APPROVAL

1. The consent of a State to be bound by a treaty is expressed by ratification when:

   (a) the treaty provides for such consent to be expressed by means of ratification;

   (b) it is otherwise established that the negotiating States were agreed that ratification should be required;

   (c) the representative of the State has signed the treaty subject to ratification; or

   (d) the intention of the State to sign the treaty subject to ratification appears from the full powers of its representative or was expressed during the negotiation.

2. The consent of a State to be bound by a treaty is expressed by acceptance or approval under conditions similar to those which apply to ratification.

ARTICLE 15

CONSENT TO BE BOUND BY A TREATY EXPRESSED BY ACCESSION

The consent of a State to be bound by a treaty is expressed by accession when:

(a) the treaty provides that such consent may be expressed by that State by means of accession;

(b) it is otherwise established that the negotiating States were agreed that such consent may be expressed by that State by means of accession; or

(c) all the parties have subsequently agreed that such consent may be expressed by that State by means of accession.

ARTICLE 16.

EXCHANGE OR DEPOSIT OF INSTRUMENTS OF RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

Unless the treaty otherwise provides, instruments of ratification, acceptance, approval or accession establish the consent of a State to be bound by a treaty upon:

(a) their exchange between the contracting States;

(b) their deposit with the depositary; or

(c) their notification to the contracting States or to the depositary, if 50 agreed.

ARTICLE 17

CONSENT TO BE BOUND BY PART OF A TREATY AND CHOICE OF DIFFERING PROVISIONS

1. Without prejudice to articles 19 to 23, the consent of a State to be bound by part of a treaty is effective only if the treaty so permits or the other contracting States so agree.

2. The consent of a State to be bound by a treaty which permits a choice between differing provisions is effective only if it is made clear to which of the provisions the consent relates.

ARTICLE 18

OBLIGATION NOT TO DEFEAT THE OBJECT AND PURPOSE OF A TREATY PRIOR TO ITS ENTRY INTO FORCE

A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

(a) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty; or

(b) it has expressed its consent to be bound by the treaty, pending the entry into force of the treaty and provided that such entry into force is not unduly delayed.

SECTION 2: RESERVATIONS

ARTICLE 19

FORMULATION OF RESERVATIONS

A State may, when signing, ratifying, accepting, approving or acceding to a treaty, formulate a reservation unless:

(a) the reservation is prohibited by the treaty;

(b) the treaty provides that only specified reservations, which do not include the reservation in question, may be made; or

(c) in cases not falling under sub-paragraphs (a) and (b), the reservation is incompatible with the object and purpose of the treaty.

ARTICLE 20

ACCEPTANCE OF AND OBJECTION TO RESERVATIONS

1. A reservation expressly authorized by a treaty does not require any subsequent acceptance by the other contracting States unless the treaty so provides.

2. When it appears from the limited number of the negotiating States and the object and purpose of a treaty that the application of the treaty in its entirety between all the parties is an essential condition of the consent of each one to be bound by the treaty, a reservation requires acceptance by all the parties.

3. When a treaty is a constituent instrument of an international organization and unless it otherwise provides, a reservation requires the acceptance of the competent organ of that organization.

4. In cases not falling under the preceding paragraphs and unless the treaty otherwise provides:

(a) acceptance by another contracting State of a reservation constitutes the reserving State a party to the treaty in relation to that other State if or when the treaty is in force for those States;

(b) an objection by another contracting State to a reservation does not preclude the entry into force of the treaty as between the objecting and reserving States unless a contrary intention is definitely expressed by the objecting State;

(c) an act expressing a State's consent to be bound by the treaty and containing a reservation is effective as soon as at least one other contracting State has accepted the reservation.

5. For the purposes of paragraphs 2 and 4 and unless the treaty otherwise provides, a reservation is considered to have been accepted by a State if it shall have raised no objection to the reservation by the end of a period of twelve months after it was notified of the reservation or by the date on which it expressed its consent to be bound by the treaty, whichever is later.

ARTICLE 21

LEGAL EFFECTS OF RESERVATIONS AND OF OBJECTIONS TO RESERVATIONS

1. A reservation established with regard to another party in accordance with articles 19, 20 and 23:

   (a) modifies for the reserving State in its relations with that other party the provisions of the treaty to which the reservation relates to the extent of the reservation; and

   (b) modifies those provisions to the same extent for that other party in its relations with the reserving State.

2. The reservation does not modify the provisions of the treaty for the other parties to the treaty *inter se*.

3. When a State objecting to a reservation has not opposed the entry into force of the treaty between itself and the reserving State, the provisions to which the reservation relates do not apply as between the two States to the extent of the reservation.

ARTICLE 22

WITHDRAWAL OF RESERVATIONS AND OF OBJECTIONS TO RESERVATIONS

1. Unless the treaty otherwise provides, a reservation may be withdrawn at any time and the consent of a State which has accepted the reservation is not required for its withdrawal.

2. Unless the treaty otherwise provides, an objection to a reservation may be withdrawn at any time.

3. Unless the treaty otherwise provides, or it is otherwise agreed:

   (a) the withdrawal of a reservation becomes operative in relation to another contracting State only when notice of it has been received by that State;

   (b) the withdrawal of an objection to a reservation becomes operative only when notice of it has been received by the State which formulated the reservation.

ARTICLE 23

PROCEDURE REGARDING RESERVATIONS

1. A reservation, an express acceptance of a reservation and an objection to a reservation must be formulated in writing and communicated to the contracting States and other States entitled to become parties to the treaty.

2. If formulated when signing the treaty subject to ratification, acceptance or approval, a reservation must be formally confirmed by the reserving State when expressing its consent to be bound by the treaty. In such a case the reservation shall be considered as having been made on the date of its confirmation.

3. An express acceptance of, or an objection to, a reservation made previously to confirmation of the reservation does not itself require confirmation.

4. The withdrawal of a reservation or of an objection to a reservation must be formulated in writing.

SECTION 3: ENTRY INTO FORCE AND PROVISIONAL APPLICATION OF TREATIES

ARTICLE 24

ENTRY INTO FORCE

1. A treaty enters into force in such manner and upon such date as it may provide or as the negotiating States may agree.

2. Failing any such provision or agreement, a treaty enters into force as soon as consent to be bound by the treaty has been established for all the negotiating States.

3. When the consent of a State to be bound by a treaty is established on a date after the treaty has come into force, the treaty enters into force for that State on that date, unless the treaty otherwise provides.

4. The provisions of a treaty regulating the authentication of its text, the establishment of the consent of States to be bound by the treaty, the manner or date of its entry into force, reservations, the functions of the depositary and other matters arising necessarily before the entry into force of the treaty apply from the time of the adoption of its text.

