

[D. Dispute settlement

9. In the area of prevention and settlement of conflicts, States should further study and consider methods to broaden and make more effective the range of techniques available at present.]

*see at*  
*Dispute Prevention and Settlement*

[D. Identification, prevention and resolution of disputes]

9. States should broaden the range of techniques available for dispute prevention and settlement, in particular under international agreements or instruments, including fact-finding procedures and non-discriminatory mutual appropriate access to national judicial and administrative remedies. Optimal use should be made of relevant experience under international agreements in other areas, for example, in the context of the General Agreement on Tariffs and Trade, the International Labour Organisation, and the United Nations Commission on Human Rights. Provision for effective dispute resolution mechanisms should be included in all international environmental agreements.

To that effect, States should, inter alia:

(a) Establish procedures and mechanisms for the prevention of disputes by, in particular:

- (i) Utilizing and, if necessary, improving mechanisms and procedures for the exchange of data and information, notification, consultation and fact-finding regarding situations originating on their territory that might lead to disputes with other States concerning the environment;
- (ii) Adopting in appropriate cases effective international instruments providing for fact-finding to clarify and establish the factual issues of the situation on request of a State whose territory is likely to be impaired by transboundary environmental effects of activities or omissions on the territory of other States;
- (iii) Considering such a fact-finding commission within the framework of the United Nations Environment Programme;

(b) Strengthen their international commitments relating to the settlement of environmental disputes. They should, in particular:

- (i) Include in their treaties relating to the environment, clauses providing for the compulsory settlement of disputes arising from the interpretation or application of those treaties;
- (ii) Apply in good faith the settlement procedures that they have agreed on through general, regional or bilateral agreements or otherwise, when such disputes shall, at the request of any party thereof, be submitted to a procedure that entails a binding decision [to binding procedures such as arbitration or judicial settlement];