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External Affairs and
International Trade Canada

THE INTERNATIONAL ENVIRONMENT:

A REFERENCE BOOK

VOL II

AUGUST 1990-AUGUST 1991

**A SELECTION OF INTERNATIONAL DECLARATIONS
AND AGREEMENTS ON THE
ENVIRONMENT**



Canada

PREFACE

Environmental issues are at forefront of the international agenda. Every month, new and important declarations and agreements are reached in international bodies, dealing with environmental issues. Keeping up with the pace of international environmental diplomacy is a challenging task.

In August 1990, we released our first reference book of environmental declarations and agreements entitled "The International Environment". The response to this initiative was so positive that we have decided to bring out a second volume, covering new declarations and agreements reached in the past twelve months. The following volume is not intended to be exhaustive or definitive. However, we hope that both students and practitioners of environmental diplomacy will find it a useful reference guide.

Environment Division,
Department of External Affairs
and International Trade,
Ottawa

August 1991

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TABLE OF CONTENTS

I- STATEMENTS AND DECLARATIONS

- (1) October 16, 1990
Bangkok, Thailand
Economic and Social Commission for Asia and the Pacific
Ministerial Declaration (ESCAP)
- (2) October 23, 1990
Port Of Spain, Trinidad And Tobago
Ministerial Statement and Accord
- (3) November 8, 1990
Geneva, Switzerland
Second World Climate Change Conference
Final Statement and Ministerial Declaration
- (4) November 27, 1990
Paris, France
The Business Charter for Sustainable Development
International Chamber of Commerce (ICC)
- (5) January 31, 1991
Paris, France
OECD Ministers of the Environment Declaration
- (6) February 26, 1991
Espoo, Finland
Espoo Ministerial Declaration
Economic Commission for Europe (ECE)
- (7) March 7, 1991
Mexico City, Mexico
Tlatelolco Platform
Economic Commission for Latin America and the Caribbean
(ECLAC)
- (8) April 23, 1991
Tunis, Tunisia
Declaration of Francophone Ministers of the Environment
- (9) June 3, 1991
Paris, France
International Energy Agency Ministerial Declaration (IEA)
(paragraphs on the environment)
- (10) June 5, 1991
Paris, France
OECD Ministerial Declaration
(paragraphs on the environment)

- (11) June 14, 1991
Rovaniemi, Finland
Declaration on the Protection of the Arctic
- (12) June 17, 1991
Beijing, People's Republic of China
Beijing Ministerial Declaration
- (13) July 17, 1991
London, England
G-7 Economic Summit

II- UN RESOLUTIONS

- (14) January 17, 1991
United Nations, General Assembly, A/RES/45/212
Protection of Global Climate for Present and Future
Generations of Mankind
- (15) May 29, 1991
UNEP Governing Council, UNEP/GC.16/L.14/Rev.1
United Nations Centre for Urgent Environmental Assistance
- (16) May 29, 1991
UNEP Governing Council, UNEP/GC.16/L.26
Strategies for the Protection and Development of the Oceans
and Coastal Areas
- (17) May 29, 1991
UNEP Governing Council, UNEP/GC.16/L.27.Rev.1
The Environmental Consequences of the Armed Conflict in the
Gulf Area
- (18) May 29, 1991
UNEP Governing Council, UNEP/GC.16/L.32
Integration of Environment and Development
- (19) May 29, 1991
UNEP Governing Council, UNEP/GC.16/L.33
Strengthening the Role of UNEP

III- AGREEMENTS AND CONVENTIONS

- (20) November 29, 1990
Espoo, Finland
Convention on Environmental Impact Assessment in a
Transboundary Context (ECE)

(21) January 30, 1991
Bamako, Mali
Bamako Convention

IV- BASIC TEXTS

(22) June 16, 1972
Stockholm, Sweden
Stockholm Declaration

(23) October 28, 1982
United Nations, General Assembly
World Charter For Nature

(24) March 22, 1990
United Nations, General Assembly
United Nations Conference on Environment and Development

(1)

October 16, 1990
Bangkok, Thailand
Economic and Social Commission for Asia and the Pacific
Ministerial Declaration (ESCAP)

Annex II

MINISTERIAL DECLARATION ON ENVIRONMENTALLY SOUND AND
SUSTAINABLE DEVELOPMENT IN ASIA AND THE PACIFIC

1. We, the Ministers of the ESCAP region, representing more than half of the global population, met at Bangkok from 15 to 16 October 1990 at the Ministerial-level Conference on Environment and Development in Asia and the Pacific;
2. Recalling resolution 267 (XLIV) of the United Nations Economic and Social Commission for Asia and the Pacific adopted at Jakarta in 1988 and the United Nations Development Programme Governing Council decision 90/20 adopted at its 38th meeting in 1990;
3. Recalling also the United Nations General Assembly resolution 44/228 on the United Nations Conference on Environment and Development, to be held in 1992, and recognizing the importance accorded to regional inputs to that Conference;
4. Deeply concerned about the threat to environmentally sound and sustainable development due to environmental degradation and the depletion of natural resources in the ESCAP region and other adverse conditions, as highlighted in the report on the state of the environment for Asia and the Pacific 1990, such as forest destruction, desertification, watershed degradation, soil erosion, waterlogging and salinization, flooding, destruction of mangroves and corals, loss of biological diversity and pollution of air and water, as well as the ozone layer depletion and the potential rise in the sea level and other expected impacts of climate change associated with the emission of greenhouse gases;
5. Reiterating that poverty, human health, population pressure and environmental degradation are closely interrelated and that environmental protection in the developing countries of the region must, in this context, be viewed as an integral part of the development process and cannot be considered in isolation from it;
6. Affirming that the major cause of the continuing deterioration of the global environment is the unsustainable pattern of production and consumption, particularly in industrialized countries, and that the responsibility for containing, reducing and eliminating environmental damage must be borne by the countries causing such damage and must be in relation

to the damage caused and in accordance with their respective capabilities and responsibilities;

7. Recognizing the urgent need for all countries to intensify efforts to protect and improve the quality of the environment at national, subregional, regional and global levels, wherever relevant, by adopting an approach in which economic growth should be directed towards environmentally sound and sustainable development;

8. Recognizing further that the developing countries have specific concerns and needs which should be given special attention in any global effort for the protection of the environment;

9. Acknowledging the need to address the special environmental problems of small island developing countries of the region;

10. Stressing that the current international economic situation should be improved in order to remove obstacles hampering environmentally sound and sustainable development, particularly in the developing countries, with special attention to the least developed countries of the region;

11. Realizing that the majority of the developing countries in the region lack the necessary financial and other resources and technologies for them to participate effectively in the global and regional efforts for environmental protection;

12. Recognizing further the diverse economic conditions and consequently, the varying technological, financial and other capabilities of the countries in the region, and the opportunities arising therefrom for strengthening regional co-operation to achieve environmentally sound and sustainable development;

13. Reaffirming the objectives in the operative paragraphs 15 (j) and (m) of part I of the United Nations General Assembly resolution 44/228 on the need for new and additional financial resources and on favourable access to, and transfer of, environmentally sound technologies, in particular to the developing countries, for achieving environmentally sound and sustainable development;

We, the Ministers:

14. Commit ourselves to adopt an integrated approach to environment and development, and wherever possible and in accordance with our priorities and capabilities to incorporate environmental considerations into economic planning with a view to effecting the co-ordinated development of our economies and environment;
15. Believe that all economic and social development activities should meet the needs of the present generation without compromising the ability of future generations to meet their own needs;
16. Affirm the crucial importance of maintaining the proper balance between economic development, population growth, the rational use of natural resources and environmental protection;
17. Urge countries in the region to adopt effective and sound population policies and accompanying measures for that purpose;
18. Affirm that States have the sovereign right to exploit their own resources pursuant to their social, economic and environmental policies, ensuring 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;
19. Believe that, to achieve sustainable development, policies must be based on the precautionary principle;
20. Affirm the important role of science and technology in economic development, environmental protection, promotion of human health and population planning, especially the popularization and wider use of related science and technologies, in particular in the rural areas in the developing countries, in achieving this goal;
21. Emphasize the need for all countries and relevant international agencies to intensify their co-operation to support and assist the developing countries of the region in such efforts;
22. Welcome and pledge our full support for the United Nations Conference on Environment and Development to be held in Brazil in 1992 and call for measures to ensure the full and active participation of ESCAP members and associate members in the preparatory process for the Conference, in particular the developing countries;

23. Recognize that adequate resources will be needed for the implementation of activities agreed to in this Declaration, and urge all donor Governments and agencies to make appropriate voluntary contributions so that actions identified can be implemented;

24. Welcome the important ongoing work of ESCAP on the elaboration of a regional strategy on environmentally sound and sustainable development by taking into consideration existing subregional and national strategies and call for its early completion;

25. Request the ESCAP secretariat to convene meeting(s) of representatives of members and associate members of the Commission before the second meeting of Preparatory Committee of the 1992 Conference to follow up our decisions, particularly to elaborate a regional strategy on environmentally sound and sustainable development and to continue preparation of the regional contribution to the United Nations Conference on Environment and Development;

26. Request also the Executive Secretary of ESCAP, in consultation with representatives from the relevant United Nations agencies and bodies, multilateral funding organizations and Governments to find ways and means to enhance the effectiveness of co-operation and co-ordination in the development and implementation of regional environment and development activities as envisaged by this Declaration;

27. Affirm the right of individuals and non-governmental organizations to be informed of environmental problems relevant to them, to have the necessary access to information, and to participate in the formulation and implementation of decisions likely to affect their environment;

28. Recommend the strengthening of the environment related activities of non-governmental organizations, the promotion of public awareness and people's participation in environmental protection and management activities and in this context welcome all United Nations initiatives which seek to assist media, non-governmental organization and community groups targeting the poor;

29. Reaffirm the necessity to promote environmental education, especially of the younger generations, as well as other measures to increase awareness of the value of the environment;

30. Welcome and encourage the efforts to establish research, training, policy and other institutes/centres dealing with environment and development

activities, with a view to promoting exchange of information, technical assistance and regional co-operation for activities relevant to environmentally sound and sustainable development, and agree that ESCAP should play an important role in promoting the formulation of a regional network of such institutes/centres;

31. Welcome the participation of the Asia-Pacific UNDP regional resident representatives at this Conference which will enable them better to assist in the effective follow-up activities;

32. Further request the Executive Secretary of ESCAP to keep the progress of implementation of this Declaration under review and report to the annual sessions of the Commission.

(2)

October 23, 1990
Port of Spain, Trinidad and Tobago
Ministerial Statement and Accord



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Agenda items 79, 80 and 81

DEVELOPMENT AND INTERNATIONAL ECONOMIC CO-OPERATION
UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
PROTECTION OF GLOBAL CLIMATE FOR PRESENT AND
FUTURE GENERATIONS OF MANKIND

Letter dated 14 November 1990 from the Permanent Representative
of Trinidad and Tobago to the United Nations addressed to the
Secretary-General

On instructions from my capital I have the honour to submit the attached documents entitled:

- (i) A Call to Action: Communiqué from the Seventh Ministerial Meeting on the Environment in Latin America and the Caribbean (see annex I);
- (ii) The Port-of-Spain Accord on the Management and Conservation of the Caribbean Environment (see annex II).

I should be grateful if this letter and its attachments could be circulated as official documents of the General Assembly under agenda items 79, 80 and 81.

(Signed) Marjorie THORPE
Ambassador
Permanent Representative

ANNEX I

A CALL TO ACTION

**COMMUNIQUE FROM THE SEVENTH MINISTERIAL MEETING ON
THE ENVIRONMENT IN LATIN AMERICA AND THE CARIBBEAN**

The Ministers and Representatives of countries participating in the VII Ministerial meeting on the Environment in Latin America and the Caribbean held in Port-of-Spain, 22-23 October, 1990, decided to conclude their deliberations with

A CALL TO ACTION

1 The VII Ministerial Meeting reaffirms the Declaration of Brasilia and reiterates the conviction that an adequate response to environmental challenges requires an unprecedented level of cooperation among countries and between regions of the world. Towards this end, and in the context of the Declaration of Brasilia, the countries participating in this Meeting approved an Action Plan for The Environment in Latin America and the Caribbean.

2 The Plan contains programmes aimed at arresting deterioration in the physical environment, recovering and rehabilitating natural resources. It is also a framework for discharging regional obligations, as part of global resolve and effort, to stabilize the ecological systems of Planet Earth and to minimize the disequilibria caused by the manner in which humanity discharges its responsibility with respect to the Earth's resources, which it holds in trust.

3 The Meeting considered that, given the complex inter-relationship between society and nature and the inseparable linkage between environment and development, the tasks and their respective objectives can only be undertaken and achieved through enlightened attitudes and dedicated efforts on the part of all sectors within any community.

4 The Meeting recognized the strong inter-relationship that exists between environmental concerns and the development model that prevails in the world, and of the possible impacts of global environmental negotiations on the political and economic reality of the region.

5 The Meeting noted that recognition of mutual vulnerability to impacts of global changes has led to a number of important conventions, protocols, treaties, memoranda, agreements among varying groups of countries, each instrument setting out a normative framework based on the broad philosophical, political and practical concerns which underpin any issue. Although the Action Plan for the Environment for Latin America and the Caribbean takes its place among these, in essence, it represents a call to regional unity and action.

6 The Ministers expressed concern for the approach and treatment of the developed countries regarding environmental topics, which results in new conditionalities for development financing.

7 One concern of Ministers attending this Meeting is the need to apply the principles of equity and social justice in the enjoyment of the product of the earth's resources.

8 The Ministers consider the Action Plan which they have adopted at this Meeting to be a major mechanism for the preparation and presentation of the views and positions of this region at the United Nations Conference on Environment and Development, scheduled for June 1992 in Brazil.

9 On the basis of the above considerations, Ministers attending this VII Ministerial Meeting on the Environment in Latin America and the Caribbean issue this

Call to Action

We commit ourselves to promote the Plan at the highest possible level, and to establish arrangements for extensive consultations and widespread participation among our people;

We reaffirm our commitment to hemispheric solidarity, to the regional cooperation system and the promotion of the Action Plan for the Environment in Latin America and the Caribbean as an important instrument for strengthening such cooperation;

We accept the Action Plan as a strategic document which must be a critical input into the regional preparatory arrangements leading to the United Nations Conference on Environment and Development, Brazil 1992;

We urge the international community, particularly the developed countries and the multilateral and bilateral financial and technical assistance institutions, to recognise that the Action Plan represents a framework for environmental management in Latin America and the Caribbean and that the programmes, projects and activities developed from it reflect the will of the countries of the region;

Port of Spain, Trinidad and Tobago
October 23, 1990

ANTIGUA AND BARBUDA

*Henderson Simon
Minister in the Ministry of Finance
Ministry of Economic
Development, Planning & Energy*

ARGENTINA

*Alberto Barbuto
Presidente (Subsecretario de
Estado)
Comisión Nacional de Política
Ambiental*

BAHAMAS

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Environment Health
Ministry of Health*

BARBADOS

*N. K. Simmons
Minister of Environment
Ministry of Employment, Labour,
Relations and Community
Development*

BELIZE

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Chief Environment Officer
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Environment*

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Secretary
Secretary for the Environment
Presidency of the Republic*

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*Eliud T. Williams
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HAITI

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Resources Naturelles et du
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(IRENA)*

PANAMA

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TRINIDAD AND TOBAGO

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Ministerio de Vivienda,
Ordenamiento Territorial y Medio
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ANNEX II

*The Port of Spain Accord
on the
Management and Conservation
of the
Caribbean Environment*

The Port of Spain Accord on the Management and Conservation of the Caribbean Environment

Issued by
The First CARICOM Ministerial Conference on the Environment

Port of Spain, Trinidad and Tobago
31 May-2 June 1989

We, Ministers of the Caribbean Community with responsibility for Environmental Matters, met in Conference in Port of Spain, Trinidad and Tobago, on 31 May-2 June 1989 with the objectives of

- (a) achieving increased appreciation of the significance of the issues and needs relevant to management and protection of the Caribbean environment, and of the relationship between Environment and Development;
- (b) identifying matters for priority attention in the Region in relation to the environment; and
- (c) identifying approaches that would allow for better regional coordination and monitoring of activities, agencies and resources.

We were profoundly gratified that high-level delegations from twelve (12) Member States of the Community, and from four (+) Observer countries were present, and that we had the honour of being addressed by The Hon. A.N.R. Robinson, Prime Minister of the Republic of Trinidad and Tobago, the host country, who declared the Conference open.

We were also pleased to welcome the valuable contribution to our deliberations by observer regional and international institutions which were in attendance.

In our discussions we were very conscious of the fact, as indeed the Hon. Prime Minister of the Republic of Trinidad and Tobago reminded us in his address, that with improved understanding over the last two decades of the impact of man's activities on the environment,

there has been a transformation in attitudes towards and perspectives on environmental issues in the world as a whole. We recognised that the historic 1972 Stockholm Conference on the environment spawned the foundation of the United Nations Environment Programme, the production of the 1980 World Conservation Strategy and the 1987 Report of the World Commission on Environment and Development which highlighted the relationship between the environment and sustainable development.

In our own CARICOM Region, concern about the environment has been no less intense. The spirit and policy of the Treaty of Chaguaramas establishing the Caribbean Community and the deliberations of several Community fora including the Conference of Heads of Government, the Conference of Ministers responsible for Health, and the Standing Committees of Ministers responsible for Agriculture and for Foreign Affairs, have recognised the importance of sound management of the Region's environment to the quality of life of the Region's peoples.

We have conducted our Conference in the spirit of the Declaration of Brasilia, in the formulation of which several Ministers of the Caribbean Community participated.