ARTICLE 25

PROVISIONAL APPLICATION

1. A treaty or a part of a treaty is applied provisionally pending its entry into force if:

   (a) the treaty itself so provides; or

   (b) the negotiating States have in some other manner so agreed.

2. Unless the treaty otherwise provides or the negotiating States have otherwise agreed, the provisional application of a treaty or a part of a treaty with respect to a State shall be terminated if that State notifies the other States between which the treaty is being applied provisionally of its intention not to become a party to the treaty.

PART III OBSERVANCE, APPLICATION AND INTERPRETATION OF TREATIES

SECTION 1: OBSERVANCE OF TREATIES

ARTICLE 26

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Every treaty in force is binding upon the parties to it and must be performed by them in good faith.

ARTICLE 27

INTERNAL LAW AND OBSERVANCE OF TREATIES

A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. This rule is without prejudice to article 46.

SECTION 2: APPLICATION OF TREATIES

ARTICLE 28

NON-RETROACTIVITY OF TREATIES

Unless a different intention appears from the treaty or is otherwise established, its provisions do not bind a party in relation to any act or fact which took place or any situation which ceased to exist before the date of the entry into force of the treaty with respect to that party.

ARTICLE 29

TERRITORIAL SCOPE OF TREATIES

Unless a different intention appears from the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory.

ARTICLE 30

APPLICATION OF SUCCESSIVE TREATIES RELATING TO THE SAME SUBJECT MATTER

1. Subject to Article 103 of the Charter of the United Nations, the rights and obligations of States parties to successive treaties relating to the same subject-matter shall be determined in accordance with the following paragraphs.

2. When a treaty specifies that it is subject to, or that it is not to be considered as incompatible with, an earlier or later treaty, the provisions of that other treaty prevail.

3. When all the parties to the earlier treaty are parties also to the later treaty but the earlier treaty is not terminated or suspended in operation under article 59, the earlier treaty applies only to the extent that its provisions are compatible with those of the latter treaty.

4. When the parties to the later treaty do not include all the parties to the earlier one:

   (a) as between States parties to both treaties the same rule applies as in paragraph 3;

(b) as between a State party to both treaties and a State party to only one of the treaties, the treaty to which both States are parties governs their mutual rights and obligations.

5. Paragraph 4 is without prejudice to article 41, or to any question of the termination or suspension of the operation of a treaty under article 60 or to any question of responsibility which may arise for a State from the conclusion or application of a treaty, the provisions of which are incompatible with its obligations towards another State under another treaty.

SECTION 3: INTERPRETATION OF TREATIES

ARTICLE 31

GENERAL RULE OF INTERPRETATION

1. A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.

2. The context for the purpose of the interpretation of a treaty shall comprise, in addition to the text, including its preamble and annexes:

   (a) any agreement relating to the treaty which was made between all the parties in connexion with the conclusion of the treaty;

   (b) any instrument which was made by one or more parties in connexion with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty.

3. There shall be taken into account, together with the context:

   (a) any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions;

   (b) any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation;

   (c) any relevant rules of international law applicable in the relations between the parties.

4. A special meaning shall be given to a term if it is established that the parties so intended.

ARTICLE 32

SUPPLEMENTARY MEANS OF INTERPRETATION

Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion, in order to confirm the meaning resulting from the application of article 31, or to determine the meaning when the interpretation according to article 31:

   (a) leaves the meaning ambiguous or obscure; or

   (b) leads to a result which is manifestly absurd or unreasonable.

ARTICLE 33

INTERPRETATION OF TREATIES AUTHENTICATED IN TWO OR MORE LANGUAGES

1. When a treaty has been authenticated in two or more languages, the text is equally authoritative in each language, unless the treaty provides or the parties agree that, in case of divergence, a particular text shall prevail.

2. A version of the treaty in a language other than one of those in which the text was authenticated shall be considered an authentic text only if the treaty so provides or the parties so agree.

3. The terms of the treaty are presumed to have the same meaning in each authentic text.

4. Except where a particular text prevails in accordance with paragraph 1, when a comparison of the authentic texts discloses a difference of meaning which the application of articles 31 and 32 does not remove, the meaning which best reconciles the texts, having regard to the object and purpose of the treaty, shall be adopted.

SECTION 4: TREATIES AND THIRD STATES

ARTICLE 34

GENERAL RULE REGARDING THIRD STATES

A treaty does not create either obligations or rights for a third State without its consent.

ARTICLE 35

TREATIES PROVIDING FOR OBLIGATIONS FOR THIRD STATES

An obligation arises for a third State from a provision of a treaty if the parties to the treaty intend the provision to be the means of establishing the obligation and the third State expressly accepts that obligation in writing.

ARTICLE 36

TREATIES PROVIDING FOR RIGHTS FOR THIRD STATES

1. A right arises for a third State from a provision of a treaty if the parties to the treaty intend the provision to accord that right either to the third State, or to a group of States to which it belongs, or to all States, and the third State assents thereto. Its assent shall be presumed so long as the contrary is not indicated, unless the treaty otherwise provides.

2. A State exercising a right in accordance with paragraph 1 shall comply with the conditions for its exercise provided for in the treaty or established in conformity with the treaty.

ARTICLE 37

REVOCATION OR MODIFICATION OF OBLIGATIONS OR RIGHTS OF THIRD STATES

1. When an obligation has arisen for a third State in conformity with article 35, the obligation may be revoked or modified only with the consent of the parties to the treaty and of the third State, unless it is established that they had otherwise agreed.

2. When a right has arisen for a third State in conformity with article 36, the right may not be revoked or modified by the parties if it is established that the right was intended not to be revocable or subject to modification without the consent of the third State.

ARTICLE 38

RULES IN A TREATY BECOMING BINDING ON THIRD STATES THROUGH INTERNATIONAL CUSTOM

Nothing in articles 34 to 37 precludes a rule set forth in a treaty from becoming binding upon a third State as a customary rule of international law, recognized as such.

PART IV

AMENDMENT AND MODIFICATION OF TREATIES

ARTICLE 39

GENERAL RULE REGARDING THE AMENDMENT OF TREATIES

A treaty may be amended by agreement between the parties. The rules laid down in Part II apply to such an agreement except in so far as the treaty may otherwise provide.

ARTICLE 40

AMENDMENT OF MULTILATERAL TREATIES

1. Unless the treaty otherwise provides, the amendment of multilateral treaties shall be governed by the following paragraphs.
2. Any proposal to amend a multilateral treaty as between all the parties must be notified to all the contracting States, each one of which shall have the right to take part in:
   - (a) the decision as to the action to be taken in regard to such proposal;
   - (b) the negotiation and conclusion of any agreement for the amendment of the treaty.
3. Every State entitled to become a party to the treaty shall also be entitled to become a party to the treaty as amended.
4. The amending agreement does not bind any State already a party to the treaty which does not become a party to the amending agreement; article 30, paragraph 4(b), applies in relation to such State.
5. Any State which becomes a party to the treaty after the entry into force of the amending agreement shall, failing an expression of a different intention by that State:
   - (a) be considered as a party to the treaty as amended; and
   - (b) be considered as a party to the unamended treaty in relation to any party to the treaty not bound by the amending agreement.