We therefore perceive our Conference as coming within this tradition and constituting an opportunity to provide fresh political impetus to the coordinated identification, development and execution of policies, programmes and projects for addressing the identified deficiencies in our arrangements for effective management of the environment.

Priority Issues and Problems

In identifying the priority issues to be addressed in our quest for the protection of the Caribbean environment we have proceeded on the basis of full acceptance of the fact that central to all our environmental concerns is our shared desire for man's survival in a manner that is both in harmony with nature and consistent with human welfare.

We have also proceeded on the basis of the recognition that prominent among the features of the natural environment of our countries are our marine spaces and the extensive forest cover of some of our territories.

We have agreed that the following represent the principal areas in which we must organize ourselves at the national and regional levels, with the support of the international community, to develop urgent strategies for action:

- (a) orderly land use planning and coordination;
- (b) housing and human settlements;
- (c) degradation of the coastal and marine environment;
- (d) prevention and mitigation of the effects of oil spills;
- (e) solid and liquid waste management;
- (f) management of toxic and hazardous substances including the control of agri-chemical residues;
- (g) dumping of extra-regional, hazardous and toxic wastes in the Region;
- (h) water quality and supply;
- (i) forest and watershed management;
- (j) preservation of genetic resources;
- (k) vector control;
- (l) disaster preparedness;
- (m) preservation of cultural, archaeological and historical resources;
- (n) air and noise pollution.

Strategic Approaches to the Solution of the Problems

We are convinced, and agree, that in order to effectively address the problems in these areas, our efforts must be based on use of the following urgently needed strategic approaches which will result in an integrated approach to their solution:

(a) the promotion of public education and awareness at all levels in our societies to enhance consciousness and respect for the environment on the part of our peoples, and to encourage behavioural patterns conducive to its preservation. In this connection we agree that there should, *inter alia*, be full observance in the Caribbean Community of World Environment Day (5 June) and to coordinate, as far as possible, our respective national programmes for that purpose;

(b) the provision of training and development of human resources in order to produce the cadres of experts within the Region whose vocation will be to undertake the many and varied facets of environmental management;

(c) the formulation of policies and plans, including the requirement for environmental impact assessment, which

are essential prerequisites to the rational management of our environment;

(d) the collection, management and dissemination of the information critical to the development of policies, programmes and projects which must be implemented to address the identified problem areas;

(e) the promotion of research based on the reality of the Caribbean situation and aimed at generating solutions to the environmental problems of the Region;

(f) the development of legislative frameworks adequate to the requirements of sound environmental management, and the required machinery for their enforcement;

(g) the promotion of the development of economic pursuits including small scale enterprises which are geared to the enjoyment and enhancement of the environment;

(h) the harnessing of all available political, institutional, and community based resources relevant to the solution of particular environmental problems.

Institutional Arrangements for Consultation and Coordination

It is our clear recognition that in order for practical action to unfold on all the matters that we have set out above, it is absolutely essential that there be effective institutional arrangements at the national and regional levels. We acknowledge that such arrangements are critical for systematic consultation on and coordination of policy formulation and implementation of programmes and projects.

We are aware that certain institutional arrangements do exist. However, there is need for strengthening some of these and for identifying and filling any existing gaps.

We therefore:

- (a) agree that at the regional level Ministers with responsibility for Environmental Matters should meet at appropriate intervals for the purpose of conducting policy and programme review and establishing the goals and guidelines for action; to this end we support the proposal by the Prime Minister of the Republic of Trinidad and Tobago that a Standing Committee of Ministers responsible for the Environment be established;
- (b) approve, also at the regional level, the establishment of a consultative forum of agencies whose activities in the region are relevant to the development of Caribbean environmental programmes and projects. The function of this forum will be to pursue the identification of, and the allocation of responsibility for action on programmes, projects and studies relating to the priority problems and strategic approaches set out above.

The CARICOM Secretariat will have the responsibility for convening this forum:

- (c) reiterate the Community's commitment to the effective development of the Caribbean Environmental Health Institute as a Regional technical, advisory and project implementing facility in the environmental field.

We mandate the CARICOM Secretariat to arrange consultations and negotiations with donor agencies for support to Caribbean environmental programmes and projects on the basis of the policies and guidelines laid down at ministerial level and the results of the work of the consultative forum. In this connection, we express appreciation to those bilateral and multilateral agencies which have been actively supporting these programmes.

We strongly recommend to all governments of the Community that they establish arrangements that would permit an integrated approach to environmental management at the political, technical and administrative levels, and that such arrangements should include a designated focal point which would relate in a coherent manner to the regional and international levels.

In conclusion, we reiterate our firm and unswerving commitment to the rational use and conservation of our environmental resources. We call upon all Caribbean peoples to exercise the respect and reverence for the environment which will ensure its protection for the benefit of future generations.

Port of Spain,
Trinidad and Tobago

2 June 1989

(3)

November 8, 1990
Geneva, Switzerland
Second World Climate Change Conference
Final Statement and Ministerial Declaration



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PROTECTION OF GLOBAL CLIMATE FOR PRESENT AND FUTURE
GENERATIONS OF MANKIND

Progress achieved in the implementation of resolution 44/207
on protection of global climate for present and future
generations of mankind

Report of the Secretary-General

Addendum

The final statement of the Scientific/Technical sessions of the Second World Climate Conference (annex II) and the Ministerial Declaration of the Conference (annex III) are reproduced in the present addendum to the report of the Secretary-General.

ANNEX II

Final statement of the Second World Climate Conference
Scientific/Technical sessions

FOREWORD

The Second World Climate Conference was convened in Geneva, Switzerland, from 29 October to 7 November 1990, under the sponsorship of the World Meteorological Organization; the United Nations Environment Programme; the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission; the Food and Agriculture Organization of the United Nations and the International Council of Scientific Unions. This statement was adopted by the participants in the scientific and technical sessions from 29 October to 3 November 1990, on the basis of the presentations at the Conference, the deliberations of task groups of participants organized to address various specific issues, and plenary discussions involving all participants. The scientific and technical sessions involved 747 participants from 120 countries.

The Conference discussed the results of the first decade of work under the World Climate Programme (WCP), the First Assessment Report of the Intergovernmental Panel on Climate Change (August 1990) and the development of the International Geosphere-Biosphere Programme (IGBP) and other relevant global programmes. In particular, the Conference considered the role, priorities, and programme structure for the future development of the World Climate Programme.

SUMMARY STATEMENT

1. Climate issues reach far beyond atmospheric and oceanic sciences, affecting every aspect of life on this planet. The issues are increasingly pivotal in determining future environmental and economic well-being. Variations of climate have profound effects on natural and managed systems, the economies of nations and the well-being of people everywhere. A clear scientific consensus has emerged on estimates of the range of global warming which can be expected during the twenty-first century (para. B). If the increase of greenhouse gas concentrations is not limited, the predicted climate change would place stresses on natural and social systems unprecedented in the past 10,000 years.

2. At the First World Climate Conference in 1979, nations were urged "to foresee and to prevent potential man-made changes in climate that might be adverse to the well-being of humanity". The Second World Climate Conference concludes that, notwithstanding scientific and economic uncertainties, nations should now take steps towards reducing sources and increasing sinks of greenhouse gases through national and regional actions, and negotiation of a global convention on climate change and related legal instruments. The long-term goal should be to halt the build-up of greenhouse gases at a level that minimizes risks to society and natural ecosystems. The remaining uncertainties must not be the basis for deferring societal responses to these risks. Many of the actions that would reduce risk are also desirable on other grounds.

3. A major international observational and research effort will be essential to strengthen the knowledge-base on climate processes and human interactions, and to provide the basis for operational climate monitoring and prediction.

PART I. MAIN CONCLUSIONS AND RECOMMENDATIONS

A. Greenhouse gases and climate change

1. Emissions resulting from human activities are substantially increasing atmospheric concentrations of the greenhouse gases. These increases will enhance the natural greenhouse effect, resulting on average in an additional warming of the Earth's surface. The Conference agreed that this and other scientific conclusions set out by the IPCC reflect the international consensus of scientific understanding of climate change. Without actions to reduce emissions, global warming is predicted to reach 2 to 5 degrees C over the next century, a rate of change unprecedented in the past 10,000 years. The warming is expected to be accompanied by a sea level rise of 65 cm \pm 35 cm by the end of the next century. There remain uncertainties in predictions, particularly in regard to the timing, magnitude and regional patterns of climate change.
2. Climate change and sea level rise would seriously threaten low-lying islands and coastal zones. Water resources, agriculture and agricultural trade, especially in arid and semi-arid regions, forests, and fisheries are especially vulnerable to climate change. Climate change may compound existing serious problems of the global mismatch between resources, population and consumption. In many cases the impacts will be felt most severely in regions already under stress, mainly in developing countries.
3. Global warming induced by increased greenhouse gas concentrations is delayed by the oceans; hence, much of the change is still to come. Inertia in the climate system due to the influence of the oceans, the biosphere and the long residence times of some greenhouse gases means that climate changes that occur may persist for centuries.
4. Natural sources and sinks of greenhouse gases are sensitive to a change in climate. Although many of the response or feedback processes are poorly understood, it appears likely that, as climate warms, these feedbacks will lead to an overall increase rather than a decrease in greenhouse gas concentrations.
5. The historical growth in emissions has been a direct consequence of the increase of human population, rising incomes, the related exploitation of fossil fuels by industrialized societies and the expansion of agriculture. Under "Business-as-Usual" assumptions,* it is projected that emissions will continue to grow in the future as a consequence of a projected doubling of energy consumption in the first half of the twenty-first century and an expected doubling of population

* "Business-as-Usual" assumes that few or no steps are taken to limit greenhouse gas emissions. Energy use and clearing of tropical forests continue and fossil fuels, in particular coal, remain the world's primary energy source. The Montreal Protocol comes into effect but without strengthening and with less than 100 per cent compliance.

by the latter half. As a result, the effect of human-induced greenhouse gas concentrations on the Earth's radiation balance would by 2025 correspond to a doubling of carbon dioxide unless remedial actions are taken.

6. Over the last decade, emissions of carbon dioxide (CO₂) contributed 55 per cent of the increased radiative forcing produced by greenhouse gases from human activities. The CFCs contributed about 24 per cent of the past decade's changes, and methane 15 per cent, with the balance due to other greenhouse gases. With controls on CFCs under the Montreal Protocol, the relative importance of CO₂ emissions will increase, provided the substitutes for CFCs have minimal greenhouse warming potential. Some 75 per cent of total CO₂ emissions have come from the industrialized countries.

7. The above emissions can be expected to change the planet's atmosphere and climate, and a clear scientific consensus has been reached on the range of changes to be expected. Although this range is large, it is prudent to exercise, as a precautionary measure, actions to manage the risk of undesirable climate change. In order to stabilize atmospheric carbon dioxide concentrations by the middle of the twenty-first century at about 50 per cent above pre-industrial concentrations, a continuous world-wide reduction of net carbon dioxide emissions by 1 to 2 per cent per year starting now would be required. The Intergovernmental Panel on Climate Change (IPCC) also considered three other emissions scenarios, which would not lead to stabilization of CO₂ concentrations in the twenty-first century. A 15-20 per cent reduction in methane emissions would stabilize atmospheric concentrations of that gas.

8. This Conference concludes that technically feasible and cost-effective opportunities exist to reduce CO₂ emissions in all countries. Such opportunities for emissions reductions are sufficient to allow many industrialized countries to stabilize CO₂ emissions from the energy sector and to reduce these emissions by at least 20 per cent by 2005. The measures include increasing the efficiency of energy use and employing alternative fuels and energy sources. As additional measures to achieve further cost-effective reductions are identified and implemented, even greater decreases in emissions would be achieved in the following decades. In addition, reversing the current net losses in forests would increase storage of carbon. The economic and social costs and benefits of such measures should be urgently examined by all nations. An internationally co-ordinated assessment should be undertaken through the IPCC.

9. Countries are urged to take immediate actions to control the risks of climate change with initial emphasis on actions that would be economically and socially beneficial for other reasons as well. Nations should launch negotiations on a convention on climate change and related legal instruments without delay and with the aim of signing such a convention in 1992.

B. Use of climate information in assisting sustainable social and economic development

Climate data, analyses, and eventually climate predictions, can contribute substantially to enhancing the efficiency and security of economic and developmental activities in environmentally sustainable ways. These benefits are particularly important in food and wood production, water management, transportation, energy planning and production (including assessment of potential resources of biomass, hydropower, solar and wind energy), urban planning and design, human health and safety, combating of drought and land degradation, and tourism. This requires both data on the climate system, and its effective application. Data acquisition, collection, management and analysis must be more vigorously supported in all countries and special assistance provided to developing countries through international co-operation. Transfer of techniques for applying climate information should be accelerated through more widespread use of software (e.g. CLICOM) for readily available personal computers and other means. Further development of methods for predicting short-term variations in climate and the environmental and social impacts should be vigorously pursued. These advances would provide enormous economic and other welfare benefits in coping with droughts, prolonged rain, and periods of severe hot and cold weather. Such predictions will require major steps forward in ocean-atmosphere-biosphere observing systems. Much greater efforts are also needed to increase involvement in these fields by developing countries, especially through increased education and training.

C. Priorities for enhanced research and observational systems

1. A consensus exists among scientists as summarized in the Report of Working Group I of the IPCC that climate change will occur due to increasing greenhouse gases. However, there is substantial scientific uncertainty in the details of projections of future climate change. Projections of future regional climate and climate impacts are much less certain than those on a global scale. These uncertainties can only be narrowed through research addressing the following priority areas:

Clouds and the hydrological cycle;

Greenhouse gases and the global carbon and biogeochemical cycles;

Oceans: physical, chemical and biological aspects; and exchanges with the atmosphere;

Paleo-climatic studies;

Polar ice sheets and sea ice;

Terrestrial ecosystems.

2. These subjects are being addressed by national programmes, the World Climate Research Programme and the International Geosphere-Biosphere Programme and other related international programmes. Increased national support and substantially increased funding of these programmes is required if progress on the necessary time scale is to be made in reducing the uncertainties.

3. Present observational systems for monitoring the climate system are inadequate for operational and research purposes. They are deteriorating in both industrialized and developing regions. Of special concern is the inadequacy of observation systems in large parts of the southern hemisphere.

4. High priority must be placed on the provision and international exchange of high-quality, long-term data for climate-related studies. Data should be available at no more than the cost of reproduction and distribution. A full and open exchange of global and other data sets needed for climate-related studies is required.

5. There is an urgent need to create a Global Climate Observing System (GCOS) built upon the World Weather Watch Global Observing System and the Integrated Global Ocean Service System and including both space-based and surface-based observing components. GCOS should also include the data communications and other infrastructure necessary to support operational climate forecasting.

6. GCOS should be designed to meet the needs for:

(a) Climate system monitoring, climate change detection and response monitoring, especially in terrestrial ecosystems

(b) Data for application to national economic development, and

(c) Research towards improved understanding, modelling and prediction of the climate system.

7. Such a GCOS would be based upon:

(1) An improved World Weather Watch Programme;

(2) The establishment of a global ocean observing system (GCOS) of physical, chemical and biological measurements;

(3) The maintenance and enhancement of monitoring programmes of other key components of the climate system, such as the distribution of important atmospheric constituents (including the Global Atmosphere Watch), changes in terrestrial ecosystems, clouds and the hydrological cycle, the Earth's radiation budget, ice sheets, and precipitation over the oceans.

8. The further development and implementation of the GCOS concept should be pursued, with urgency, by scientists, Governments and international organizations.

9. The impacts of climate variability on human socio-economic systems have provided major constraints to development. Climate change may compound these constraints. In semi-arid regions of Africa, drought episodes have been directly responsible for major human disasters. Research undertaken during the first decade of the WCP and through other international and national programmes has improved drought early warning systems, including FAO's Global Early Warning System, and increased the reliability of climate impact analyses. But much more remains to be done. Intensified efforts are required to refine further our ability to predict short-term climate variability, anticipate climate impacts, and identify rational strategies to mitigate or prevent adverse effects. The threat of climate change brings new challenges to the future well-being of people. This requires greater efforts to understand impacts of climate change. Mitigation and adaptation strategies are also essential. Immediate steps to be taken include:

(a) National and regional analyses of the impacts of climate variability and change on society, and study of the range of response and adaptation options available;

(b) Closer co-operation and communication among natural and social scientists, to ensure that climate considerations are accounted for in development planning;

(c) Significant increases in resources to carry out impact/adaptation studies.

10. Improvements in energy efficiency and non-fossil fuel energy technologies are of paramount importance, not only to reduce greenhouse gas emissions but to move to more sustainable development pathways. Such advances will require research and development, as well as technology transfer and co-development.

11. A specific initiative would create a network of regional, interdisciplinary research centres, located primarily in developing countries, and focusing on all of the natural science, engineering and social science disciplines required to support fully integrated studies of global change and its impacts and policy responses. The centres would conduct research and training on all aspects of global change and study the interaction of regional and global policies.

D. Public information

People need better information on the crucial role climate plays in development and the additional risks posed by climate change. Governments, intergovernmental and non-governmental organizations should give more emphasis to providing accurate public information on climate issues. The public information and education and training component in the WCP and IGBP must also be expanded.

PART II

Specific issues

1. Water

1.1 Among the most important impacts of climate change will be its effects on the hydrological cycle and water management systems, and through these, on socio-economic systems. Increases in incidence of extremes, such as floods and droughts, would cause increased frequency and severity of disasters.

1.2 The design of many costly structures to store and convey water, from large dams to small drainage facilities, is based on analyses of past records of climatic and hydrological parameters. Some of these structures are designed to last 50-100 years or even longer. Records of past climate and hydrological conditions may no longer be a reliable guide to the future. The design and management of both structural and non-structural water resource systems should allow for the possible effects of climate change.

1.3 Data systems and research must be strengthened to predict water resources impacts, detect hydrological changes, and improve hydrological parameterization in global climate models.

1.4 Existing and novel technologies, for more efficient use of water for irrigation, should be made available to developing countries in semi-arid zones.

2. Agriculture and food

2.1 Important uncertainties remain regarding the prediction of the magnitude and nature of potential impacts of changing climate and higher CO₂ levels on global food security. The potential impact on food production in developing countries, with more than half the world's population, could be more uncertain than recent reviews suggest.

2.2 High priority should therefore be given to research on the direct effects of rising CO₂ concentrations on food and fibre crop productivity and equal priority should be given to research on agricultural emissions so as to determine agriculture's present and potential role as a source of and sink for greenhouse gases, and to clarify the costs and possible trade-offs arising from limitation measures.

2.3 New or strengthened institutional mechanisms are required to upgrade natural resource inventories, research strategies and extension services to raise agricultural productivity and minimize emissions. These mechanisms should include collaborative programmes between FAO and international and national agencies with stress on interdisciplinary activities on food security and related topics.

3. Oceans, fisheries and coastal zones

3.1 The Earth's climate including shorter-term variations is influenced by the coupled atmosphere - ocean system. Coastal zones and their associated high biological productivity, including fisheries, are especially affected. Thus, an improved data base of oceanic parameters is considered indispensable for operational climate forecasting. It is recommended that a global ocean observing and data management system be developed for improving predictions of climate change. Research on the oceans will provide quantification of important feedback loops in climate processes. Observation and research on the El Niño - Southern Oscillation phenomena, on upwelling areas and on biological productivity of the open sea are also important.

3.2 Coastal zones, which are the source of most of the global fish catch, are especially susceptible to effects of global warming and sea level rise. Predicting the impact of changes would be of enormous benefit to the increasing number of people living in coastal areas. Thus, it is also recommended that a programme of coastal zone research and monitoring be established to identify the effects of climate change on the coast and coastal ecosystems, and to assess the vulnerability of various natural and managed ecosystems such as coral reefs, mangroves and coastal aquaculture.

3.3 Action should be taken now to develop coastal zone adaptation strategies and policies.

4. Energy

4.1 In order to stabilize atmospheric concentrations of greenhouse gases while allowing for growth in emissions from developing countries, industrialized countries must implement reductions even greater than those required, on average, for the globe as a whole. However, even where very large technical and economic opportunities have been identified for reducing energy-related greenhouse gas emissions, and even where there are significant and multiple benefits associated with these measures, implementation is being slowed and sometimes prevented by a host of barriers. These barriers exist at all levels - at the level of consumers, energy equipment manufacturers and suppliers, industries, utilities, and governments. Overcoming the barriers obstructing least-cost approaches to meeting energy demands will require responses from all parts of society - individual consumers, industry, governments, and non-governmental organizations.

4.2 Developing countries also have an important role in limiting climate change. Maintaining development as a principal objective, energy and development paths can be chosen that have the additional benefit of minimizing radiative forcing.

5. Land use and urban planning

Population growth, increasing urbanization, and competing demands for finite areas of arable land will produce increasingly severe problems of food supply, energy production, and water resources. Climate changes may exacerbate these problems in some regions. Prudent planning will require baseline analyses of land

use, quality and quantity of water resources, and the assessment of vulnerability of urbanized societies to environmental change. In particular, improved adaptation of urban areas to local climatic régimes needs to be achieved by more appropriate layouts and building densities, and improved building construction through modifications to building and planning regulations. Because conurbations make a major contribution to energy-related greenhouse gas emissions, the design and efficiency of all aspects of urban systems should be enhanced.

6. Health and human dimensions

6.1 The direct impact of climate change on people, their health and cultural heritage, could be severe. There is likely to be increased health inequity between peoples of developing and developed countries. Climatic change could result in increasing numbers of environmental refugees with associated increases of ill-health, disease and death among them.

6.2 Global warming is likely to shift the range of favourable conditions for certain pests and diseases, causing additional stresses on people, particularly those of the semi-arid tropics. It must be appreciated however that serious problems may arise in all parts of the world.

6.3 Research into how human behaviour contributes to and responds to climate change must have increased emphasis. Public awareness and education programmes are particularly essential in this regard.

7. Environment and development

7.1 Climate change, superimposed on population pressures, excessive consumption, and other stresses on the environment imperils the sustainability of socio-economic development throughout the world. In addition, slowing climate change will give countries more time to enhance their prospects for sustainable development. The developed countries need to reduce emissions and assist the developing countries to adopt new, clean technologies.

7.2 Climate change has such important implications for the sustainability of development that policy responses, including measures to reduce greenhouse gases, measures to reduce deforestation, and the commitment of financial and other resources, are justified for that reason alone. Economic policies, such as subsidies and trade restraints, can distort markets so they harm the environment and contribute to global warming and sea level rise. There is an imperative need for development policies that not only reduce global warming trends but also increase economic and social resilience.

8. Forests

While increasing forest cover can contribute to the slowing of global climate change, this is not the major cure for the problem.

Five priority actions are recommended:

(1) Assessing national opportunities to increase forest carbon storage commensurate with national resource development policies, developing an approach by 1992 and completing assessment by 1995.

(2) Managing the world's forests to optimize biomass and resultant carbon storage in addition to the maintenance of sustainable yields of forest products, biological diversity, water quality and the many other values that forests provide.

(3) Accelerating research to assess the added contribution that forests can make to atmospheric CO₂ reduction and the impacts of climate change on the world's forests.

(4) Designing and implementing international monitoring systems to determine conditions and changes in forest ecosystems in response to anticipated climate changes.

(5) Supporting the development of an international instrument on conservation and development of the world's forests linked with climate and biodiversity conventions.

PART III

Organizational and policy issues for international activities

1. The future structure of the World Climate Conference

1.1 The World Climate Conference should be broadened and closely co-ordinated with related programmes of other agencies in response to increased emphasis on the prediction of climate and its impacts.

1.2 The World Climate Data Programme, renamed the World Climate System Monitoring Programme, should be redefined to take into account new objectives.

1.3 Greater emphasis in the strengthened WCP (WCP-2) should be given to adaptation, mitigation and education, with adaptation and mitigation activities closely linked to the Impact Studies Programme (WCIP).

1.4 The World Climate Applications Programme should be renamed the World Climate Applications and Services Programme (WCASP) to reflect the need for intensifying efforts to provide climatological services to a wide variety of users. There should be strong interaction between WCIP and WCASP.

1.5 The organizational framework for international scientific research is in place, constituted by the WCRP, emphasizing the physical aspects, and the IGBP, covering bio-geochemical aspects.

1.6 Governments should establish national committees for the WCP to mobilize support for national activities and to co-ordinate efforts. The United Nations

agencies and ICSU should work towards ensuring regular contact and exchange of information with national committees.

1.7 The mechanism established for overall co-ordination of the WCP, involving meetings of the chairs of steering bodies for the various components, should be actively supported by WMO, and other United Nations bodies concerned and ICSU. Annual meetings of Executive Heads should consider their recommendations.

1.8 Restructuring and strengthening of the WCP will also be necessary to support new activities, such as the development of the proposed GCOS. The Conference recommended that a proposal for the new structure of WCP be formulated by the organizations involved, taking into account the above comments, and presented to the Eleventh World Meteorological Congress, May 1991, and at appropriate meetings of other participating organizations.

2. Special needs of the developing countries

2.1 As stated in the IPCC report, industrialized and developing countries have a common but differentiated responsibility for dealing with the problems of climate change. The problem is largely the consequence of past patterns of economic growth in the industrial countries. However, in future the much needed economic growth in the developing countries could play an important role in determining the rate of climate change.

2.2 Developing countries are being asked to participate in the alleviation of the legacy of environmental damage from prior industrialization. If they are to avoid the potentially disastrous course followed by industrialized countries in the past, they need to adopt modern technologies early in the process of development, particularly in regard to energy efficiency. They also must be full partners in the global scientific and technical effort that will be required. It is clear that developing countries must not go through the evolutionary process of previous industrialization but rather, must "leapfrog" ahead directly from a status of underdevelopment through to efficient, environmentally benign, technologies.

2.3 Although developing countries have collaborated in providing data, and participated to a degree in meetings and research, they have benefited to a lesser extent from the analyses developed from their contributions, and even less so from the applications derived therefrom.

2.4 Therefore, a massive and sustained flow of scientific and technological expertise towards the development of the intellectual resources, technical and institutional capacity of the developing countries is a necessary complement to the efforts of those countries.

2.5 Developing countries should be assisted to build up their capabilities

- To monitor, assess and apply climate information;
- To prepare inventories of greenhouse gases emissions and future emissions projections;

- To identify impacts of potentially global warming;
- To prepare cost estimates and priorities for response strategies to adapt and mitigate problems posed by climate change;
- To participate in the World Climate Programme.
- o The mechanisms of the transfer of technology and provision of technical assistance and co-operation to developing countries should take into account considerations such as the need for preferential and assured access, intellectual property rights, the environmental soundness of such technology and the financial implications.
- o Taking note that industry plays a significant role in the development and transfer of science and technology, efforts by industry to promote further the development and transfer of environmentally sound technologies should be encouraged, and policies to encourage such efforts should be formulated.
- o Additional financial resources will have to be channelled to developing countries for those activities which contribute both to limiting greenhouse gas emissions and/or adapting to any adverse effects of climate change, and promoting economic development. Areas for co-operation and assistance could include the efficient use of energy, land use planning, forest management, soil and water conservations, strengthening of observational systems and scientific and technological capabilities.

3. Co-operation in international research

3.1 The existing and planned research projects of the WCRP and the IGBP address the highest priority scientific issues related to the understanding and prediction of climate variability and change.

3.2 These programmes should be implemented completely and rigorously. It is particularly important that adequate funding, including long-term funding commitments, be provided.

3.3 In view of the progress made in climate research, it is now timely to proceed to the detailed design of an operational global climate observing system (sect. C, paras. 5-8), together with the data communications and other infrastructure needed to support operational climate forecasting. Governments should enter into early discussions aimed at international co-operation in operational climate forecasting.

4. Co-ordinated international activities and policy development

4.1 The Conference endorsed the three streams of international activity:

- a. Global measurement and research efforts through the WCP, IGBP, and other related international programmes;

- b. Assessment functions of a continuing IPCC to support negotiation of and providing technical input to a Convention;
- c. Development of a Convention on Climate Change.

It is essential that all parties to a Convention and related legal instruments should, as part of their obligations, be required to participate fully in the free exchange and flow of information necessary for technical input to the convention. Such a convention should include a technical annex to provide for:

- International co-operation in research, systematic observation and exchange of related information;
- Adjustments based on up-dates of scientific knowledge;
- Strengthening national scientific and environmental capabilities of developing countries.

4.2 The development of policy regarding climate change requires on the part of policy makers an understanding of the underlying science and a weighing of the scientific uncertainties associated with the prediction of climate change and its likely impacts. An important aspect of future work is therefore a continued dialogue between scientists and policy makers.

4.3 The United Nations Conference on Environment and Development (Brazil 1992) provides a valuable opportunity to relate the above three themes to the other environment/development issues and objectives being examined by the Conference. It is therefore essential that the three streams should interact effectively with the Conference.

4.4 It is proposed that the sponsoring agencies for the SWCC consider the possibility of holding a Third World Climate Conference at an appropriate time about the year 2000.

ANNEX III

Ministerial Declaration of the Second World Climate Conference

PREAMBLE

1. We, the Ministers and other representatives from 137 countries and from the European Communities, meeting in Geneva from 6 to 7 November 1990 at the Second World Climate Conference, declare as follows:

2. We note that while climate has varied in the past and there is still a large degree of scientific uncertainty, the rate of climate change predicted by the Intergovernmental Panel on Climate Change (IPCC) to occur over the next century is unprecedented. This is due mainly to the continuing accumulation of greenhouse gases, resulting from a host of human activities since the industrial revolution, hitherto particularly in developed countries. The potential impact of such climate change could pose an environmental threat of an up to now unknown magnitude; and could jeopardize the social and economic development of some areas. It could even threaten survival in some small island States and in low-lying coastal, arid and semi-arid areas.

3. We appreciate the work of the World Climate Programme (WCP) during the past decade which has improved understanding of the causes, processes and effects of climate and climate change. We also congratulate the IPCC, established by the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) on its First Assessment Report on Climate Change. It has identified causes and possible effects and strategies to limit and adapt to climate change, and in the light of the United Nations General Assembly resolutions, has identified possible elements for inclusion in a framework convention on climate change.

4. Recognizing climate change as a common concern of mankind, we commit ourselves and intend to take active and constructive steps in a global response, without prejudice to sovereignty of States.

I. GLOBAL STRATEGY

5. Recognizing that climate change is a global problem of unique character and taking into account the remaining uncertainties in the field of science, economics and response options, we consider that a global response, while ensuring sustainable development ^{1/} of all countries, must be decided and implemented without further delay based on the best available knowledge such as that resulting from the IPCC assessment. Recognizing further that the principle of equity and the common but differentiated responsibility of countries should be the basis of any

^{1/} Statement of sustainable development as agreed at the fifteenth session of UNEP Governing Council (annex II, UNEP/GC 15/L.37).

global response to climate change, developed countries must take the lead. They must all commit themselves to actions to reduce their major contribution to the global net emissions and enter into and strengthen co-operation with developing countries to enable them to adequately address climate change without hindering their national development goals and objectives. Developing countries must, within the limits feasible, taking into account the problems regarding the burden of external debt and their economic circumstances, commit themselves to appropriate action in this regard. To this end, there is a need to meet the requirements of developing countries, that adequate and additional financial resources be mobilized and the best available environmentally-sound technologies be transferred expeditiously on a fair and most favourable basis.

II. POLICY CONSIDERATIONS FOR ACTION

6. We reaffirm that, in order to reduce uncertainties, to increase our ability to predict climate and climate change on a global and regional basis, including early identification of as yet unknown climate-related issues, and to design sound response strategies, there is a need to strengthen national, regional and international research activities in climate, climate change and sea level rise. We recognize that commitments by Governments are essential to sustain and strengthen the necessary research and monitoring programmes and the exchange of relevant data and information, with due respect to national sovereignty. We stress that special efforts must be directed to the areas of uncertainty as identified by the IPCC.

We maintain that there is a need to intensify research on the social and economic implications of climate change and response strategies. We commit ourselves to promoting the full participation of developing countries in these efforts. We recognize the importance of supporting the needs of the World Climate Programme, including contributions to the WMO Special Fund for Climate and Atmospheric Environmental Studies. The magnitude of the problem being addressed is such that no nation can tackle it alone and we stress the need to strengthen international co-operation. In particular, we invite the 11th Congress of the World Meteorological Organization, in the formulation of plans for the future development of the World Climate Programme, to ensure that the necessary arrangements are established in consultation with UNEP, UNESCO (and its IOC), FAO, ICSU and other relevant international organizations for effective co-ordination of climate and climate change related research and monitoring programmes. We urge that special attention be given to the economic and social dimensions of climate and climate change research.

7. In order to achieve sustainable development in all countries and to meet the needs of present and future generations, precautionary measures to meet the climate challenge must anticipate, prevent, attack, or minimize the causes of, and mitigate the adverse consequences of, environmental degradation that might result from climate change. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent such environmental degradation. The measures adopted should take into account different socio-economic contexts.

8. The potentially serious consequences of climate change, including the risk for survival in low-lying and other small island States and in some low-lying coastal, and arid and semi-arid areas of the world, give sufficient reasons to begin by adopting response strategies even in the face of significant uncertainties.

Such response strategies include phasing out the production and use of CFC's, efficiency improvements and conservation in energy supply and use, appropriate measures in the transport sector, sustainable forest management, afforestation schemes, developing contingency plans for dealing with climate-related emergencies, proper land use planning, adequate coastal zone management, review of intensive agricultural practices and the use of safe and cleaner energy sources with lower or no emissions of carbon dioxide, methane, nitrous oxide and other greenhouse gases and ozone precursors, paying special attention to new and renewable sources.

Further actions should be pursued in a phased and flexible manner on the basis of medium- and long-term goals and strategies and at the national, regional or global level, taking advantage of scientific advances and technological developments to meet both environmental and economic objectives.

9. We note that per capita consumption patterns in certain parts of the world along with a projected increase in world population are contributing factors in the projected increase in greenhouse gases.

10. We agree that the ultimate global objective should be to stabilize greenhouse gas concentrations at a level that would prevent dangerous anthropogenic interference with climate.

11. We stress, as a first step, the need to stabilize, while ensuring sustainable development of the world economy, emissions of greenhouse gases not controlled by the Montreal Protocol on Substances that Deplete the Ozone Layer. Contributions should be equitably differentiated according to countries' responsibilities and their level of development. In this context, we acknowledge efforts already undertaken by a number of countries to meet this goal.

12. Taking into account that the developed world is responsible for about three quarters of all emissions of greenhouse gases, we welcome the decisions and commitments undertaken by the European Community with its Member States, Australia, Austria, Canada, Finland, Iceland, Japan, New Zealand, Norway, Sweden, Switzerland, and other developed countries to take actions aimed at stabilizing their emissions of CO₂, or CO₂ and other greenhouse gases not controlled by the Montreal Protocol, by the year 2000 in general at 1990 level, yet recognizing the differences in approach and in starting-point in the formulation of the above targets. We also acknowledge the initiatives of some other developed countries which will have positive effects on limiting emissions of greenhouse gases. We urge all developed countries to establish targets and/or feasible national programmes or strategies which will have significant effects on limiting emissions of greenhouse gases not controlled by the Montreal Protocol.