ARTICLE 41

AGREEMENTS TO MODIFY MULTILATERAL TREATIES BETWEEN CERTAIN OF THE PARTIES ONLY

1. Two or more of the parties to a multilateral treaty may conclude an agreement to modify the treaty as between themselves alone if:
   - (a) the possibility of such a modification is provided for by the treaty; or

(b) the modification in question is not prohibited by the treaty and:

(i) does not affect the enjoyment by the other parties of their rights under the treaty or the performance of their obligations;

(ii) does not relate to a provision, derogation from which is incompatible with the effective execution of the object and purpose of the treaty as a whole.

2. Unless in a case falling under paragraph 1(a) the treaty otherwise provides, the parties in question shall notify the other parties of their intention to conclude the agreement and of the modification to the treaty for which it provides.

PART V

INVALIDITY, TERMINATION AND SUSPENSION OF THE OPERATION OF TREATIES

SECTION 1: GENERAL PROVISIONS

ARTICLE 42

VALIDITY AND CONTINUANCE IN FORCE OF TREATIES

1. The validity of a treaty or of the consent of a State to be bound by a treaty may be impeached only through the application of the present Convention.

2. The termination of a treaty, its denunciation or the withdrawal of a party, may take place only as a result of the application of the provisions of the treaty or of the present Convention. The same rule applies to suspension of the operation of a treaty.

ARTICLE 43

OBLIGATIONS IMPOSED BY INTERNATIONAL LAW INDEPENDENTLY OF A TREATY

The invalidity, termination or denunciation of a treaty, the withdrawal of a party from it, or the suspension of its operation, as a result of the application of the present Convention or of the provisions of the treaty, shall not in any way impair the duty of any State to fulfil any obligation embodied in the treaty to which it would be subject under international law independently of the treaty.

ARTICLE 44

SEPARABILITY OF TREATY PROVISIONS

1. A right of a party, provided for in a treaty or arising under article 56, to denounce, withdraw from or suspend the operation of the treaty may be exercised only with respect to the whole treaty unless the treaty otherwise provides or the parties otherwise agree.

2. A ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty recognized in the present Convention may be invoked only with respect to the whole treaty except as provided in the following paragraphs or in article 60.

3. If the ground relates solely to particular clauses, it may be invoked only with respect to those clauses where:

(a) the said clauses are separable from the remainder of the treaty with regard to their application;

(b) it appears from the treaty or is otherwise established that acceptance of those

clauses was not an essential basis of the consent of the other party or parties to be bound by the treaty as a whole; and

(c) continued performance of the remainder of the treaty would not be unjust.

4. In cases falling under articles 49 and 50 the State entitled to invoke the fraud or corruption may do so with respect either to the whole treaty or, subject to paragraph 3, to the particular clauses alone.

5. In cases falling under articles 51, 52 and 53, no separation of the provisions of the treaty is permitted.

ARTICLE 45

LOSS OF A RIGHT TO INVOKE A GROUND FOR INVALIDATING, TERMINATING, WITHDRAWING FROM OR SUSPENDING THE OPERATION OF A TREATY

A State may no longer invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty under articles 46 to 50 or articles 60 and 62 if, after becoming aware of the facts:

(a) it shall have expressly agreed that the treaty is valid or remains in force or continues in operation, as the case may be; or

(b) it must by reason of its conduct be considered as having acquiesced in the validity of the treaty or in its maintenance in force or in operation, as the case may be.

SECTION 2: INVALIDITY OF TREATIES

ARTICLE 46

PROVISIONS OF INTERNAL LAW REGARDING COMPETENCE T CONCLUDE TREATIES

1. A State may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance.

2. A violation is manifest if it would be objectively evident to any State conducting itself in the matter in accordance with normal practice and in good faith.

ARTICLE 47

SPECIFIC RESTRICTIONS ON AUTHORITY TO EXPRESS THE CONSENT OF A STATE

If the authority of a representative to express the consent of a State to be bound by a particular treaty has been made subject to a specific restriction, his omission to observe that restriction may not be invoked as invalidating the consent expressed by him unless the restriction was notified to the other negotiating States prior to his expressing such consent.

ARTICLE 48

ERROR

1. A State may invoke an error in a treaty as invalidating its consent to be bound by the treaty if the error relates to a fact or situation which was assumed by that State to exist

at the time when the treaty was concluded and formed an essential basis of its consent to be bound by the treaty.

2. Paragraph 1 shall not apply if the State in question contributed by its own conduct to the error or if the circumstances were such as to put that State on notice of a possible error.

3. An error relating only to the wording of the text of a treaty does not affect its validity; article 79 then applies.

ARTICLE 49

FRAUD

If a State has been induced to conclude a treaty by the fraudulent conduct of another negotiating State, the State may invoke the fraud as invalidating its consent to be bound by the treaty.

ARTICLE 50

CORRUPTION OF A REPRESENTATIVE OF A STATE

If the expression of a State's consent to be bound by a treaty has been procured through the corruption of its representative directly or indirectly by another negotiating State, the State may invoke such corruption as invalidating its consent to be bound by the treaty.

ARTICLE 51

COERCION OF A REPRESENTATIVE OF A STATE

The expression of a State's consent to be bound by a treaty which has been procured by the coercion of its representative through acts or threats directed against him shall be without any legal effect.

ARTICLE 52

COERCION OF A STATE BY THE THREAT OR USE OF FORCE

A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations.

ARTICLE 53

TREATIES CONFLICTING WITH A PEREMPTORY NORM OF GENERAL INTERNATIONAL LAW (*JUS COGENS*)

A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.

SECTION 3: TERMINATION AND SUSPENSION OF THE OPERATION OF TREATIES

ARTICLE 54

TERMINATION OF OR WITHDRAWAL FROM A TREATY UNDER ITS PROVISIONS OR BY CONSENT OF THE PARTIES

The termination of a treaty or the withdrawal of a party may take place:

(a) in conformity with the provisions of the treaty; or

(b) at any time by consent of all the parties after consultation with the other contracting States.

ARTICLE 55

REDUCTION OF THE PARTIES TO A MULTILATERAL TREATY BELOW THE NUMBER NECESSARY FOR ITS ENTRY INTO FORCE

Unless the treaty otherwise provides, a multilateral treaty does not terminate by reason only of the fact that the number of the parties falls below the number necessary for its entry into force.

ARTICLE 56

DENUNCIATION OF OR WITHDRAWAL FROM A TREATY CONTAINING NO PROVISION REGARDING TERMINATION, DENUNCIATION OR WITHDRAWAL

1. A treaty which contains no provision regarding its termination and which does not provide for denunciation or withdrawal is not subject to denunciation or withdrawal unless:

   (a) it is established that the parties intended to admit the possibility of denunciation or withdrawal; or

   (b) a right of denunciation or withdrawal may be implied by the nature of the treaty.

2. A party shall give not less than twelve months' notice of its intention to denounce or withdraw from a treaty under paragraph 1.

ARTICLE 57

SUSPENSION OF THE OPERATION OF A TREATY UNDER ITS PROVISIONS OR BY CONSENT OF THE PARTIES

The operation of a treaty in regard to all the parties or to a particular party may be suspended:

(a) in conformity with the provisions of the treaty; or

(b) at any time by consent of all the parties after consultation with the other contracting States.

ARTICLE 58

SUSPENSION OF THE OPERATION OF A MULTILATERAL TREATY BY AGREEMENT BETWEEN CERTAIN OF THE PARTIES ONLY

1. Two or more parties to a multilateral treaty may conclude an agreement to suspend the operation of provisions of the treaty, temporarily and as between themselves alone, if:

(a) the possibility of such a suspension is provided for by the treaty; or

(b) the suspension in question is not prohibited by the treaty and:

(i) does not affect the enjoyment by the other parties of their rights under the treaty or the performance of their obligations;

(ii) is not incompatible with the object and purpose of the treaty.

2. Unless in a case falling under paragraph 1(a) the treaty otherwise provides, the parties in question shall notify the other parties of their intention to conclude the agreement and of those provisions of the treaty the operation of which they intend to suspend.

ARTICLE 59

TERMINATION OR SUSPENSION OF THE OPERATION OF A TREATY IMPLIED BY CONCLUSION OF A LATER TREATY

1. A treaty shall be considered as terminated if all the parties to it conclude a later treaty relating to the same subject-matter and:

(a) it appears from the later treaty or is otherwise established that the parties intended that the matter should be governed by that treaty; or

(b) the provisions of the later treaty are so far incompatible with those of the earlier one that the two treaties are not capable of being applied at the same time.

2. The earlier treaty shall be considered as only suspended in operation if it appears from the later treaty or is otherwise established that such was the intention of the parties.

ARTICLE 60

TERMINATION OR SUSPENSION OF THE OPERATION OF A TREATY AS A CONSEQUENCE OF ITS BREACH

1. A material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in whole or in part.

2. A material breach of a multilateral treaty by one of the parties entitles:

(a) the other parties by unanimous agreement to suspend the operation of the treaty in whole or in part or to terminate it either:

(i) in the relations between themselves and the defaulting State, or

(ii) as between all the parties;

(b) a party specially affected by the breach to invoke it as a ground for suspending the operation of the treaty in whole or in part in the relations between itself and the defaulting State;

(c) any party other than the defaulting State to invoke the breach as a ground for suspending the operation of the treaty in whole or in part with respect to itself if the treaty is of such a character that a material breach of its provisions by one party radically changes the position of every party with respect to the further performance of its obligations under the treaty.

3. A material breach of a treaty, for the purposes of this article, consists in:

(a) a repudiation of the treaty not sanctioned by the present Convention; or

(b) the violation of a provision essential to the accomplishment of the object or purpose of the treaty.

4. The foregoing paragraphs are without prejudice to any provision in the treaty applicable in the event of a breach.

5. Paragraphs 1 to 3 do not apply to provisions relating to the protection of the human person contained in treaties of a humanitarian character, in particular to provisions prohibiting any form of reprisals against persons protected by such treaties.

ARTICLE 61

SUPERVENING IMPOSSIBILITY OF PERFORMANCE

1. A party may invoke the impossibility of performing a treaty as a ground for terminating or withdrawing from it if the impossibility results from the permanent disappearance or destruction of an object indispensable for the execution of the treaty. If the impossibility is temporary, it may be invoked only as a ground for suspending the operation of the treaty.

2. Impossibility of performance may not be invoked by a party as a ground for terminating, withdrawing from or suspending the operation of a treaty if the impossibility is the result of a breach by that party either of an obligation under the treaty or of any other international obligation owed to any other party to the treaty.

ARTICLE 62

FUNDAMENTAL CHANGE OF CIRCUMSTANCES

1. A fundamental change of circumstances which has occurred with regard to those existing at the time of the conclusion of a treaty, and which was not foreseen by the parties, may not be invoked as a ground for terminating or withdrawing from the treaty unless:

   (a) the existence of those circumstances constituted an essential basis of the consent of the parties to be bound by the treaty; and

   (b) the effect of the change is radically to transform the extent of obligations still to be performed under the treaty.

2. A fundamental change of circumstances may not be invoked as a ground for terminating or withdrawing from a treaty:

   (a) if the treaty establishes a boundary; or

   (b) if the fundamental change is the result of a breach by the party invoking it either of an obligation under the treaty or of any other international obligation owed to any other party to the treaty.

3. If, under the foregoing paragraphs, a party may invoke a fundamental change of circumstances as a ground for terminating or withdrawing from a treaty it may also invoke the change as a ground for suspending the operation of the treaty.

ARTICLE 63

SEVERANCE OF DIPLOMATIC OR CONSULAR RELATIONS

The severance of diplomatic or consular relations between parties to a treaty does not affect the legal relations established between them by the treaty except in so far as the existence of diplomatic or consular relations is indispensable for the application of the treaty.

ARTICLE 64

EMERGENCE OF A NEW PEREMPTORY NORM OF GENERAL INTERNATIONAL LAW (*JUS COGENS*)

If a new peremptory norm of general international law emerges, any existing treaty which is in conflict with that norm becomes void and terminates.

SECTION 4: PROCEDURE

ARTICLE 65

PROCEDURE TO BE FOLLOWED WITH RESPECT TO INVALIDITY, TERMINATION, WITHDRAWAL FROM OR SUSPENSION OF THE OPERATION OF A TREATY

1. A party which, under the provisions of the present Convention, invokes either a defect in its consent to be bound by a treaty or a ground for impeaching the validity of a treaty, terminating it, withdrawing from it or suspending its operation, must notify the other parties of its claim. The notification shall indicate the measure proposed to be taken with respect to the treaty and the reasons therefor.

2. If, after the expiry of a period which, except in cases of special urgency, shall not be less than three months after the receipt of the notification, no party has raised any objection, the party making the notification may carry out in the manner provided in article 67 the measure which it has proposed.

3. If, however, objection has been raised by any other party, the parties shall seek a solution through the means indicated in article 33 of the Charter of the United Nations.

4. Nothing in the foregoing paragraphs shall affect the rights or obligations of the parties under any provisions in force binding the parties with regard to the settlement of disputes.