We acknowledge, however, that those developed countries with as yet relatively low energy consumption (measured on a per capita or other appropriate basis) which

can be reasonably expected to grow, and some countries with economies in transition, may establish targets, programmes and/or strategies that accommodate socio-economic growth, while improving the energy efficiency of their economic activities.

13. We urge developed countries, before the 1992 United Nations Conference on Environment and Development, to analyse the feasibility of and options for, and, as appropriate in light of these analyses, to develop programmes, strategies and/or targets for a staged approach for achieving reductions of all greenhouse gas emissions not controlled by the Montreal Protocol, including carbon dioxide, methane and nitrous oxide, over the next two decades and beyond.

14. We recommend that in the elaboration of response strategies, over time, all greenhouse gases, sources and sinks be considered in the most comprehensive manner possible and also that limitation and adaptation measures be addressed.

15. We recognize that developing countries have as their main priority alleviating poverty and achieving social and economic development and that their net emissions must grow from their, as yet, relatively low energy consumption to accommodate their development needs. Narrowing the gap between the developed and the developing world would provide a basis for a full partnership of all nations and would assist the developing countries in dealing with the climate change issue. To enable developing countries to meet incremental costs required to take the necessary measures to address climate change and sea-level rise, consistent with their development needs, we recommend that adequate and additional financial resources should be mobilized and best available environmentally sound technologies transferred expeditiously on a fair and most favourable basis. Developing countries also should, within the limits feasible, take action in this regard.

16. The specific difficulties of those countries, particularly developing countries, whose economies are highly dependent on fossil fuel production and exportation, as a consequence of action taken on limiting greenhouse gas emissions, should be taken into account.

17. We recommend that consideration should be given to the need for funding facilities, including the proposed World Bank/UNEP/UNDP Global Environmental Facility, a clearing-house mechanism and a new possible international fund composed of adequate additional and timely financial resources and institutional arrangements for developing countries; taking into account existing multilateral and bilateral mechanisms and approaches. Such funding should be related to the implementation of the framework convention on climate change and any other related instruments that might be agreed upon. In the mean time, developed countries are urged to co-operate with developing countries to support immediate action in addressing climate change including sea-level rise without imposing any new conditionality on developing countries.

18. We recommend further that resources be assessed. Such assessments, to be conducted as soon as possible, should include country studies and mechanisms to meet the financing needs identified, taking note of the approaches developed under the Montreal Protocol.

19. Financial resources channelled to developing countries should, inter alia, be directed to:

- (i) Promoting efficient use of energy, development of lower and non-greenhouse gas emitting energy technologies and paying special attention to safe and clean new and renewable sources of energy;
- (ii) Arranging expeditious transfer of the best available environmentally sound technology on a fair and most favourable basis to developing countries and promoting rapid development of such technology in these countries;
- (iii) Co-operating with developing countries to enable their full participation in international meetings on climate change;
- (iv) Enhancing atmospheric, oceanic and terrestrial observational networks, particularly in developing countries, to facilitate conducting research, monitoring and assessment of climate change and the impact on those countries;
- (v) Rational forest management practices and agricultural techniques which reduce greenhouse gas emissions;
- (vi) Enhancing the capacity of developing countries to develop programmes to address climate change, including research and development activities and public awareness and education.

Funding should also be directed to the creation of regional centres to organize information networks on climate change in developing countries.

20. Appropriate economic instruments may offer the potential for achieving environmental improvements in a cost-effective manner. The adoption of any form of economic or regulatory measures would require careful and substantive analyses. We recommend that relevant policies make use of economic instruments appropriate to each country's socio-economic conditions in conjunction with a balanced mix of regulatory approaches.

21. We note that energy production and use account for nearly half of the enhanced radiative forcing resulting from human activities and is projected to increase substantially in the absence of appropriate response actions. We recognize the promotion of energy efficiency as the most cost-effective immediate measure, in many countries, for reducing energy-related emissions of carbon dioxide, methane, nitrous oxide and other greenhouse gases and ozone precursors, while other safe options such as no or lower greenhouse gas emitting energy sources should also be pursued. These principles apply to all energy sectors. Transport energy use attracts special attention of many of us in the light of its role in many developed countries and of its expected importance in many developing countries.

22. We recognize that there is no single quick-fix technological option for limiting greenhouse gas emissions. However, we are convinced that technological

innovation as well as individual and social behaviour and institutional adaptations is a key element of any long-term strategy that deals with climate change in a way that meets the goal of sustainable development. Therefore, we urge all countries, the developed countries in particular; to intensify their efforts and international co-operation in technological research, development and dissemination of appropriate and environmentally sound technologies, including the reassessment and improvement of existing technologies and the introduction of new technologies.

23. We urge that environmentally sound and safe technologies be utilized by all sectors in all countries to the fullest extent possible and further urge all countries, developed and developing, to identify and take effective measures to remove barriers to the dissemination of such technologies. To this end, the best available environmentally sound and safe technologies should be transferred to developing countries expeditiously on a fair and most favourable basis.

24. We note that the conservation of the world's forests in their role as reservoirs of carbon along with other measures are of considerable importance for global climatic stability, keeping in mind the important role of forests in the conservation of biological diversity and the protection of soil stability and of the hydrological system. We recognize the need to reduce the rate of deforestation in consonance with the objective of sustained yield development and to enhance the potential of the world's forests through improved management of existing forests and through vigorous programmes of reforestation and afforestation, and to support financially the developing countries in this regard through enhanced and well-co-ordinated international co-operation including strengthening Tropical Forest Action Plan (TFAP) and International Tropical Timber Organization (ITTO). We recommend that the protection and management of boreal, temperate, sub-tropical and tropical forest ecosystems must be well-co-ordinated and preferably compatible with other possible types of action related to reduction of emission of greenhouse gases, rational utilization of biological resources, provision of financial resources, and the need for more favourable market conditions for timber and timber products. The developing countries should be able to realize increased revenue from these forests and forest products.

25. We also recognize that forests and forest products play a key social and economic role in many nations and communities. We recognize 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.

26. We recommend that appropriate precautionary and control measures be developed and implemented at regional, subregional and country levels as appropriate to counter the increasing degradation of land, water, genetic and other productive resource bases by drought, desertification and land degradation.

Observatories on climate and climate change and observatories on ecosystems should be encouraged to work together on drought risks consequences.

Studies must be undertaken on drought and desertification.

We stress that stepped-up financial and scientific contributions be provided to facilitate these efforts.

27. We recommend that similar measures be adopted to address the particular problems and needs, including funding, of low-lying coastal and small vulnerable island countries, some of whose very existence is placed at risk by the consequences of climate change.

III. GLOBAL FRAMEWORK CONVENTION ON CLIMATE CHANGE

28. We call for negotiations on a framework convention on climate change to begin without delay after a decision is taken by the forty-fifth session of the General Assembly of the United Nations recommending ways, means and modalities for further pursuing these negotiations. Taking note of all the preparatory work, particularly the recommendations adopted on 26 September 1990 by the Ad Hoc working group of government representatives and regional economic integration organizations to prepare for negotiations on a framework convention on climate change, we urge all countries and regional economic integration organizations to join in these negotiations and recognize that it is highly desirable that an effective framework convention on climate change, containing appropriate commitments, and any related instruments as might be agreed upon on the basis of consensus, be signed in Rio de Janeiro during the United Nations Conference on Environment and Development. We welcome the offer of the Government of the United States of America to host the first negotiating meeting.

29. We recommend that such negotiations take account of the possible elements compiled by the IPCC, and that the framework convention on climate change be framed in such a way as to gain the support of the largest possible number of countries while allowing timely action to be taken. We reaffirm our wish that this convention contain real commitments by the international community. We stress, given the complex and multi-faceted nature of the problem of climate change, the need for new and innovative solutions including the need to meet the special needs of developing countries.

30. We also welcome the invitations of Thailand and Italy to host workshops, respectively on the feasibility of forestry options, and on all technologies for energy production and use and their transfer to developing countries.

31. We believe that a well-informed public is essential for addressing and coping with as complex an issue as climate change, and the resultant sea-level rise, and urge countries, in particular, to promote the active participation at the national and when appropriate, regional levels of all sectors of the population in addressing climate change issues and developing appropriate responses. We also urge relevant United Nations organizations and programmes to disseminate relevant information with a view to encouraging as wide a participation as possible.

(4)

November 27, 1990

Paris, France

The Business Charter for Sustainable Development
International Chamber of Commerce (ICC)

**The
Business
Charter
for
Sustainable
Development**

Principles for Environmental
Management



Foreword

There is widespread recognition today that environmental protection must be among the highest priorities of every business.

In its milestone 1987 report, "Our Common Future", the World Commission on Environment and Development (Brundtland Commission), emphasized the importance of environmental protection in the pursuit of sustainable development.

To help business around the world improve its environmental performance, the International Chamber of Commerce established a task force of business representatives to create this Business Charter for Sustainable Development. It comprises sixteen principles for environmental management which, for business, is a vitally important aspect of sustainable development.

This Charter will assist enterprises in fulfilling their commitment to environmental stewardship in a comprehensive fashion. It was formally launched in April 1991 at the Second World Industry Conference on Environmental Management.

Introduction

Sustainable development involves meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Economic growth provides the conditions in which protection of the environment can best be achieved, and environmental protection, in balance with other human goals, is necessary to achieve growth that is sustainable.

In turn, versatile, dynamic, responsive and profitable businesses are required as the driving force for sustainable economic development and for providing managerial, technical and financial resources to contribute to the resolution of environmental challenges. Market economies, characterised by entrepreneurial initiatives, are essential to achieving this.

Business thus shares the view that there should be a common goal, not a conflict, between economic development and environmental protection, both now and for future generations.

Making market forces work in this way to protect and improve the quality of the environment - with the help of performance-based standards and judicious use of economic instruments in a harmonious regulatory framework - is one of the greatest challenges that the world faces in the next decade.

The 1987 report of the World Commission on Environment and Development, "Our Common Future", expresses the same challenge and calls on the cooperation of business in tackling it. To this end, business leaders have launched actions in their individual enterprises as well as through sectoral and cross-sectoral associations.

In order that more businesses join this effort and that their environmental performance continues to improve, the International Chamber of Commerce hereby calls upon enterprises and their associations to use the following Principles as a basis for pursuing such improvement and to express publicly their support for them.

Note: The term environment as used in this document also refers to environmentally related aspects of health, safety and product stewardship.

Individual programmes developed to implement these Principles will reflect the wide diversity among enterprises in size and function.

The objective is that the widest range of enterprises commit themselves to improving their environmental performance in accordance with these Principles, to having in place management practices to effect such improvement, to measuring their progress, and to reporting this progress as appropriate internally and externally.

Principles

1. Corporate priority

To recognise environmental management as among the highest corporate priorities and as a key determinant to sustainable development; to establish policies, programmes and practices for conducting operations in an environmentally sound manner.

2. Integrated management

To integrate these policies, programmes and practices fully into each business as an essential element of management in all its functions.

3. Process of improvement

To continue to improve corporate policies, programmes and environmental performance, taking into account technical developments, scientific understanding, consumer needs and community expectations, with legal regulations as a starting point; and to apply the same environmental criteria internationally.

4. Employee education

To educate, train and motivate employees to conduct their activities in an environmentally responsible manner.

5. Prior assessment

To assess environmental impacts before starting a new activity or project and before decommissioning a facility or leaving a site.

6. Products and services

To develop and provide products or services that have no undue environmental impact and are safe in their intended use, that are efficient in their consumption of energy and natural resources, and that can be recycled, reused, or disposed of safely.

7. Customer advice

To advise, and where relevant educate, customers, distributors and the public in the safe use, transportation, storage and disposal of products provided; and to apply similar considerations to the provision of services.

8. Facilities and operations

To develop, design and operate facilities and conduct activities taking into consideration the efficient use of energy and materials, the sustainable use of renewable resources, the minimisation of adverse environmental impact and waste generation, and the safe and responsible disposal of residual wastes.

9. Research

To conduct or support research on the environmental impacts of raw materials, products, processes, emissions and wastes associated with the enterprise and on the means of minimizing such adverse impacts.

10. Precautionary approach

To modify the manufacture, marketing or use of products or services or the conduct of activities, consistent with scientific and technical understanding, to prevent serious or irreversible environmental degradation.

11. Contractors and suppliers

To promote the adoption of these principles by contractors acting on behalf of the enterprise, encouraging and, where appropriate, requiring improvements in their practices to make them consistent with those of the enterprise; and to encourage the wider adoption of these principles by suppliers.

12. Emergency preparedness

To develop and maintain, where significant hazards exist, emergency preparedness plans in conjunction with the emergency services, relevant authorities and the local community, recognizing potential transboundary impacts.

13. Transfer of technology

To contribute to the transfer of environmentally sound technology and management methods throughout the industrial and public sectors.

14. Contributing to the common effort

To contribute to the development of public policy and to business, governmental and intergovernmental programmes and educational initiatives that will enhance environmental awareness and protection.

15. Openness to concerns

To foster openness and dialogue with employees and the public, anticipating and responding to their concerns about the potential hazards and impacts of operations, products, wastes or services, including those of transboundary or global significance.

16. Compliance and reporting

To measure environmental performance; to conduct regular environmental audits and assessments of compliance with company requirements, legal requirements and these principles; and periodically to provide appropriate information to the Board of Directors, shareholders, employees, the authorities and the public.

Support for the Charter

The ICC is undertaking an extensive campaign to encourage member companies and others to express their support for the Charter. It has also invited certain international organizations to provide supportive messages.

A list of these companies, and the messages received from international organizations are given in separate leaflets which are normally circulated together with the Charter. They may also be obtained from ICC Headquarters or ICC National Committees in nearly 60 countries.

The Business Charter for Sustainable Development was adopted by the 64th Session of the ICC Executive Board on 27 November 1990, and first published in April 1991.

It was prepared for the ICC Commission on Environment Chairman Torvild Aakvaag (Norsk Hydro) - by the Commission's Working Party on Sustainable Development

Chairman Peter Bright (Shell International)
Vice-Chairman W. Ross Stevens III (Du Pont)

The ICC is indebted to numerous companies and business organizations for their input in preparing the Charter. For further information on this project, contact Nipiel Blackburn at ICC Headquarters, Paris

(5)

January 31, 1991
Paris, France
OECD Ministers of the Environment Declaration

Press Release

SG/PRESS(91)9

Paris, 31st January 1991

COMMUNIQUE

ENVIRONMENT COMMITTEE MEETING AT MINISTERIAL LEVEL

AN ENVIRONMENTAL STRATEGY IN THE 1990s

OECD ENVIRONMENT COMMITTEE
at
MINISTERIAL LEVEL

COMMUNIQUE

1. The OECD Environment Committee met at Ministerial level in Paris on 30th and 31st January 1991 under the chairmanship of Mr G. Ruffolo, Minister of the Environment of Italy. The vice-chairmen were: Mr S. Upton, Minister for the Environment of New Zealand; Mr F. Nunes Ferreira Real, Minister of Environment and Natural Resources of Portugal; Mr V. Dincerler, Minister of State for the Environment of Turkey; and Mr R. de Cotret, Minister of Environment of Canada.

2. The Chairman reported on consultations held the previous day with representatives of OECD's Business and Industry Advisory Committee (BIAC) and Trade Union Advisory Committee (TUAC). Ministers and the Environment Commissioner of the European Community(*) stressed the importance of continued close co-operation with business and trade unions and the significance of the contribution that the social partners could make to the environmental efforts of nations.

3. In their statement on the environmental situation in the Gulf, Ministers condemned Iraq's recourse to the destruction of the environment as a weapon and pledged to strengthen the capacity of the international community to prevent and confront environmental disasters, taking particular account of the situation of developing countries. This would encompass, in co-operation with UNEP, the IMO and other relevant international organisations, the strengthening of international principles and agreements, and the reinforcing of technological and institutional response capacities as well as the possible establishment of liability verification and claims settlement procedures. In particular, Ministers stressed the urgency of an early and full implementation of the IMO Convention on Oil Pollution Preparedness Response and Co-operation. Furthermore, they agreed to work urgently, in co-operation with relevant United Nations and other bodies, to develop a regularly updated register of information on technological and institutional response capacities.

All subsequent references to "Ministers" also include the Environment Commissioner of the EC.

ENVIRONMENTAL POLICYMAKING IN THE 1990s

4. The international community faces formidable environmental challenges in the coming decade. OECD Environment Ministers agreed that meeting them successfully will require moving well beyond the "identify and repair" approach of the 1970s, and the "anticipate and prevent" strategy of the 1980s, into an era of environmental management based on longer-term, strategic planning and closer international co-operation.

5. Since Ministers last met in 1985, the World Commission on Environment and Development has provided a compelling, new conceptual framework for managing the world environment, based on "sustainable development". Stratospheric ozone depletion and the threat of climate change have expanded the scope of environmental concerns to global dimensions. And, there has been a worldwide movement toward market-based, democratic societies, with the political and economic reform process underway today in Eastern and Central Europe the most striking manifestation. This array of issues and conditions -- the new "environmental problematique" -- pose daunting challenges for policy-makers in OECD and other nations, but they also offer opportunities for environmental improvement which were unimaginable just a few years ago.

6. Ministers recognised that environmental policymaking in the coming decade must be particularly sensitive to international considerations. Today, decisions on national environmental issues often have direct or rippling effects that impinge on environmental or economic interests beyond national boundaries and on international investment and trade. Increasingly, environmental issues must be addressed on a bilateral or regional basis, and global-scale problems require global solutions.

7. The economics of environmental policymaking will take on special importance. Budgetary constraints on governments will require skilful use of human, financial and technical resources to ensure that, from the outset, they are targeted at the highest priority risks to human health and ecological stability. Costs and benefits of proposed environmental policies will have to be defined with more precision, over both the short and long terms, including the consequences of inaction. Full integration of environmental and economic policies will have to be pursued vigorously in all major economic sectors.

8. The challenge of the complex interaction of poverty, population growth and environmental degradation in the developing world must be attacked with new vision and policies, and with additional resources, if investments in economic development are not to be undercut, and if the developing world is to be able to join other nations in tackling global environmental threats.

9. Ministers recognised the special responsibility of OECD-nations in the international community, the pressures their economies place on the environment, their ability to bring a unique array of experience and knowledge gained from two decades of work on environmental problems around the world, as well as the financial and technological resources they command.

10. Ministers agreed that mobilising the public support and resources to pursue environmental goals successfully in the 1990s will require environmental policies that are sensitive and attuned to the broader economic and social aspirations of the citizens of each nation or region. It will also require demonstrating convincingly that a healthy environment and a healthy economy are fully compatible objectives, and that they are essential elements in a strategy for sustainable development.

THE UNFINISHED AGENDA

11. Ministers reviewed current environmental conditions and trends, drawing on a new OECD State of the Environment Report, and were encouraged by progress being made on many fronts in OECD countries. Some of the major pollutants of the air and water are in decline; advancements are being made in energy efficiency, raw materials conservation, and in waste management and disposal technologies; and forests, wetlands, wilderness areas and wildlife are under improved management in most OECD nations. Ministers felt that they are now seeing substantial dividends from past investments in environmental science and education, from technological innovation by industry, and from the impact of environmentally-conscious citizens in the marketplace.

12. Ministers stressed, however, that much remains to be done. Successes are far too limited, both in scope and collective impact. Serious air and water quality problems persist in virtually all OECD countries; fertile soils, forests, wetlands, biological diversity and coastal areas need a greater measure of protection; environmental deterioration is diminishing the quality of urban and rural life in too many locations; and millions of citizens continue to be exposed to high levels of environmental risk in the workplace. Ministers noted with concern that ground gained earlier in improving air quality in major OECD cities is being lost, and that urban residents face increasing levels of noise pollution and traffic congestion.

13. Particular concern was expressed by the Ministers about global-scale environmental problems. Ozone depletion, climate change, marine pollution, deforestation, desertification and soil degradation, and loss of biological diversity, all raise unprecedented challenges for the international community. While management costs to individual nations are likely to be high and immediate, the benefits are more difficult to establish and often will accrue only over the long term, and then possibly mainly to other nations and regions.

14. Ministers noted with deep concern that most non-OECD nations, containing the vast majority of the world's citizens, are experiencing poor and deteriorating environmental conditions. Any meaningful environmental strategy for the coming decade must squarely confront this situation.

MEETING THE CHALLENGES

15. To confront the array of local, national, regional and global-scale environmental problems in the decade ahead, Ministers agreed that OECD nations should pursue a three-part strategy: (i) *integrating economic and environmental decision-making*; (ii) *improving environmental performance at home and within the OECD region*; and (iii) *strengthening international co-operation*.

Integrating Economic and Environmental Decision-Making

16. Ministers affirmed that a key to sustainable development, and thus to ensuring sound environmental management, lies in the *full integration of economic and environmental policies*. They proposed the following principles to guide action by OECD governments:

- There is a fundamental link between economic growth and the environment. Economic and environmental policies cannot be made and implemented in isolation;
- Environmental considerations must be brought to bear systematically on economic policy-making;
- Conversely, sound economic analysis of costs and benefits and their distribution, coupled with scientific assessment of relative risks, is the optimal basis for setting priorities among environmental goals and choices;
- Compatibility between environmental and sectoral economic policies should be a central objective of policymakers; and subjected to continuous monitoring and evaluation;
- Economic instruments, used in conjunction with regulation, are important tools for achieving policy integration;
- International consultation and coordination is essential to ensure that national environmental policies, whether regulatory or market-based, do not give rise to unwarranted or inappropriate constraints to national competitiveness and international trade.

17. Ministers called for improved policy integration *in all economic sectors*. They welcomed efforts by a growing number of specialised governmental departments to strengthen their capacity for environmental analysis and planning; and urged OECD to continue to examine government policies which might conflict with environmentally sustainable development. Ministers underlined the need for governments to identify and eliminate those subsidies, taxes or other market interventions that distort the use of environmental resources, thereby impacting adversely on environmental policy objectives.

18. Ministers identified four sectors in which improved policy integration and a consistent application of the Polluter-Pays Principle offer substantial rewards:

- Energy: Economic growth, energy security and environmental protection can all be advanced through sustained progress in improving energy efficiency and conservation, developing cleaner fuels, promoting alternative and renewable energy sources, and modifying energy pricing structures. Ministers welcomed the high priority that OECD and the International Energy Agency have assigned to these needs.

- Agriculture: Both environmental and agricultural goals should be pursued within the context of agricultural reform, the goal being to move rapidly toward "environment friendlier", sustainable agricultural practices. There is particular need to introduce low-energy, low polluting systems based on new technologies; and prices for agricultural inputs that reflect more fully their environmental costs..

- Transport: Growth in the transport sector is placing heavy pressures on the environment. Policy responses are thus required which involve, inter alia, introduction of cleaner, quieter, safer and more efficient motor vehicles; new approaches to public transport; and innovative traffic management systems. Ministers welcomed the efforts of the European Conference of Ministers of Transport to promote inclusion of environmental concerns in transport policy.

- Coastal Zone Management: Conflicting demands for scarce resources in the oceans and coastal areas require comprehensive land-use planning and integrated resource management strategies. There is a need for continued and improved protection of coastal waters from pollution as well as renewed efforts to respect conservation regimes in order to ensure the sustainability of fishing resources. Environmental degradation and unsustainable fishing practices in coastal waters and on the oceans impact on living marine resources, and Ministers reaffirmed their support for international co-operation in the conservation of these resources.

19. Successful policy integration, and the attainment of sustainable development, is critically dependent on assigning prices to raw materials, goods and services that better reflect their full environmental and social costs. Ministers called upon the OECD to continue its work on pricing policy, in particular to assess the economic and environmental consequences of modified prices, including the implications for trade and industry.

20. Ministers welcomed, and strongly supported, the recent expansion in OECD countries of the use of economic instruments (e.g., taxes, charges and tradeable permits) to achieve environmental objectives. Economic instruments can provide strong incentives for technological innovation and behavioural change, and offer good prospects for achieving environmental objectives in a cost-efficient manner. *Ministers endorsed a set of "OECD Guidelines" to assist Member countries make more effective and widespread use of economic instruments.* They urged the OECD to promote and monitor their use by governments, and to carry out detailed analyses of country experiences to establish the best practical applications of various instruments, including application to transboundary and global environmental problems.

21. Tax reform may offer good opportunities for promoting the use of economic instruments. A number of OECD governments are considering changes in their tax systems specifically to achieve environmental objectives, including the introduction of environmental charges and the reduction of other taxes to increase overall efficiency and public acceptability. Ministers called upon the OECD to examine possibilities for adapting taxation systems to achieve both socio-economic and environmental objectives without excessive administrative complexity.

22. Ministers agreed that government regulation will continue to be an important tool for environmental policy-making. Regulatory approaches will, however, have to be continually reviewed and modified to keep pace with evolving approaches to environmental protection. These include the growing emphasis on comprehensive strategies, embodying such concepts as integrated pollution prevention and control, life cycle management and integrated natural resource management. Ministers emphasized the need to utilise economic instruments and regulation in an integrated, reinforcing fashion.

23. Ministers agreed that industry has a major role to play in meeting the environmental challenges of the 1990s, and were encouraged by growing evidence that environmental protection makes good business sense, even in the short term.

They welcomed the expanding use of voluntary agreements between government and industry. These can encourage enterprises to go beyond requirements of anticipated government regulation, with potentially significant benefits for society.

24. Ministers noted the growing importance of consumer opinion and consumer choice in influencing market trends, business practices and technology innovation toward environmentally friendlier products and production processes.

They agreed that industry, consumer and environmental groups, and governments should collaborate to provide reliable information about the environmental aspects of commercial products. They welcomed "eco-labelling" programmes, and encouraged the OECD to promote information exchange in this field.

25. Ministers noted the need to provide both policymakers and the public with better tools for assessing environmental conditions and tracking progress toward environmental goals. They welcomed OECD's work on environmental indicators which can depict relationships between economic and environmental variables, and noted with satisfaction efforts of Member countries to develop complementary indicators at the national level. *Ministers endorsed an OECD "Recommendation on Environmental Information and Indicators" designed to promote greater attention by governments to this subject;* and proposed that the Organisation orient its future work toward development and promulgation of key sets of indicators for national economies as a whole, and for distinct economic sectors.

26. Ministers also agreed on the desirability of expanding the System of National Accounts so that they fully reflect environmental and natural resource conditions and trends. They urged the OECD to continue its work in this field, in co-operation with the United Nations Statistical Office and the World Bank.

and to assist Member countries with a first stage effort which should include development of natural resource accounts and complementary "satellite" economic accounts, and linking them to economic analysis and forecasting models

27. International trade was singled out by Ministers for special attention. In an increasingly interdependent world, environmental policies are likely to impact on levels and patterns of trade: and there is growing use of trade policy instruments for achieving environmental policy objectives. On the other hand, trade policy can have important environmental implications. Ministers called upon the OECD to identify and analyse the key trade-environment issues, particularly in relation to GATT principles and procedures, and to report to the OECD Ministerial Council in June with initial views on how the goals of protection of the environment and a dynamic international trading system can concurrently be achieved.

Improving Environmental Performance at Home

28. Pursuing the unfinished environmental agenda will require intensified and new efforts by OECD governments across the spectrum of environmental problems confronting their societies. Recent progress must be extended and broadened to protect citizens from environmental risks to health, to conserve natural resources, to safeguard and protect important natural areas, and to help ensure

that the basic life support systems of Planet Earth are not endangered. All economic sectors must be engaged and held accountable for the environmental consequences of their activities. Responsibility must also be broadly shared among government at all levels, private industry and labour unions, the science and education communities, environmental organisations and individual citizens.

29. Ministers welcomed the development by many OECD governments of comprehensive national environmental plans. These were viewed as useful tools for setting priorities, for broadening public awareness and debate, and for promoting economic and environmental policy integration.

30. Ministers agreed on the desirability of reviewing more systematically the performance of individual OECD countries in meeting domestic environmental policy objectives and international commitments. They welcomed OECD's recent decision to include environment as a structural reform topic in its country economic reviews. The Ministers endorsed, as a major new initiative, the redirection of efforts by the OECD to start environmental policy performance reviews of Member countries. Ministers agreed that the initial phase should involve an elaboration of the scope, objectives, resource implications and modalities of such a review programme, and a comprehensive gathering of comparable information on policies and conditions in Member countries to establish a baseline, reflected in indicators.

31. Ministers also invited the OECD to examine other ways in which governments of Member countries might appropriately strengthen their environmental performances in the 1990s. Aspects to be considered include: management of government-owned or -operated facilities; procurement policies for goods and services; product labelling programmes; environmental impact assessment; and government interaction with private sector institutions and the public. This might lead to a set of common "guidelines" for good environmental practices by governments.

32. As a cornerstone of an OECD country environmental strategy for the 1990s. Ministers committed themselves to work toward a significant reduction of the overall pollution burden in the region over the decade. They felt that new pollution control strategies and emerging "cleaner" technologies offer good possibilities for significant progress in the years immediately ahead.

33. In that regard, Ministers attached great importance to strengthening efforts to reduce risks from man-made chemicals in the environment. They noted with satisfaction OECD's long-standing programme to ensure that chemical testing is carried out effectively and efficiently, and to develop principles and methodologies for chemical risk assessment and reduction. Ministers agreed that this work should be accelerated, in co-operation with Member governments and with industry, to reduce further the adverse environmental and human health effects of selected chemicals of concern, taking into account the economic consequences as well as the risks of proposed substitutes.

34. Ministers assigned high priority to the reduction of hazardous air pollutants, particularly in urban areas. They invited the OECD to work toward a comprehensive and integrated control strategy for Member countries which could be extended internationally, taking into account best available control technology and their different environmental conditions. This should be carried out in close coordination with other international organisations.

35. Ministers emphasized the important role technology must play in meeting future environmental challenges, noting that OECD countries have a unique capability for technological innovation and diffusion that must be brought to bear more forcefully in the quest for "clean" economic growth. They welcomed OECD's new "Programme on Technology and Environment" which is examining policies governments might use to stimulate and assist the private sector to introduce cleaner technology; and also the high priority that the International Energy Agency has assigned to energy technology innovation and diffusion. Other Areas where innovative technology could yield important benefits include: development and application of safe biotechnology to environmental management; prevention of accidents involving hazardous substances; waste minimisation; energy efficiency; and the acquisition of improved environmental information by space technologies.

36. Ministers stressed the importance of the Life Cycle Management concept for reducing environmental risk and conserving natural resources. By assessing the entire life cycles of substances and products, a basis can be established for identifying those parts of the life cycle where pollution and waste can be controlled in the most cost-effective manner.

37. To provide direction and impetus for an intensified attack on the pollution burden in OECD countries in the decade ahead, Ministers endorsed three new OECD Acts:

- i) *"Co-operative Investigation and Risk Reduction for Existing Chemicals"* -- calls on Member countries to cooperate in evaluating and reducing risks from certain selected chemicals.

- ii) "*Integrated Pollution Prevention and Control*" recommends more comprehensive approaches to environmental management, including integration of risk reduction measures and consistency in legal, administrative and institutional approaches.
- iii) "*Reduction of Transfrontier Movements of Wastes*" requires OECD countries to take further steps to limit transfrontier waste movements, to work toward disposal in their own territories, and otherwise co-operate in additional measures to achieve environmentally sound waste management.

38. Ministers reaffirmed that the precautionary principle will guide their approach when confronted by threats of serious or irreversible environmental damage, i.e., that lack of full scientific certainty will not be used as a reason for postponing measures to prevent environmental degradation. At the same time, they agreed on the central role that science plays in environmental

decision-making, and that OECD governments should strengthen their efforts to support and encourage the international science community to assess environmental risks to human health and natural ecosystems, and to promote a full and open exchange of environmental data and information.

39. Well-educated voters, consumers and citizens-at-large are crucial to successful environmental management in democratic societies. Ministers attached high priority to expanding and strengthening environmental education at all levels, in particular to ensure that young people, and the future generations they represent, are sensitive to environmental values and risks. They also noted the important role that non-governmental environmental organisations are playing in promoting informed public opinion about environmental issues and values, and in helping governments identify and evaluate policy options.

International Co-operation

40. OECD Environment Ministers agreed that strengthening co-operation with non-Member countries must be a central element of their strategy for the 1990s. They believed that it is essential to help other nations with environmental rehabilitation and protection; to support their efforts to integrate environmental and economic development policies; and to encourage and assist their co-operation in confronting regional and global-scale environmental problems. Such co-operation and support is to the mutual benefit of all countries, and should be seen as an extension of national environmental policies in a regional and global perspective.

41. Ministers were united in their strong commitment to help the nations of Eastern and Central Europe deal with the extremely serious environmental problems they face. It is important that environmental goals are integrated into the process of economic-reform at the outset, rather than addressed later as "add-ons". Ministers believed that OECD, by virtue of its considerable experience with policy integration, is well placed to contribute, particularly through its new Centre for Co-operation with European Economies in Transition.

They also urged OECD to strengthen its co-operation with the UN Economic Commission for Europe to pursue regional environmental policy coordination, including the possible conduct of policy reviews.

42. Ministers welcomed the roles being played by the G-24 PHARE Programme, the European Communities, the World Bank, the CSCE and the UNECE in supporting environmental rehabilitation in Eastern and Central Europe. They also welcomed the inclusion of environmental improvement in the mandate of the new European Bank for Reconstruction and Development. Given the need to ensure maximum impact from available financial and technical resources, Ministers considered it important to achieve an efficient division of labour among the bilateral and multilateral institutions which will be providing environmental assistance.

43. Ministers agreed that OECD private sector institutions have good opportunities, and also the responsibility, to contribute to environmental improvement through their engagements and investments in non-Member countries. Industrial firms, in particular, should develop and abide by codes of conduct that require high standards of environmental protection, and also demonstrate in their activities that clean economic growth is possible.

44. Ministers welcomed recent efforts by OECD countries to expand support for environmental assistance to developing countries. They stressed that all programmes and projects of bilateral and multilateral development organisations should be consistent with sustainable development goals, and that systematic application of environmental impact assessment instruments is essential.

45. Ministers agreed that OECD governments must confront, with new commitments and adequate resources, the pressing issues of resource availability and technology transfer for environmental improvement in developing countries. In this regard Ministers welcomed the provision of additional funds, inter alia, within the framework of the World Bank/UNEP/UNDP Global Environment Facility, the establishment of a special fund under the Montreal Protocol on Stratospheric Ozone Depletion and the expanding use of "Debt-for-Nature-Swaps", all designed to help developing countries participate in addressing environmental problems. They emphasized the need for any such funding mechanism to make rational use of existing professional and administrative resources. They stressed, at the same time, the importance of continuing to reinforce existing international financial institutions to support environmental management in non-OECD countries.

46. The Environment Ministers indicated that they will join OECD Development Co-operation Ministers in an examination of these and other key issues within the broader context of how environment and development goals can be concurrently advanced in the 1990s. This will be launched with a Joint High-level Meeting on Development and Environment the day following this Ministerial (1st February 1991), followed by a joint ministerial-level meeting in December 1991.

47. International co-operation is critical to coping successfully with global-scale environmental problems and risks in the 1990s and beyond. None can be solved by OECD nations working alone, or even collectively. Ministers noted that their governments are addressing the issues through the United Nations Environment Programme and in a variety of other international fora, as well as through their domestic programmes, but agreed that these efforts must be strengthened.