5. Without prejudice to article 45, the fact that a State has not previously made the notification prescribed in paragraph 1 shall not prevent it from making such notification in answer to another party claiming performance of the treaty or alleging its violation.

ARTICLE 66

PROCEDURES FOR JUDICIAL SETTLEMENT, ARBITRATION AND CONCILIATION

If, under paragraph 3 of article 65, no solution has been reached within a period of 12 months following the date on which the objection was raised, the following procedures shall be followed:

(a) any one of the parties to a dispute concerning the application or the interpretation of articles 53 or 64 may, by a written application, submit it to the International Court of Justice for a decision unless the parties by common consent agree to submit the dispute to arbitration;

(b) any one of the parties to a dispute concerning the application or the interpretation of any of the other articles in Part V of the present Convention may set in motion the procedure specified in the Annexe to the Convention by submitting a request to that effect to the Secretary-General of the United Nations.

ARTICLE 67

INSTRUMENTS FOR DECLARING INVALID, TERMINATING, WITHDRAWING FROM OR SUSPENDING THE OPERATION OF A TREATY

1. The notification provided for under article 65 paragraph 1 must be made in writing.

2. Any act declaring invalid, terminating, withdrawing from or suspending the operation of a treaty pursuant to the provisions of the treaty or of paragraphs 2 or 3 of article 65 shall be carried out through an instrument communicated to the other parties. If the instrument is not signed by the Head of State, Head of Government or Minister for Foreign Affairs, the representative of the State communicating it may be called upon to produce full powers.

ARTICLE 68

REVOCATION OF NOTIFICATIONS AND INSTRUMENTS PROVIDED FOR IN ARTICLES 65 AND 67

A notification or instrument provided for in articles 65 or 67 may be revoked at any time before it takes effect.

SECTION 5: CONSEQUENCES OF THE INVALIDITY, TERMINATION OR SUSPENSION OF THE OPERATION OF A TREATY

ARTICLE 69

CONSEQUENCES OF THE INVALIDITY OF A TREATY

1. A treaty the invalidity of which is established under the present Convention is void. The provisions of a void treaty have no legal force.

2. If acts have nevertheless been performed in reliance on such a treaty:

   (a) each party may require any other party to establish as far as possible in their mutual relations the position that would have existed if the acts had not been performed;

   (b) acts performed in good faith before the invalidity was invoked are not rendered unlawful by reason only of the invalidity of the treaty.

3. In cases falling under articles 49, 50, 51 or 52, paragraph 2 does not apply with respect to the party to which the fraud, the act of corruption or the coercion is imputable.

4. In the case of the invalidity of a particular State's consent to be bound by a multilateral treaty, the foregoing rules apply in the relations between that State and the parties to the treaty.

ARTICLE 70

CONSEQUENCES OF THE TERMINATION OF A TREATY

1. Unless the treaty otherwise provides or the parties otherwise agree, the termination of a treaty under its provisions or in accordance with the present Convention:

   (a) releases the parties from any obligation further to perform the treaty;

   (b) does not affect any right, obligation or legal situation of the parties created through the execution of the treaty prior to its termination.

2. If a State denounces or withdraws from a multilateral treaty, paragraph 1 applies in the relations between that State and each of the other parties to the treaty from the date when such denunciation or withdrawal takes effect.

ARTICLE 71

CONSEQUENCES OF THE INVALIDITY OF A TREATY WHICH CONFLICTS WITH A PEREMPTORY NORM OF GENERAL INTERNATIONAL LAW

1. In the case of a treaty which is void under article 53 the parties shall:

   (a) eliminate as far as possible the consequences of any act performed in reliance on any provision which conflicts with the peremptory norm of general international law; and

   (b) bring their mutual relations into conformity with the peremptory norm of general international law.

2. In the case of a treaty which becomes void and terminates under article 64, the termination of the treaty:

   (a) releases the parties from any obligation further to perform the treaty;

   (b) does not affect any right, obligation or legal situation of the parties created through the execution of the treaty prior to its termination; provided that those rights, obligations or situations may thereafter be maintained only to the extent that their maintenance is not in itself in conflict with the new peremptory norm of general international law.

ARTICLE 72

CONSEQUENCES OF THE SUSPENSION OF THE OPERATION OF A TREATY

1. Unless the treaty otherwise provides or the parties otherwise agree, the suspension of the operation of a treaty under its provisions or in accordance with the present Convention:

   (a) releases the parties between which the operation of the treaty is suspended from the obligation to perform the treaty in their mutual relations during the period of the suspension;

   (b) does not otherwise affect the legal relations between the parties established by the treaty.

2. During the period of the suspension the parties shall refrain from acts tending to obstruct the resumption of the operation of the treaty.

PART VI

MISCELLANEOUS PROVISIONS

ARTICLE 73

CASES OF STATE SUCCESSION, STATE RESPONSIBILITY AND OUTBREAK OF HOSTILITIES

The provisions of the present Convention shall not prejudge any question that may arise in regard to a treaty from a succession of States or from the international responsibility of a State or from the outbreak of hostilities between States.

ARTICLE 74

DIPLOMATIC AND CONSULAR RELATIONS AND THE CONCLUSION OF TREATIES

The severance or absence of diplomatic or consular relations between two or more States does not prevent the conclusion of treaties between those States. The conclusion of a treaty does not in itself affect the situation in regard to diplomatic or consular relations.

ARTICLE 75

CASE OF AN AGGRESSOR STATE

The provisions of the present Convention are without prejudice to any obligation in relation to a treaty which may arise for an aggressor State in consequence of measures taken in conformity with the Charter of the United Nations with reference to that State's aggression.

PART VII

DEPOSITARIES, NOTIFICATIONS, CORRECTIONS AND REGISTRATION

ARTICLE 76

DEPOSITARIES OF TREATIES

1. The designation of the depositary of a treaty may be made by the negotiating States, either in the treaty itself or in some other manner. The depositary may be one or more States, an international organization or the chief administrative officer of the organization.

2. The functions of the depositary of a treaty are international in character and the depositary is under an obligation to act impartially in their performance. In particular, the fact that a treaty has not entered into force between certain of the parties or that a difference has appeared between a State and a depositary with regard to the performance of the latter's functions shall not affect that obligation.