48. Ministers welcomed the successful outcome of the Second World Climate Conference. They pledged their support for the development of an effective framework convention on climate change containing appropriate commitments, and any related instruments as might be agreed on the basis of consensus, in time for signature in 1992 in Brazil at the UN Conference on Environment and Development. They agreed that OECD can play an important role by helping clarify the economic aspects of the climate change threat and possible response strategies; and they welcomed OECD's current effort to model the likely

macro-economic consequences, for different nations and regions, of alternative approaches to reducing emissions of carbon dioxide. Ministers emphasized that, to cope successfully with the threat of climate change, the industrialised countries must take the lead by reducing their contributions to global net emissions of greenhouse gases, and by co-operating with developing countries to enable them to take the necessary measures to address climate change and to control emissions of greenhouse gases in ways consistent with their economic development.

49. Ministers pledged their strong support for the 1992 United Nations Conference on Environment and Development. This event will provide an opportunity for a renewal of international commitment to sound environmental management, and to seek a consensus on goals and priorities for the 1990s and beyond, as a basis for agreed commitments for concrete action. They urged the OECD to contribute its experience and insights in the environment and development fields, particularly with respect to their interrelationships and policy integration.

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50. Ministers agreed to review at their next meeting the work called for at this meeting, and to re-examine OECD environmental strategy in light of the outcome of the 1992 United Nations Conference on Environment and Development.

(6)

February 26, 1991
Espoo, Finland
Espoo Ministerial Declaration
Economic Commission for Europe (ECE)

ESPOO MINISTERIAL STATEMENT

The ministers and Senior Officials attending the Fourth Session of the Senior Advisers to ECE Governments on Environmental and Water Problems at Espoo (Finland) from 23 to 26 February 1991, in the light of the Charter of the 1990 Paris CSCE Summit Meeting, in order to foster international co-operation and co-ordination in the field of the environment to accelerate mutual assistance and to reinforce the work of Senior Advisers on Environmental and Water Problems :

1. Give their full support to the implementation of the ECE Convention on Environmental Impact Assessment in a Transboundary Context and the Resolution related to this Convention. Thereby they emphasize the necessity to co-operate on an interim basis on such questions as may be deemed important pending the entry into force of the Convention. They also stress the usefulness of bringing closer together their national policies and strategies in relation to environmental impact assessment.

2. Stress the role of the United Nations Economic Commission for Europe as a forum for developing regional environmental policies. They reiterate with appreciation the decision 0 (45) by the Commission on the activities of the United Nations Economic Commission for Europe, whereby the Commission reconfirmed the environment to be among its priority areas. They agree on the priority accorded to the implementation of, and to follow-up activities related to, the international legal instruments which have already been adopted or are under negotiation by Senior Advisers on Environmental and Water Problems, namely the Convention on Long-Range Transboundary Air Pollution and the Convention on Environmental Impact Assessment in a Transboundary Context, as well as the draft Convention on the Protection and Use of Transboundary Watercourses and International lakes and the draft Convention on Transboundary Impact Assessment of Industrial Accidents.

3. Express their support for the ongoing work of the Executive Body for the Convention on Long-Range Transboundary Air Pollution, on the development of additional international agreements to further reduce sulphur dioxide and nitrogen oxides emissions as well as of a protocol on VOC emission control on its ninth session.

4. Stress the importance of harmonized improvements of the environmental situation for the ECE region. In this respect they emphasize the importance of different bilateral and multilateral assistance programmes, and of the activities of the ECE, aimed at the reduction of environmental pollution and the promotion of sustainable development in countries with economies in transition, and note the contribution they have to make in promoting the reform and integration or reintegration of these countries with the

economies of the ECE region and therefore with the global economy.

5. Stress the importance of addressing regional environmental problems through the United Nations Economic Commission for Europe. To this end they consider it important, on the basis of the Bergen Ministerial Declaration and the ECE decision 0 (45), to integrate further environmental considerations into the work of the relevant bodies of the United Nations Economic Commission for Europe, and to reinforce the work of the Senior Advisers on Environmental and Water Problems.

6. Agree that the Senior Advisers on Environmental and Water Problems, when developing a revised environmental agenda in accordance with ECE decision 0 (45), should take into account the following measures aimed at promoting the implementation of the Bergen Ministerial Declaration, the principles and proposals contained therein and pertinent decisions of ECE, including :

a) The integration of environmental and economic objectives and policies;

b) Fostering the linkages between environment, technology, transport and energy policies;

c) The accelerated application of up-to-date and new environmental technologies;

d) Steps to attack pollution at source by shifting from pollution control to waste and pollution minimization;

e) Monitoring the state of the environment throughout the ECE region in close co-operation with appropriate international bodies such as the European Environmental Agency (EEA);

f) Promoting the use of economic instruments;

g) Improvements in public participation and public awareness raising;

h) Enhanced access to environmental information;

i) Steps to strengthen the implementation of and to enhance co-ordinated international commitments developed within the ECE, the monitoring of compliance with such commitments and mutual assistance.

7. Welcome the recommendation in the January 1991 OECD Ministerial Communiqué to co-operate closely with the OECD to extend the proposed OECD environmental policy performance reviews to the rest of the ECE region.

8. Give their full support to the enhancement of regional environmental co-ordination and co-operation between ECE and such organizations and institutions as the Conference on Security and

Co-operation in Europe (CSCE), the Organization for Economic Co-operation and Development (OECD), the European Economic Community (EEC) and the Council of Europe (CE) in particular. In this respect they stress the importance of the role played by EEC in implementing relevant decisions in the field of the environment made by the States participating in the CSCE and welcome the mutually beneficial co-operative arrangements between the ECE and OCDE. Furthermore, they consider it advisable, in due course, to study in more detail in which fields, and how, the co-ordination and co-operation could best be pursued to ensure a meaningful decision of labour in the field of the protection of the environment in the ECE region.

9. Recognize fully the special responsibility of the ECE member countries in relation to global environmental problems and are ready to take a lead in the effort towards solving these problems and to assist developing countries in their environmental and development efforts focusing their intervention on the 1992 United Nations Conference on Environment and Development and, in particular, on the desirability of completing the framework convention on climate change in time for signing at that Conference. In this context, they give their full support to the full involvement of non-governmental organizations in co-operation on environmental issues at national, regional and global levels.

PREFACE

Environmental issues are at forefront of the international agenda. Every month, new and important declarations and agreements are reached in international bodies, dealing with environmental issues. Keeping up with the pace of international environmental diplomacy is a challenging task.

In August 1990, we released our first reference book of environmental declarations and agreements entitled "The International Environment". The response to this initiative was so positive that we have decided to bring out a second volume, covering new declarations and agreements reached in the past twelve months. The following volume is not intended to be exhaustive or definitive. However, we hope that both students and practitioners of environmental diplomacy will find it a useful reference guide.

Environment Division,
Department of External Affairs
and International Trade,
Ottawa

August 1991

TABLE OF CONTENTS

I- STATEMENTS AND DECLARATIONS

- (1) October 16, 1990
Bangkok, Thailand
Economic and Social Commission for Asia and the Pacific
Ministerial Declaration (ESCAP)
- (2) October 23, 1990
Port Of Spain, Trinidad And Tobago
Ministerial Statement and Accord
- (3) November 8, 1990
Geneva, Switzerland
Second World Climate Change Conference
Final Statement and Ministerial Declaration
- (4) November 27, 1990
Paris, France
The Business Charter for Sustainable Development
International Chamber of Commerce (ICC)
- (5) January 31, 1991
Paris, France
OECD Ministers of the Environment Declaration
- (6) February 26, 1991
Espoo, Finland
Espoo Ministerial Declaration
Economic Commission for Europe (ECE)
- (7) March 7, 1991
Mexico City, Mexico
Tlatelolco Platform
Economic Commission for Latin America and the Caribbean
(ECLAC)
- (8) April 23, 1991
Tunis, Tunisia
Declaration of Francophone Ministers of the Environment
- (9) June 3, 1991
Paris, France
International Energy Agency Ministerial Declaration (IEA)
(paragraphs on the environment)
- (10) June 5, 1991
Paris, France
OECD Ministerial Declaration
(paragraphs on the environment)

(7)

March 7, 1991
Mexico City, Mexico
Tlatelolco Platform
Economic Commission for Latin America and the Caribbean
(ECLAC)

Tlatelolco Platform On Environment and Development

Meeting at Mexico City from 4 to 7 March 1991, the ministers and representatives of the Latin American and Caribbean countries members of ECLAC participating in the Regional Preparatory Meeting for the United Nations Conference on Environment and Development:

1. Reaffirm the significance of United Nations General Assembly resolution 44/228 concerning environment and development in the search for a new, just and equitable international order, as well as that of resolutions 45/211 and 45/212; also reaffirm the Declaration of Brasilia and the call for action made by the Seventh Ministerial Meeting and request the countries of the region, the developed countries and international bodies to give the firmest support to the implementation of the Action Plan for the Environment in Latin America and the Caribbean; and welcome the ECLAC document El desarrollo sustentable: transformación productiva, equidad y medio ambiente (Sustainable development: productive change, equity and environment), and the report of the Commission on Development and Environment in Latin America and the Caribbean entitled Nuestro propia agenda (Our own agenda);

2. Express their deep concern at the marked deterioration in the state of the environment and the serious degradation of global ecosystems which have occurred in the 20 years since the adoption of the Stockholm Declaration, a degradation which is closely linked to the unsustainable development models that have prevailed, particularly in the developed countries;

3. Emphasize the region's significant achievements in strengthening democratic processes, preserving peace and promoting respect for human rights;

4. Recognize that, despite the great efforts made to overcome the economic crisis, the underlying causes of the region's economic and social problems, including the problem of external debt, continue to exist, leading to an alarming decline in the living standard of the majority of the population and an increase in subsistence below the poverty threshold, as well as a deterioration in the quality of the environment. Without a just and lasting solution to the problem of external debt, the Latin American and Caribbean countries will be unable to achieve economic and social development that is sustained and environmentally sustainable;

5. Also recognize the specific characteristics and vulnerability associated with the size of the small island States in respect of the vicissitudes of the global environmental and economic climate;

6. Emphasize that the sustainable development which is needed to reverse this degradation requires an effort involving the entire international community. The main input to this effort must come from the regions that are more highly developed and have greater resources, on the basis of their greater responsibility for the global process of environmental degradation;

7. Stress that, in the context of this global effort, the region highlights the contribution it can make to the protection and enhancement of the environment in view of its resource potential, and undertake to prevent further degradation for the sake of present and future generations;

8. Recognize the need to strengthen horizontal technical co-operation, support the adoption of regional agreements and give the region a greater role in solving regional and global environmental problems;

9. Also emphasize that the environmental dimension is an integral part of the development process and hence cannot be considered separately and that, in addition to internal efforts, a favourable international economic climate is essential if such development is to be environmentally sustainable;

10. Assert that the promotion of sustainable development is incompatible with the imposition of environmental and economic conditions and restricted access to technology. The international commitment to the protection and enhancement of the environment requires that access to environmentally sound technologies should not be on commercial terms. They also emphasize that the bulk of the cost of transferring environmentally sound technology should be borne by the developed countries;

11. Affirm that environmental issues should not serve as unjustified barriers to international trade;

12. Assert that international, regional and subregional legal instruments for solving global environmental problems should include provisions regarding the effective transfer of technology, institutional arrangements to strengthen the mechanisms comprising the environmental dimension in development, specific financing machinery and concessional financial resources, so as to enable the developing countries to fulfil their commitments;

13. Express their belief that the United Nations Conference on Environment and Development offers a unique opportunity for reaching appropriate agreements ensuring the transfer of environmentally sound technologies and the flow of new and additional financial resources with the aim of enabling the developing countries duly to incorporate the environmental dimension in their development goals and plans;

14. Emphasize the need to promote scientific and technological research and development in order to strengthen national and regional capacities for the management of technologies for sustainable development; reaffirm the desirability of carrying out global and sectoral research projects aimed at clearly identifying the obstacles impeding development and access to such technologies; consider that, in these areas, institutional and organizational bases and scientific and technological information systems should be improved; and propose the establishment of a special international fund designed to ensure access by the developing countries to the transfer of environmentally sound technologies and to strengthen their endogenous capacity;

15. Consider that it is essential to develop capacities for training human resources with emphasis on specializations relevant to the management of the region's natural resources, in terms of potential, use and conservation;

16. Emphasize that the solution of environmental problems and the promotion of sustainable development at the national level are to a large extent dependent on international co-operation, including financing. In this connection, they call for the establishment of a special fund to provide the developing countries with new and additional resources on concessional terms

to enable them to implement environmentally sound development programmes and projects in accordance with their national development objectives, priorities and plans. Contributions to this fund should not be diverted from resources currently assigned to international co-operation for economic development. They stress that the eligibility criteria for financing the implementation of such programmes and projects should not be based exclusively on the yardstick of per capita income currently used by the multilateral financing institutions;

17. Agree that present patterns of production, distribution and consumption which are prevalent primarily in the developed economies must be redesigned to enable our countries to improve their standard of living and quality of life and to ensure conformity between greater productive efficiency and the principles of environmental enhancement and social equity;

18. Stress that joint action to combat poverty, particularly extreme poverty, requires far-reaching changes in economic and social policies. Efforts to link environmental enhancement and development must also recognize local and global responsibilities and take account of the close interrelationship between poverty and environmental deterioration. These efforts will be successful to the extent that they are the result, inter alia, of access to decent living conditions, adequate levels of social organization and political representation and the genuine participation of the population in the definition of its own development;

19. Recognize that the sound management of the environmental heritage is a basic condition for economic growth and sustainable development. Retrospective and prospective methods must be studied in order to assess the value of the environmental heritage and its deterioration;

20. Agree that it is necessary to supplement existing national instruments for environmental monitoring and regulation in the region by broader economic and financial measures, policies and incentives which incorporate in decisions in all sectors the social and environmental costs of each sector's activities and which are in keeping with the economic, social and environmental objectives of development;

21. Recognize that, in view of the essential need for the active commitment of all sectors of society in order to promote environmental protection and enhancement and sustainable development, it is necessary to encourage the co-ordinated participation of non-governmental organizations and other sectors of society in the preparations for the Conference and in the Conference itself, as well as in the fulfilment of its mandates;

22. Point out that current development models have overlooked the importance of cultures that have evolved separately from such models. In order to achieve sustainable development, the importance of these cultures has to be fully recognized, since they have acquired broad knowledge of the natural world and developed methods for its sustainable use and management;

23. Affirm that the United Nations Conference on Environment and Development should, throughout its preparatory process, as well as during the related international negotiations, particularly those designed to solve global environment problems; ensure, inter alia, compliance with the following: principle 21 of the 1972 Stockholm Declaration on respect for the sovereignty of countries over their natural resources and all their economic

activities; the inclusion of the environmental dimension as a basic component of the process of sustainable and equitable development; the interdependence between global and local problems, particularly social, economic and environmental problems; the rejection of the imposition of economic and environmental terms and conditions; shared responsibility; and the principle of precaution;

24. State that, in the light of decision 1/25 of the Preparatory Committee for the United Nations Conference on Environment and Development and the matters to which it refers, the following environmental topics are of fundamental importance for the Latin American and Caribbean region and must therefore be dealt with by the Preparatory Committee, as well as by the Brazil Conference:

(a) Protection of the atmosphere and climate change

The Latin American and Caribbean countries base their participation in the solution of global environmental problems which affect the atmosphere on consideration being given to the fact that they have little responsibility for causing such environmental problems. Participation in any agreed solution must be in keeping with the economic and technological resources that are available to the developing countries;

The negotiation of a framework convention on climate change to be adopted by the United Nations Conference on Environment and Development and based on the best scientific evidence available must be designed to minimize the man-made causes of climate change and its possible adverse effects. While such effects may be extremely far-reaching, archipelagos, islands and countries with low-lying coastal areas in Latin America and the Caribbean will be among the most vulnerable;

As part of these joint efforts, account must be taken of the relative importance of greenhouse gas sources and sinks and obligations under the convention must be stated in terms of the contribution of these two components to the problem or its solution;

The convention must be in agreement with the primary responsibility of the developed countries for the net concentrations and emissions of greenhouse gases in the atmosphere and the effects caused by transboundary pollution. It must also recognize the need for the developing countries to use their natural resources in an environmentally sustainable manner in order to improve the standard of living and quality of life of their populations in an environmentally sustainable way;

In the framework of the Vienna Convention and the Montreal Protocol and the amendments thereto, the region must focus its goals on the basic purpose of finding substitutes for ozone-depleting substances and, in this regard, it must have all the necessary financial and technical assistance to carry out scientific and technological programmes without contracting any new external debts;

(b) Biodiversity and biotechnology

The Latin American and Caribbean region attaches great importance to the conservation and sustainable management of its ecosystems in order to preserve their biological diversity, a basic and sovereign component of the national heritage of the countries to which it belongs;

Knowledge of biodiversity, both at the scientific and grass-roots levels, is part of the scientific and cultural heritage of every nation; its international use must therefore be properly regulated and monitored by the country of origin. The region should urge the adoption in international bodies of legal instruments designed for the protection of the genetic, population and ecosystem heritage, as well as the regulation of trade deriving from it;

Biotechnological advances and the economic potential for the exploitation of biodiversity make it necessary to have an international agreement which will establish transparent mechanisms, subject to the express consent of the country to which the original genetic resources belong as far as controlled access and their commercial or scientific use are concerned. These mechanisms must also include specific provisions on the equitable sharing of the benefits of such use. The developing countries must also have access on concessional terms to biotechnological advances, as well as to knowledge, for biological and ecological security purposes, of existing technologies;

An agreement on the conservation of biological diversity must include obligations for the conservation of biodiversity and benefits and obligations relating to biotechnology;

(c) Protection and management of land resources

The problem should be approached from the point of view of the integrated, forward-looking and long-term planning and management of the environment on the basis of the principles of the environment-development relationship and public interest;

Plans relating to specific resources, areas and activities in this regard must focus on and be in conformity with the broad lines of national economic and environmental management plans in order to ensure harmonious land use;

Problems of deforestation, desertification and drought require integrated measures which recognize the sovereignty of countries over their natural resources, but which reverse these processes and guarantee the conservation and management of ecosystems;

Forests

The economic and ecological potential of southern, temperate, tropical and northern forest ecosystems must be the focus of discussions aimed at agreement on multilateral measures for the protection of these natural ecosystems and support by countries for their sustainable management;

The measures, which will not necessarily be compulsory, will supplement the international instruments relating to the forest/climate and forest/biodiversity interrelationship on which specific legal instruments are being negotiated;

The measures will relate to the economic development of forestry resources, the needs of populations which are dependent on these resources and strategies for the rational use, protection and reclamation of these ecosystems, including support for the participation of local communities. To this end, international co-operation machinery, including funding machinery and transfers of technology, should be set up to support these activities;

Forestry management has to be a priority objective of activities to prevent deforestation, to be taken into account in the negotiations and in agreements on financing for the use and conservation of forest ecosystems. Trade in timber and non-timber products must originate in forests managed sustainably according to each country's criteria;

(d) Soil degradation

(acidification, erosion and salinization)

The serious process of soil degradation affects all countries in Latin America and the Caribbean to some extent. It is the result of unsuitable rural and agricultural development patterns in which the main characteristics are overcropping in order to maximize short-term income and, in the case of the peasant sectors, in order to survive. Soil degradation processes are clearly made worse by the technologies chiefly applied, both in systems for intensive land use and in the processes for expanding the frontiers of agriculture. Greater support for developing countries to prevent and combat soil degradation must be a priority in international action, through technical co-operation, the transfer of and support for generating local environmentally sound technologies and through scientific research, the training of human resources and financing;

(e) Protection and management of oceans, seas and coastal areas

A feature of the region is the wide variety of marine, coastal and ocean resources that can be used for the benefit of the population. The deterioration in marine and coastal resources that is the result of unsound use and of marine and land-based pollution constitutes a serious problem for coastal and riparian States which depend on these resources in order to achieve socio-economic goals and development aims. Hence, the Greater Caribbean and South-East Pacific Regional Seas Programmes, together with other regional co-operation programmes, such as the South Atlantic Programme, should be strengthened, as should the tools in existing legal agreements;

It is necessary to optimize the benefits of using these resources for development and at the same time to minimize misuse. To this end, there is a need:

(i) To draw up an inventory of the region's living and non-living resources in order to assess their potential and the possible extraction indices;

(ii) To establish "special areas" on the basis of the characteristics of the resources, their dynamics, sensitivity and possible uses of such resources, together with their degree of dependence;

(iii) To engage in a regional and international interchange of data from national stations systematically monitoring changes in coastal dynamics;

(iv) To develop appropriate technologies between developed and developing countries for activities such as aquaculture, desalinization, ocean-floor mining, etc., including the implementation of the principle of "precaution" and the "clean technologies" approach;

(v) To foster the ties and relations between regional and sub-regional programmes and organizations and to develop scientific, technical and financing capacity to carry out and guide research, follow-up, exchange of information and technical assistance for appropriate management of marine and coastal resources;

(vi) To support the establishment of regional marine technology centres for the purpose of the joint development of environmentally compatible technologies for the sustainable development of the region;

(vii) To promote the use of integrated management approaches for marine-coastal areas and resources;

(viii) To prohibit the dumping of toxic waste in the seas and oceans and to devise mechanisms for the protection of these resources against use by third States;

(ix) To urge the international community to establish co-operation mechanisms for the conservation and optimum use of marine resources that are in areas under the sovereignty or jurisdiction of two or more riparian States or are in the high seas;

(x) To promote a worldwide agreement on the protection of the marine environment against land-based pollution, taking into account more particularly the responsibility assigned to the Regional Economic Commissions by General Assembly resolution 44/228, among others;

(f) Protection of freshwater quality and supply

The need to protect the quality and supply of freshwater is vital to the countries of the region. Consequently, it is essential to take measures to protect and preserve water resources and water development sites, for which purpose the following are proposed:

(i) The financing and implementation of basin management plans for the rational development of natural resources and improvement of the conditions of the population of such areas;

(ii) The formulation of regional strategies and programmes for the conservation and integrated development of water resources that will guarantee a balance between economic growth, the preservation of the environment and the management of national and international basins, as a safeguard for sustainable development;

(iii) The identification of water availabilities and potential supplies and the assessment of the environmental repercussions of their use;

(iv) The formulation of research and monitoring programmes to abate or eliminate the pollution of freshwater resources;

(g) Eradication of poverty in human settlements

For the purposes of coping with critical poverty and its link with environmental degradation at the national level, it will be essential to recover the rate of growth, embark on structural reforms and alter economic and social policies. It is a priority matter to supply appropriate and expeditious health and education services and to improve housing and allied services in urban and rural areas;

Over and above endogenous efforts to eradicate poverty, international co-operation and agreement are required in the various interrelated areas of trade, external debt, additionality of financial resources and transfer of technology;

(h) Urban development and the environment

The towns and cities of Latin America and the Caribbean generally have inadequate resources, and this means insufficient basic services, high rates of marginality and a deteriorating urban environment. On the basis of physical planning and management, the financing mechanisms for sustainable development should help to raise the standard and quality of life in urban and rural settlements;

In this context, the new financing mechanisms for sustainable development should give appropriate priority to this problem in housing, sanitary conditions (drinking water supply and sewerage systems), elimination of solid and liquid waste, and air pollution;

(i) Environmental management of wastes, particularly toxic or hazardous wastes

The regional agreements complementing the Basel Convention must be given priority attention in respect of follow-up machinery and the prevention of the illegal traffic in toxic and hazardous products and wastes, which is a potential threat to the environment of the region and, in general, to the developing countries;

To ensure that the problem is dealt with properly, it will be necessary to adopt as soon as possible a protocol to the Basel Convention establishing appropriate procedures regarding liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes;

Considering that the developed countries continue to export to the developing countries harmful or hazardous substances, products, processes and technologies prohibited in the countries of origin, a mechanism should be established to prohibit them being marketed;

25. Reiterate their readiness to continue their endeavours and arrive at concrete and positive results in the negotiations held in the Preparatory Committee and request the Secretary-General of the Conference to take into account the proposals contained in this Declaration relating to the preparatory process and to the preparation of documentation for the Conference;

26. The participants thank the people and Government of Mexico for their generous hospitality and for the extensive facilities provided, which contributed to the success of the meeting.

(8)

April 23, 1991
Tunis, Tunisia
Declaration of Francophone Ministers of the Environment

The Tunis Declaration on the Environment

The Ministers and authorities responsible for the environment in states and governments using French as a common language, having met in Tunis on April 22 and 23, 1991, and representing countries that extend over the most varied ecological systems of Europe, North America, the Caribbean, the Mediterranean Basin, Africa, Asia, the Indian Ocean and the Pacific;

Call to mind the resolution adopted in Dakar in May 1989 by their heads of State and government in which they undertook to promote sustainable development;

Denote their desire to fulfill this commitment which connects the environmental concerns of each country to those of the planet and the objectives of protection to those of development, desiring to promote the welfare of present generations without compromising that of future generations.

Affirm their aspiration towards universal respect for the environment, and towards greater solidarity, and their attachment to the environmental rights and obligations of states and population groups, reflecting the values of the Francophone community;

Express the desire to plan their activities in the context of their cultural diversity.

Conscious of the absolute necessity that each state and government concerned outline its environmental policy, affirm their support and their adherence to the following basic principles:

- the right of citizens to enjoy a quality environment;
- the participation of population groups in the process of making decisions that affect the environment;
- the obligation of prevention and precaution;
- the need to evaluate environmental impacts, including transboundary impacts, at each stage of development;
- the responsibility of those who damage the environment;
- each country's obligation to take the required measures to avoid polluting the environment of another;
- application of the "polluter pays" principle;

- placing the responsibility on the user of natural resources;
- developing renewable resources according to practices and standards that will ensure their preservation.

Recognizing that deterioration of the environment, combined with deterioration of the terms of trade and population pressure in the developing countries, is both a cause and a result of poverty, conscious of the constraints placed by indebtedness on development policy, affirm their solidarity:

- by undertaking to mobilize, wherever possible, the additional resources required to enable the developing countries to face the global threats to the environment;
- by adopting the principle of debt conversion and by promoting this principle in the appropriate international bodies, in order to channel as many resources as possible into protection of the environment in the developing countries;
- by promoting better control of urban growth, in harmony with the development of rural space, rational management of coastlines and the marine environment, and an effort to minimize regional disparities;
- by seeking to ensure respect for international and regional conventions, in particular those concerning hazardous wastes and marine pollution, and by cooperating toward their application.

Have decided to work toward the following:

- preparing and implementing national environmental action plans and conditions required for sustainable development, and mobilizing national and international resources for this purpose;
- contributing toward solving planetary and regional problems by participating actively in current and future projects concerning them;
- devoting, collectively, at least five percent of their territory toward safeguarding the heritage, placing emphasis on the conservation of ecosystems and the diversity of species, in a context of sustainable development;
- reinforcing national institutions responsible for the environment;
- supporting policies of rational management of heritage and especially of rare natural resources;

- cooperating toward controlling and transferring environmental technologies;
- establishing a procedure for notification and consultation in cases where the environment of another state is likely to be affected by a development project;
- improving the conditions of participation for non-government organizations (NGOs) and decentralized or local groups;
- encouraging the introduction of instruction on the environment and development in school programs, assisting in developing extra-curricular programs to sensitize, inform and teach population groups, planners and decision-makers to promote environmental research and studies.

Undertake to enhance their cooperation with the United Nations system, in particular in the light of the 1992 World Conference on the Environment and Development and the international conventions and agreements prepared with this in view.

Are attentive to the various world and regional bodies involved and toward those which are or which may be involved in environment-related negotiations.

Adopt the first action plan attached to this Declaration:

(see previous pages)

Convergent Diversities

"You represent one in four of the world's countries. Our sharing a common language, and even more our adopting a common message, will open up the channels of communication between us.

It will be recalled that our exceptional diversity has brought us together here in Tunis around some issues of crucial importance to peace, development and the future of the human family."

Jean-Louis Roy
Secretary-General of the ACCT
Tunis, April 22, 1991

(9)

June 3, 1991
Paris, France

International Energy Agency Ministerial Declaration (IEA)
(Paragraphs on the environment)

INTERNATIONAL ENERGY AGENCY
Meeting of the Governing Board at Ministerial Level
June 3, 1991

Energy and the Environment: Ministers reaffirmed their strong commitment to develop integrated policies which further the objectives of energy security, environmental protection and sustainable economic growth. They welcomed the progress that OECD countries have made in this regard, particularly the heightened attention to the environment expressed in all sectors of the economy and society. Ministers especially addressed the challenge that the issue of global climate change poses for the energy sector.

IV. ENERGY AND ENVIRONMENT

22. Ministers reaffirmed their strong commitment to address energy-related environmental problems nationally and internationally. They emphasized that action is needed, not only to address conventional pollutants and greenhouse gas emissions, but also the problems related to siting of new energy facilities. Ministers, underscored the need to find the most cost-effective means for doing so, and to develop policies which harmonize approaches relating to the full range of environmental concerns, in a manner consistent with the need for diversified energy supplies and unfettered international trade in energy. Ministers instructed the IEA to continue to assess the possibilities and implications of intensified development and implementation of policies bearing upon energy and environment concerns, particularly policies to promote energy efficiency.

23. Ministers discussed the challenge that global climate change issue poses for the energy sector, and reaffirmed their commitment to meet this challenge. They noted the significant work undertaken by the IEA and its contribution to the first assessment report of the Intergovernmental Panel on Climate Change (IPCC). They requested the IEA, working closely with the OECD, to continue to assist the IPCC and the Intergovernmental Negotiating Committee on a Framework Convention on Climate Change (INC) by providing the results of its analytical work. In this regard, they highlighted the importance of the IEA's ongoing work on emissions inventory methodologies and databases, and its analyses of policy instruments and technologies relating to major energy sectors, such as transport and electricity, and of important responses, such energy efficiency.

24. Ministers encouraged the IEA to work closely with non-OECD countries to help them integrate energy-related environmental considerations into their energy policies and strategies. They therefore welcomed the up-coming United Nations Conference on

Environment and Development (UNCED), and encouraged the active participation of the IEA with the OECD in the lead-up to UNCED.

25. Ministers welcomed the fact that OECD countries have adopted targets or are developing national strategies for the stabilization or reduction of greenhouse gas emissions. Ministers acknowledged that concerted global action will be required and that OECD countries should take a leading role in this context. They found, however, that in most cases appropriate and effective policies to carry out commitments still needed to be developed, as well as the data analysis to enable Member governments to make informed choices. They requested the IEA to facilitate this process by both IEA-wide and individual country assessments of the technical potential for reducing greenhouse emissions, as well as the costs, benefits and relative cost-effectiveness of the various means for releasing such potential. They recognised the need for governments to gather such information and provide it to the IEA and the other Member countries. Ministers considered IEA analyses important to understanding when, and at what costs and benefits, stabilization or reduction of greenhouse-gas emissions could be achieved, and to examining possible approaches to assess comparability among OECD countries. In this regard, Ministers stressed that all nations would need to associate with any Framework Convention on Climate Change if it were to be effective.

26. Ministers urged the IEA to work with OECD in its analysis of the effects of economic instruments for environmental protection on trade, economic growth and income distribution, resource production, and diversity of supply. They requested the IEA to assess the economic and energy security implications of measures, such as a carbon tax, to abate greenhouse gas emissions, and to develop, on a global level and in a comprehensive manner, indicators of progress for the energy sector in mitigating greenhouse gas emissions. Ministers also requested the IEA to assist Member countries in developing concerted policies and approaches in responding to the global climate change problem, particularly in the context of the INC Framework Convention negotiations.

27. Ministers emphasized the important roles of industry and consumer awareness in the successful implementation of energy policies to achieve environmental goals. Ministers therefore urged concerted efforts in energy education and information on the part of government, industry, and consumers. They urged the IEA to find more effective ways to bring industry's expertise into its analytical work and its collaboration on R&D and demonstration and transfer.

(10)

June 5, 1991
Paris, France
OECD Ministerial Declaration
(paragraphs on the environment)

SG/PRESS(91)31
Paris, 5th June 1991

COMMUNIQUE

THE ENVIRONMENTAL FIELD

36. Ministers welcome the results of the Meeting of the OECD Environment Ministers in January 1991, which constitute an important contribution to the evolution of environmental policy-making. Faced with the magnitude of national and regional environment issues and the unprecedented challenge of global environment issues, Ministers agree that OECD countries should pursue an environment strategy for the 1990s based on integrating economic and environmental decision-making, improving their environmental performance, and strengthening international co-operation. Ministers agree the need for the Organisation to review more systematically the performance of individual OECD countries in meeting domestic environment objectives and international commitments and they welcome the Environment Ministers' initiative to launch reviews of Member countries' environmental policies. As well, Ministers recognise that OECD countries, given their level of development, have a special responsibility to work co-operatively with other countries in other regions to achieve sustainable development.

37. Ministers welcome the direction and impetus given by the Environment Ministers to strengthening the integration of economic and environment policies as a key to sustainable development. They agree with the principles proposed for working towards this objective: economic and environmental policies cannot be made and implemented in isolation; environmental considerations must be brought to bear systematically on economic policy-making; sound economic analysis of costs and benefits, coupled with scientific assessment of relative

risks including that of inaction, is the optimal basis for setting priorities among environmental goals, and compatibility between environmental and sectoral economic policies should be a central objective of policy-makers. Ministers call for improved integration of environment considerations into all economic sectors and for the OECD to continue its work on analysing the policy interconnections. They agree that effective policy integration will require a greater degree of dialogue with and participation from all sectors of society and the economy if environmental goals are to be met effectively and efficiently and to prevent policy conflicts from arising in such areas as agriculture, coastal zone management, energy, and transport and more generally on trade and investment. Ministers also support additional work on "OECD guidelines" to assist Member countries to make more effective and widespread use of economic instruments.

38. International co-operation is critical to coping successfully with global environmental issues and risks in the 1990s. Many environmental issues, for example climate change, conservation of living marine and land resources, ozone depletion, deforestation, desertification and loss of biodiversity, highlight the extent of global interdependence not only in terms of the causes of environmental degradation but also in terms of the consequential effects of implementing certain economic or environmental policies. This interdependence, however, also offers the opportunity for new forms of international co-operation amongst OECD countries on the one hand and with non-Member countries on the other. One of the most important elements in this international co-operation is to promote development and transfer of environment-related technologies. In this context, Ministers welcome the establishment of the Global Environment Facility (GEF) and are looking to this programme, as well as to relevant activities of other existing institutions, to contribute to the improvement of the global environment. Ministers also believe the OECD can play an important role in fostering international co-operation and contributing to the solutions. They welcome the OECD/IEA work on emission inventories, policy instruments and economic analysis of policy options as positive contributions to the global climate change negotiations.