ARTICLE 77

FUNCTIONS OF DEPOSITARIES

1. The functions of a depositary, unless otherwise provided in the treaty or agreed by the contracting States, comprise in particular:

   (a) keeping custody of the original text of the treaty and of any full powers delivered to the depositary;

   (b) preparing certified copies of the original text and preparing any further text of the treaty in such additional languages as may be required by the treaty and transmitting them to the parties and to the States entitled to become parties to the treaty;

   (c) receiving any signatures to the treaty and receiving and keeping custody of any instruments, notifications and communications relating to it;

   (d) examining whether the signature or any instrument, notification or communication relating to the treaty is in due and proper form and, if need be, bringing the matter to the attention of the State in question;

(e) informing the parties and the States entitled to become parties to the treaty of acts, notifications and communications relating to the treaty;

(f) informing the States entitled to become parties to the treaty when the number of signatures or of instruments of ratification, acceptance, approval or accession required for the entry into force of the treaty has been received or deposited;

(g) registering the treaty with the Secretariat of the United Nations;

(h) performing the functions specified in other provisions of the present Convention.

2. In the event of any difference appearing between a State and the depositary as to the performance of the latter's functions, the depositary shall bring the question to the attention of the signatory States and the contracting States or, where appropriate, of the competent organ of the international organization concerned.

ARTICLE 78

NOTIFICATIONS AND COMMUNICATIONS

Except as the treaty or the present Convention otherwise provide, any notification or communication to be made by any State under the present Convention shall:

(a) if there is no depositary, be transmitted direct to the States for which it is intended, or if there is a depositary, to the latter;

(b) be considered as having been made by the State in question only upon its receipt by the State to which it was transmitted or, as the case may be, upon its receipt by the depositary;

(c) if transmitted to a depositary, be considered as received by the State for which it was intended only when the latter State has been informed by the depositary in accordance with article 77, paragraph 1 (e).

ARTICLE 79

CORRECTION OF ERRORS IN TEXTS OR IN CERTIFIED COPIES OF TREATIES

1. Where, after the authentication of the text of a treaty, the signatory States and the contracting States are agreed that it contains an error, the error shall, unless they decide upon some other means of correction, be corrected:

(a) by having the appropriate correction made in the text and causing the correction to be initialled by duly authorized representatives;

(b) by executing or exchanging an instrument or instruments setting out the correction which it has been agreed to make; or

(c) by executing a corrected text of the whole treaty by the same procedure as in the case of the original text.

2. Where the treaty is one for which there is a depositary, the latter shall notify the signatory States and the contracting States of the error and of the proposal to correct it and shall specify an appropriate time-limit within which objection to the proposed correction may be raised. If, on the expiry of the time-limit:

(a) no objection has been raised, the depositary shall make and initial the correction in the text and shall execute a *procès-verbal* of the rectification of the text and communicate a copy of it to the parties and to the States entitled to become parties to the treaty;

(b) an objection has been raised, the depositary shall communicate the objection to the signatory States and to the contracting States.

3. The rules in paragraphs 1 and 2 apply also where the text has been authenticated in two or more languages and it appears that there is a lack of concordance which the signatory States and the contracting States agree should be corrected.

4. The corrected text replaces the defective text ab initio, unless the signatory States and the contracting States otherwise decide.

5. The correction of the text of a treaty that has been registered shall be notified to the Secretariat of the United Nations.

6. Where an error is discovered in a certified copy of a treaty, the depositary shall execute a *procès-verbal* specifying the rectification and communicate a copy of it to the signatory States and to the contracting States.

ARTICLE 80

REGISTRATION AND PUBLICATION OF TREATIES

1. Treaties shall, after their entry into force, be transmitted to the Secretariat of the United Nations for registration or filing and recording, as the case may be, and for publication.

2. The designation of a depositary shall constitute authorization for it to perform the acts specified in the preceding paragraph.

PART VIII

FINAL PROVISIONS

ARTICLE 81

SIGNATURE

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a party to the Convention, as follows: until 30 November 1969, at the Federal Ministry for Foreign Affairs of the Republic of Austria, and subsequently, until 30 April 1970, at United Nations Headquarters, New York.

ARTICLE 82

RATIFICATION

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 83

ACCESSION

The present Convention shall remain open for accession by any State belonging to any of the categories mentioned in article 81. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 84

ENTRY INTO FORCE

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the thirty-fifth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the thirty-fifth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE 85

AUTHENTIC TEXTS

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE at Vienna, this twenty-third day of May, one thousand nine hundred and sixty-nine.

ANNEX

1. A list of conciliators consisting of qualified jurists shall be drawn up and maintained by the Secretary-General of the United Nations. To this end, every State which is a Member of the United Nations or a party to the present Convention shall be invited to nominate two conciliators, and the names of the persons so nominated shall constitute the list. The term of a conciliator, including that of any conciliator nominated to fill a casual vacancy, shall be five years and may be renewed. A conciliator whose term expires shall continue to fulfil any function for which he shall have been chosen under the following paragraph.

2. When a request has been made to the Secretary-General under article 66, the Secretary-General shall bring the dispute before a conciliation commission constituted as follows:

The State or States constituting one of the parties to the dispute shall appoint:

(a) one conciliator of the nationality of that State or of one of those States, who may or may not be chosen from the list referred to in paragraph 1; and

(b) one conciliator not of the nationality of that State or of any of those States, who shall be chosen from the list.

The State or States constituting the other party to the dispute shall appoint two conciliators in the same way. The four conciliators chosen by the parties shall be appointed within sixty days following the date on which the Secretary-General receives the request.

The four conciliators shall, within sixty days following the date of the last of their own appointments, appoint a fifth conciliator chosen from the list, who shall be chairman.

If the appointment of the chairman or of any of the other conciliators has not been made within the period prescribed above for such appointment, it shall be made by the Secretary-General within sixty days following the expiry of that period. The appointment of the chairman may be made by the Secretary-General either from the list or from the membership of the International Law Commission. Any of the periods within which

appointments must be made may be extended by agreement between the parties to the dispute.

Any vacancy shall be filled in the manner prescribed for the initial appointment.

3. The Conciliation Commission shall decide its own procedure. The Commission, with the consent of the parties to the dispute, may invite any party to the treaty to submit to it its views orally or in writing. Decisions and recommendations of the Commission shall be made by a majority vote of the five members.

4. The Commission may draw the attention of the parties to the dispute to any measures which might facilitate an amicable settlement.

5. The Commission shall hear the parties, examine the claims and objections, and make proposals to the parties with a view to reaching an amicable settlement of the dispute.

6. The Commission shall report within twelve months of its constitution. Its report shall be deposited with the Secretary-General and transmitted to the parties to the dispute. The report of the Commission, including any conclusions stated therein regarding the facts or questions of law, shall not be binding upon the parties and it shall have no other character than that of recommendations submitted for the consideration of the parties in order to facilitate an amicable settlement of the dispute.

7. The Secretary-General shall provide the Commission with such assistance and facilities as it may require. The expenses of the Commission shall be borne by the United Nations.

DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS

Resolution 2625 (XXV) of the United Nations General Assembly

The General Assembly,

Recalling its resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963, 2103 (XX) of 20 December 1965, 2181 (XXI) of 12 December 1966, 2327 (XXII) of 18 December 1967, 2463 (XXIII) of 20 December 1968 and 2533 (XXIV) of 8 December 1969, in which it affirmed the importance of the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States,

Having considered the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States,[2] which met in Geneva from 31 March to 1 May 1970,

Emphasizing the paramount importance of the Charter of the United Nations for the maintenance of international peace and security and for the development of friendly relations and co-operation among States,

Deeply convinced that the adoption of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations on the occasion of the twenty-fifth anniversary of the United Nations would contribute to the strengthening of world peace and constitute a landmark in the development of international law and of relations among States, in promoting the rule of law among nations and particularly the universal application of the principles embodied in the Charter,

Considering the desirability of the wide dissemination of the text of the Declaration,

1. *Approves* the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the text of which is annexed to the present resolution;

2. *Expresses* its appreciation to the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States for its work resulting in the elaboration of the Declaration;

3. *Recommends* that all efforts be made so that the Declaration becomes generally known.

1883rd plenary meeting, 24 October 1970.

ANNEX

DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS

Preamble

The General Assembly,

Reaffirming in the terms of the Charter of the United Nations that the maintenance of international peace and security and the development of friendly relations and co-operation between nations are among the fundamental purposes of the United Nations,

Recalling that the peoples of the United Nations are determined to practise tolerance and live together in peace with one another as good neighbours,

Bearing in mind the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for fundamental human rights and of developing friendly relations among nations irrespective of their political, economic and social systems or the levels of their development,

Bearing in mind also the paramount importance of the Charter of the United Nations in the promotion of the rule of law among nations,

Considering that the faithful observance of the principles of law concerning friendly relations and co-operation among States and the fulfilment in good faith of the obligations assumed by States, in accordance with the Charter, is of the greatest importance for the maintenance of international peace and security and for the implementation of the other purposes of the United Nations,

Noting that the great political, economic and social changes and scientific progress which have taken place in the world since the adoption of the Charter give increased importance to these principles and to the need for their more effective application in the conduct of States wherever carried on,

Recalling the established principle that outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means, and mindful of the fact that consideration is being given in the United Nations to the question of establishing other appropriate provisions similarly inspired,

Convinced that the strict observance by States of the obligation not to intervene in the affairs of any other State is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and letter of the Charter, but also leads to the creation of situations which threaten international peace and security,

Recalling the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State,*Considering* it essential that all States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Considering it equally essential that all States shall settle their international disputes by peaceful means in accordance with the Charter,

Reaffirming, in accordance with the Charter, the basic importance of sovereign equality and stressing that the purposes of the United Nations can be implemented only if States enjoy sovereign equality and comply fully with the requirements of this principle in their international relations,

Convinced that the subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security,

Convinced that the principle of equal rights and self-determination of peoples constitutes a significant contribution to contemporary international law, and that its effective application is of paramount importance for the promotion of friendly relations among States, based on respect for the principle of sovereign equality,

Convinced in consequence that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter,

Considering the provisions of the Charter as a whole and taking into account the role of relevant resolutions adopted by the competent organs of the United Nations relating to the content of the principles,

Considering that the progressive development and codification of the following principles:

(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

(b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

(c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter,

(d) The duty of States to co-operate with one another in accordance with the Charter,

(e) The principle of equal rights and self-determination of peoples,

(f) The principle of sovereign equality of States,

(g) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter,

so as to secure their more effective application within the international community, would promote the realization of the purposes of the United Nations,

Having considered the principles of international law relating to friendly relations and co-operation among States,

1. Solemnly proclaims the following principles:

The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations

Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues.

A war of aggression constitutes a crime against the peace, for which there is responsibility under international law.

In accordance with the purposes and principles of the United Nations, States have the duty to refrain from propaganda for wars of aggression.

Every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States.

Every State likewise has the duty to refrain from the threat or use of force to violate international lines of demarcation, such as armistice lines, established by or pursuant to an international agreement to which it is a party or which it is otherwise bound to respect. Nothing in the foregoing shall be construed as prejudicing the positions of the parties concerned with regard to the status and effects of such lines under their special regimes or as affecting their temporary character.

States have a duty to refrain from acts of reprisal involving the use of force.

Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination and freedom and independence.

Every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State.

Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force.

The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal. Nothing in the foregoing shall be construed as affecting:

(a) Provisions of the Charter or any international agreement prior to the Charter regime and valid under international law; or

(b) The powers of the Security Council under the Charter.

All States shall pursue in good faith negotiations for the early conclusion of a universal treaty on general and complete disarmament under effective international control and strive to adopt appropriate measures to reduce international tensions and strengthen confidence among States.

All States shall comply in good faith with their obligations under the generally recognized principles and rules of international law with respect to the maintenance of international peace and security, and shall endeavour to make the United Nations security system based on the Charter more effective.

Nothing in the foregoing paragraphs shall be construed as enlarging or diminishing in any way the scope of the provisions of the Charter concerning cases in which the use of force is lawful.

The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered

Every State shall settle its international disputes with other States by peaceful means in such a manner that international peace and security and justice are not endangered.

States shall accordingly seek early and just settlement of their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice. In seeking such a settlement the parties shall agree upon such peaceful means as may be appropriate to the circumstances and nature of the dispute.

The parties to a dispute have the duty, in the event of failure to reach a solution by any one of the above peaceful means, to continue to seek a settlement of the dispute by other peaceful means agreed upon by them.

States parties to an international dispute, as well as other States, shall refrain from any action which may aggravate the situation so as to endanger the maintenance of international peace and security, and shall act in accordance with the purposes and principles of the United Nations.

International disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principle of free choice of means. Recourse to, or acceptance of, a settlement procedure freely agreed to by States with regard to existing or future disputes to which they are parties shall not be regarded as incompatible with sovereign equality.

Nothing in the foregoing paragraphs prejudices or derogates from the applicable provisions of the Charter, in particular those relating to the pacific settlement of international disputes.

The principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter

No State or group of States has the right to intervene directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed

intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law.

No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.

The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention.

Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State.

Nothing in the foregoing paragraphs shall be construed as affecting the relevant provisions of the Charter relating to the maintenance of international peace and security.

The duty of States to co-operate with one another in accordance *with the Charter*

States have the duty to co-operate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international co-operation free from discrimination based on such differences.

To this end:

(a) States shall co-operate with other States in the maintenance of international peace and security;

(b) States shall co-operate in the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, and in the elimination of all forms of racial discrimination and all forms of religious intolerance;

(c) States shall conduct their international relations in the economic, social, cultural, technical and trade fields in accordance with the principles of sovereign equality and non-intervention;

(d) States Members of the United Nations have the duty to take joint and separate action in co-operation with the United Nations in accordance with the relevant provisions of the Charter.

States should co-operate in the economic, social and cultural fields as well as in the field of science and technology and for the promotion of international culture and educational progress. States should co-operate in the promotion of economic growth throughout the world, especially that of the developing countries.

The principle of equal rights and self-determination of peoples

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.

Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the order:

(a) to promote friendly relations and co-operation among States; and

(b) to bring a speedy end to colonialism, having due regard to the freely expressed will of the peoples concerned;

and bearing in mind that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter.

Every State has the duty to promote through joint and separate action universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter.

The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.

The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.

Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.

Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.

The principle of sovereign equality of States

All States enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other nature.

In particular, sovereign equality includes the following elements:

(a) States are juridically equal;

(b) Each State enjoys the rights inherent in full sovereignty;

(c) Each State has the duty to respect the personality of other States;

(d) The territorial integrity and political independence of the State are inviolable;

(e) Each State has the right freely to choose and develop its political, social, economic and cultural systems;

(f) Each State has the duty to comply fully and in good faith with its international obligations and to live in peace with other States.

The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter

Every State has the duty to fulfil in good faith the obligations assumed by it in accordance with the Charter of the United Nations.

Every State has the duty to fulfil in good faith its obligations under the generally recognized principles and rules of international law.

Every State has the duty to fulfil in good faith its obligations under international agreements valid under the generally recognized principles and rules of international law.

Where obligations arising under international agreements are in conflict with the obligations of Members of the United Nations under the Charter of the United Nations, the obligations under the Charter shall prevail.

GENERAL PART

2. *Declares* that:

In their interpretation and application the above principles are interrelated and each principle should be construed in the context of the other principles.

Nothing in this Declaration shall be construed as prejudicing in any manner the provisions of the Charter or the rights and duties of Member States under the Charter or the rights of peoples under the Charter, taking into account the elaboration of these rights in this Declaration.

3. *Declares further* that:

The principles of the Charter which are embodied in this Declaration constitute basic principles of international law, and consequently appeals to all States to be guided by these principles in their international conduct and to develop their mutual relations on the basis of the strict observance of these principles.

PART IV

INFORMATION

INFORMATION

UNEP's PUBLICATIONS IN ENVIRONMENTAL LAW

United Nations fiftieth anniversary commemorative publication

- UNEP's New Way Forward: Environmental Law and Sustainable Development *(Chinese, English)*

UNEP's programme on environmental law

- Montevideo Programme for the Development and Periodic Review of Environmental Law. *(Arabic, Chinese, English, French, Russian, Spanish)*
- Review of the Montevideo Programme for the Development and Periodic Review of Environmental Law 1981-1991. *(English, French, Spanish)*
- Programme for Development and Periodic Review of Environmental Law for the 1990s. Nairobi, June 1993. *(Arabic, Chinese, English, French, Russian, Spanish)*
- Mid-Term Report on Implementation of the Programme for the Development and Periodic Review of Environmental Law for the 1990s (1993-1996) *(English, Fench, Spanish)*

UNEP-Environmental Law Library series

- Environmental Law in UNEP, 1991 (UNEP-Environmental Law Library No.1). *(English)*
- Environmental Protection and Sustainable Development in Developing Countries (UNEP-Environmental Law Library No.2). *(English)*
- Legal and Institutional Arrangements for Environmental Protection and Sustainable Development in Developing Countries, 1991 (UNEP-Environmental Law Library No.3). *(English)*
- Activities of UNEP in the Field of Environmental Law in 1991 (UNEP-Environmental Law Library No.4). *(English)*

UNEP-Environmental Law Guidelines and Principles series

- Stockholm Declaration (Environmental Law Guidelines and Principles No.1) *(Arabic, Chinese, English, French, Russian, Spanish)*
- Shared Natural Resources (Environmental Law Guidelines and Principles No.2) *(Arabic, Chinese, English, French, Russian, Spanish)*
- Weather Modification (Environmental Law Guidelines and Principles No.3) *(Arabic, Chinese, English, French, Russian, Spanish)*
- Offshore Mining and Drilling (Environmental Law Guidelines and Principles No.4) *(Arabic, Chinese, English, French, Russian, Spanish)*
- World Charter for Nature (Environmental Law Guidelines and Principles No.5) *(Arabic, Chinese, English, French, Russian, Spanish)*
- Banned and Severely Restricted Chemicals (Environmental Law Guidelines and Principles No.6) *(Arabic, Chinese, English, French, Russian, Spanish)*
- Marine Pollution from Land-Based Sources (Environmental Law and Guidelines and Principles No.7) *(Arabic, Chinese, English, French, Russian, Spanish)*

- Environmentally Sound Management of Hazardous Wastes (Environmental Law Guidelines and Principles No.8). *(Arabic, Chinese, English, French, Russian, Spanish)*

- Environmental Impact Assessment (Environmental Law Guidelines and Principles No.9). *(Arabic, Chinese, English, French, Russian, Spanish)*

- Exchange of Information on Chemicals in International Trade (Environmental Law Guidelines and Principles No.10) *(Arabic, Chinese, English, French, Russian, Spanish)*

Directories and Compendia

- Register of International Trade and Other Agreements in the Field of the Environment (1993), (1995 edition under preparation). *(Arabic, Chinese, English, French, Russian, Spanish)*

- Selected Multilateral Treaties in the Field of the Environment (Vol.1 & Vol.2) *(Vol.1 English, French and Vol.2 English)*

- Directory of the Principal Governmental Bodies Dealing with the Environment (1993). *(English)*

- Compendium of Environmental Legislation in West Asia. *(Arabic)*

Sectoral publications

Chemicals

- London Guidelines for the Exchange of Information on Chemicals in International Trade, Amended 1989. *(Arabic, Chinese, English, French, Russian, Spanish)*

- Code of Ethics on the International Trade in Chemicals. *(Arabic, Chinese, English, French, Russian, Spanish)*

- Legislating Chemicals: An Overview. *(English, Russian)*

Hazardous wastes

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, Final Act. *(Arabic, Chinese, English, French, Russian, Spanish)*

- Hazardous Wastes, Why Africa should act now? *(English, French)*

Biological diversity

- Convention on Biological Diversity. *(Arabic, Chinese, English, French, Portuguese, Russian, Spanish)*

Fauna and flora

- Lusaka Agreements on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora. *(English) (soon to be available in Portuguese))*

Miscellaneous

- New Directions in Environmental Legislation and Administration Particularly in Developing Countries, Nairobi, 1989. *(Arabic, Chinese, English, French, Russian, Spanish)*

- Note to the Group of Legal Experts to Examine the Implications of the Common Concern of Mankind-Concept on Global Environment Issues, Malta, 13-15 December 1990. *(English)*

Periodic publications

- Biannual Bulletin of Environmental Law (1994 to date). *(English)*

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