39. The 1992 United Nations Conference on Environment and Development provides a timely opportunity to strengthen international co-operation. This event should be used to renew international commitment to sound environmental management, and to seek a consensus on goals and priorities for the 1990s and beyond, as a basis for agreed commitments for concrete action. Ministers give full support to the contribution envisaged by the OECD, including the convening of a meeting of OECD Ministers of Development and Environment in 1991 to consider measures to ensure that development and environmental policies are compatible and reinforcing. Ministers agree that OECD governments must confront, with new commitments and adequate resources, the pressing issues of resource availability and technology transfer for environmental improvement in developing countries. Ministers underline the role that the GEF could play as the mechanism to provide additional assistance to developing countries in the framework of the ongoing negotiations on the global environment.

40. Trade and the environment. Ministers welcome the joint report on trade and environment issues prepared by the Trade and Environment Committees. The report identifies the key interconnections between these important policy areas and makes suggestions on areas in which the analysis should be deepened. Ministers endorse the preliminary views developed by the two Committees on a

work programme that will underpin further analyses and could lead, in a subsequent stage, to the drawing up of guidelines on ways to protect the environment and preserve the open multilateral system. They invite the Organisation to pursue this work and call for a report on the progress achieved, on all those elements that have been highlighted, to be made to the 1992 meeting of the Council at Ministerial level, giving also regard to possible contributions to the United Nations Conference on Environment and Development (UNCED) in June 1992.

(11)

June 14, 1991
Rovaniemi, Finland
Declaration on the Protection of the Arctic

DECLARATION ON THE PROTECTION OF THE ARCTIC ENVIRONMENT

We, the Representatives of the Governments of Canada, Denmark, Finland, Iceland, Norway, Sweden, the Union of Soviet Socialist Republics and the United States of America;

Meeting at Rovaniemi, Finland for the First Ministerial Conference on the Protection of the Arctic Environment;

Deeply concerned with threats to the Arctic environment and the impact of pollution on fragile Arctic ecosystems;

Acknowledging the growing national and international appreciation of the importance of Arctic ecosystems and an increasing knowledge of global pollution and resulting environmental threats;

Resolving to pursue together in other international environmental fora those issues affecting the Arctic environment which require broad international cooperation;

Emphasizing our responsibility to protect and preserve the Arctic environment and recognizing the special relationship of the indigenous peoples and local populations to the Arctic and their unique contribution to the protection of the Arctic Environment;

Hereby adopt the Arctic Environmental Protection Strategy and commit ourselves to take steps towards its implementation and consider its further elaboration.

We commit ourselves to a joint Action Plan of the Arctic Environmental Protection Strategy which includes:

- Cooperation in scientific research to specify sources, pathways, sinks and effects of pollution, in particular, oil, acidification, persistent organic contaminants, radioactivity, noise and heavy metals as well as sharing of these data;
- Assessment of potential environmental impacts of development activities;
- Full implementation and consideration of further measures to control pollutants and reduce their adverse effects to the Arctic environment.

We intend to assess on a continuing basis the threats to the Arctic environment through the preparation and updating of reports on the state of the Arctic environment, in order to propose further cooperative action.

We also commit ourselves to implement the following measures of the Strategy:

- Arctic Monitoring and Assessment Programme (AMAP) to monitor the levels of, and assess the effects of, anthropogenic pollutants in all components of the Arctic environment. To this end, an Arctic Monitoring and Assessment Task Force will be established. Norway will provide for an AMAP secretariat. -
- Protection of the Marine Environment in the Arctic, to take preventive and other measures directly or through competent international organizations regarding marine pollution in the Arctic irrespective of origin;

- Emergency Prevention, Preparedness and Response in the Arctic, to provide a framework for future cooperation in responding to the threat of environmental emergencies.

- Conservation of Arctic Flora and Fauna, to facilitate the exchange of information and coordination of research on species and habitats of flora and fauna;

We agree to hold regular meetings to assess the progress made and to coordinate actions which will implement and further develop the Arctic Environmental Protection Strategy.

We agree to continue to promote cooperation with the Arctic indigenous peoples and to invite their organizations to future meetings as observers.

We agree to meet in 1993 and accept the kind invitation of the Government of Denmark and the Home Rule Government of Greenland to hold the next meeting in Greenland.

Wherefore, we, the undersigned Representatives of our respective Governments, recognizing its political significance and environmental importance, and intending to promote its results, have signed this Declaration.

For the Government of Canada

Thomas Siddon
.....

Thomas Siddon
Minister of Indian Affairs
and Northern Development

For the Government of Denmark

Bertel Haarder
.....

Bertel Haarder
Minister for Education and
Research

For the Government of Finland

Sirpa Pietikäinen
.....

Sirpa Pietikäinen
Minister of the Environment

For the Government of Iceland

Eidur Gudnason
.....

Eidur Gudnason
Minister for the Environment

For the Government of Norway

Jens Stoltenberg
.....

Jens Stoltenberg
Deputy Minister of
the Environment

For the Government of Sweden

Birgitta Dahl
.....

Birgitta Dahl
Minister of the Environment

For the Government of the
Union of Soviet Socialist
Republics

J. D. Masljukov
.....

J. D. Masljukov
Deputy Prime Minister,
Chairman of the Arctic and

For the Government of
the United States of America

John Giffen Weinmann
.....

John Giffen Weinmann
Ambassador

(12)

June 17, 1991
Beijing, People's Republic of China
Beijing Ministerial Declaration



General Assembly

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GENERAL

A/46/293
9 July 1991
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Forty-sixth session
Item 79 of the preliminary list*

UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Letter dated 1 July 1991 from the Chargé d'affaires a.i.
of the Permanent Mission of China to the United Nations
addressed to the Secretary-General

Upon the instruction of my Government, I have the honour to forward to you a copy of the Beijing Ministerial Declaration on Environment and Development adopted by the Ministers from 41 developing countries at the Ministerial Conference on Environment and Development on 19 June 1991 in Beijing (see annex).

I would be grateful if you could arrange for this letter and the attached Declaration to be issued as an official document of the General Assembly under item 79 of the preliminary list, and of the United Nations Conference on Environment and Development to be held in 1992.

(Signed) JIN Yongjian
Acting Permanent Representative
of the People's Republic of China
to the United Nations

* A/46/50.

Annex

BEIJING MINISTERIAL DECLARATION ON ENVIRONMENT AND DEVELOPMENT

(Adopted on 19 June 1991)

We, the Ministers from forty-one developing countries,* met in Beijing, at the invitation of the Government of the People's Republic of China, from 18 to 19 June 1991, at the Ministerial Conference on Environment and Development, and having discussed in depth the challenges faced by the international community in establishing norms of cooperation for the enhancement of environment and development, particularly the implications for the developing countries, declare as follows:

1. We are deeply concerned about the accelerating degradation of the global environment. This is largely on account of unsustainable development models and life styles. As a result, the basic elements indispensable for human life - land, water and atmosphere, - are gravely threatened. The more serious and widespread environmental problems are air pollution, climate change, ozone layer depletion, drying up of fresh water resources, pollution of rivers, lakes and the marine environment including the coastal zones, marine and coastal resources deterioration, floods and droughts, soil loss, land degradation, desertification, deforestation, loss of biodiversity, acid rain, proliferation and mismanagement of toxic products, illegal traffic of toxic and dangerous products and wastes, growth of urban agglomeration, deterioration of living and working conditions in urban and rural areas, especially of sanitation, resulting in epidemics, and other such problems. Furthermore, poverty in the developing countries is becoming aggravated, hampering the efforts to meet the legitimate needs and aspirations of their people and exerting greater pressures on the environment.

2. We affirm that environmental protection and sustainable development is a matter of common concern to humankind, which requires effective actions by the international community and provides an opportunity for global cooperation. Against this background and out of a strong concern for the present and future generations, we hereby reaffirm our solemn commitment to participating actively, on the basis of differentiated responsibilities and to the best of our ability, in the global efforts for environmental protection and sustainable development, keeping in view the general principles and broad approach set out below.

* For the list of developing countries attending the Conference, see the appendix.

I. GENERAL PRINCIPLES

3. Changes in the environment are closely related to economic and social activities. Environmental problems must not be viewed in isolation, and need to be addressed together with the process of development, by integrating environmental concerns with the imperatives of economic growth and development. In this connection, the right to development of the developing countries must be fully recognized, and the adoption of measures for the protection of the global environment should support their economic growth and development. In particular, the international community must actively support the efforts of developing countries to strengthen their institutional and technical capacities.

4. The special situation and needs of the developing countries should be fully taken into account. Each country must be enabled to determine the pace of transition, based on the adaptive capacity of its economic, social and cultural ethos and capabilities. The environmental problems of developing countries arise from the conditions of poverty. The development process initiated by these countries utilizing the old polluting technologies provided by the developed countries also contributes to the degradation of the environment, which in turn, undermines the development process itself. This adversely affects not only the developing countries but also the entire world. Sustainable development and steady economic growth constitute a way to break this cycle of poverty and environmental degradation and to strengthen the capabilities of the developing countries for environmental protection. The least developed countries, disaster-prone developing countries as well as island and low-lying developing countries should be given special attention by the world community.

5. The inequities in current international economic relations confronting the developing countries, especially with regard to debt, financing, trade and transfer of technology, have led to serious consequences for them, including the reverse flow of financial resources, brain drain and backwardness in their scientific and technological capabilities. The economic development of the developing countries has thus been constrained and their capability to participate effectively in global environmental efforts undermined. It is therefore imperative to establish a new and equitable international economic order conducive to the sustained and sustainable development of all countries, particularly the developing countries, thereby creating the conditions necessary for global cooperation to protect the environment. Countries should be able to determine their own environment and development policies, without any barriers or discrimination on trade against them.

6. International cooperation in the field of environmental protection should be based on the principle of equality among sovereign States. The developing countries have the sovereign right to use their own natural resources in keeping with their developmental and environmental objectives and priorities. Furthermore environmental considerations should not be used as an excuse for interference in the internal affairs of the developing countries, nor should

these be used to introduce any forms of conditionality in aid or development financing, or to impose trade barriers affecting the export and development efforts of the developing countries.

7. While the protection of the environment is in the common interests of the international community, the developed countries bear the main responsibility for the degradation of the global environment. Ever since the Industrial Revolution, the developed countries have over-exploited the world's natural resources through unsustainable patterns of production and consumption, causing damage to the global environment, to the detriment of the developing countries.

8. The developed countries, in view of their main responsibility for environmental degradation and their greater financial and technological capabilities, must take the lead in eliminating the damage to the environment as well as in assisting the developing countries to deal with the problems facing them.

9. The developing countries need adequate, new and additional financial resources to be able to address effectively the environmental and developmental problems confronting them. There should be preferential and non-commercial transfer of environmentally sound technologies to the developing countries.

10. On their part, the developing countries will contribute to the process of environmental protection and enhancement by, inter alia, stepping up technical cooperation and transfer of technology among themselves.

II. SECTORAL ISSUES

11. Land degradation, desertification, floods and droughts, worsening quality and supply of fresh water resources, soil loss, marine and coastal resources deterioration, deforestation and vegetation degradation are among the serious environmental problems confronting the developing countries. These constitute a major part of the problem of global environmental degradation, to which priority should be accorded. These problems have been discussed in international fora, and some plans of action have been proposed or approved. However, no effective actions have been taken so far by the international community towards their implementation. We urge the international community to immediately initiate actions in this regard, particularly by establishing an international funding mechanism for this purpose.

12. We are gravely concerned with the continuous increase in the greenhouse gases leading to climate change and its likely implications for the global ecological system, especially the threat that they pose to the developing countries, and to the island and low-lying developing countries in particular. Responsibility for the emission of greenhouse gases should be viewed both in historical and cumulative terms, and in terms of current emissions. On the basis of the principle of equity, those developed countries

which have contaminated more must contribute more. Developed countries should therefore commit themselves to adopting measures to halt human-induced climate change and to setting up mechanisms to guarantee the environmental security and development of the developing countries, including the transfer to the developing countries, on preferential and non-commercial terms, of technologies for this purpose.

13. The framework convention on climate change currently being negotiated should clearly recognize that it is the developed countries which are mainly responsible for excessive emissions of greenhouse gases, historically and currently, and it is these developed countries which must take immediate action to stabilize and reduce such emissions. Developing countries cannot be expected to accept any obligations in the near future. However, they should be encouraged through technical and financial cooperation to undertake measures within their plans, priorities and programmes which contribute both to their economic development and to the efforts to tackle the problem of climate change, without prejudicing their growing energy needs. The framework convention must include, inter alia, firm commitments by developed countries towards the transfer of technology to developing countries, the establishment of a separate funding mechanism, and the development of the economically viable new and renewable energy sources as well as sustainable agricultural practices, which constitutes an important step to deal with the major cause of climate change. In addition, the developing countries must be provided with the full scientific, technical and financial cooperation necessary to cope with the adverse impacts of climate change.

14. We further agree that the purpose and principles of the Vienna Convention on the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, as amended in June 1990, are positive in nature. The implementation by the developing countries of the obligations under the amended Protocol is subject to the effective implementation by the States parties to the Protocol of the arrangements for the provision of financial resources and transfer of technology to the developing countries. We urge the developed countries to commit themselves to the long-term arrangements for providing adequate financial resources and the expeditious transfer of technology as required of them under the Vienna Convention and the Montreal Protocol, as amended in June 1990.

15. We are concerned at the accelerating loss of biodiversity. Most living organisms and their habitats in the world belong to the developing countries and they have borne the cost of conserving them over the ages. Such efforts should be recognized and supported by the international community and in international conventions and subsequent protocols. Each State has sovereignty over its biological resources, thus conservation measures should be compatible with its national plans and priorities. The international legal instrument on biodiversity now being negotiated must clearly recognize, inter alia, the linkage between access to genetic material and transfer of biotechnology, research development in the country of origin, sharing of the fruits of scientific research and the commercial profits. Issues of intellectual property rights must be satisfactorily resolved so that they do

not become an obstacle to the transfer of technology, including biotechnology. Furthermore, the international legal instrument must recognize and reward the innovative work done by rural population, largely in developing countries, in protecting and utilizing biodiversity.

16. We note that though control and management of hazardous wastes and toxic substances require international cooperation, the Basel Convention adopted two years ago has not entered into force. We therefore urge those States which have not ratified the Convention to consider the possibility of becoming parties to it. We urge all States to take steps to provide for a liability and compensation regime; mechanisms for transfer of low-waste technologies to the developing countries; development of capabilities for identification, analysis and disposal of wastes and mechanisms for adopting a world-wide ban on export of hazardous wastes to developing countries which do not have such capabilities. Likewise, we are concerned with the continuous illegal traffic of toxic and dangerous products and wastes, particularly from developed to developing countries. We urge the developed countries to take appropriate measures to halt such traffic.

17. Multilateral measures to protect forests and promote their sustainable management, including the proposal for a global consensus on forestry, should be aimed at enhancing the economic, social and environmental potentials of forests. Management plans should integrate living resource conservation and development priorities and goals, taking into account the needs of the local communities, including their habitats. In this respect, efforts, including specific projects of developing countries to promote the utilization of the tropical forests on a sustainable basis, should be recognized and supported. It should take the form of financial and technical assistance, as well as ensuring better market access for higher value-added timber products. It is equally important to ensure financial cooperation by the world community for forest conservation and development. Towards this end, the international community should, among other things, make efforts towards the greening of the world and countries which had in the past so destroyed their extensive forests should increase their forest cover through reforestation and afforestation programmes.

18. We are deeply concerned about the spread of desertification process and continuity of prolonged drought cycles, which have been recognized by the international community as major environmental problems. Hence there is an urgent need to accord high priority to these problems and to take all necessary measures including the provision of appropriate financial, scientific and technical resources in order to stop and reverse the process of desertification and drought, with the aim of contributing to the preservation of the global ecological balance.

19. The marine and coastal resources deterioration resulting from irrational exploitation and pollution, mostly by developed countries, constitutes a serious development constraint for those countries that depend on them. It is necessary to enlarge cooperation on the protection and use of regional seas and to improve their rational utilization based on better knowledge and

information. Discharge of toxic and nuclear wastes at seas and oceans must be banned, and that of other wastes should be strictly regulated.

20. In the densely populated cities of developing countries, insufficiency of resources causes inefficiency of the basic public services, high marginality, and degradation of the urban environment. Urban planning, including mechanisms for financing sustainable development, must contribute to enhancing the quality of life in the urban and rural settlements. In this context, the new mechanisms for financing sustainable development should give priority to these problems.

III. CROSS-SECTORAL ISSUES

21. The key to the success of the global efforts for the protection of the environment is the broadest possible participation of the international community; this depends to a large extent on whether substantial progress can be made on cross-sectoral issues, including in particular, the availability of adequate, new and additional financial resources and transfer of technology on preferential and non-commercial terms to the developing countries.

22. With regard to global environmental issues, every international legal instrument should include provisions for adequate, new and additional funds, which should lay down in explicit terms the commitments of the developed countries in this regard. A key factor is the adequacy of financial resources, which should be sufficient for the developing countries to cover the incremental costs involved in addressing the issues and in implementing their relevant commitments derived from international legal instruments. Contribution by the developed countries should be sufficient to cover the costs not only of prevention but also of mitigating the cumulative effects of past actions. Developing countries could also contribute, on a voluntary basis, to the funds.

23. In order to deal with the long-existing but now rapidly aggravating environmental problems of immediate concern to the developing countries, a special Green Fund should be established to provide adequate and additional financial assistance to them. This Fund should be used to address problems which are not covered by specific international agreements, such as water pollution, coastal pollution affecting mangrove forest, shortages and degradation of fresh water resources, deforestation, soil loss, land degradation and desertification. It should also cover the costs of the transfer of environmentally sound technologies and the costs of building up national capabilities for environmental protection and for scientific and technological research. This Fund should be managed on the basis of equitable representation from developing and developed countries, and should ensure easy access for developing countries.

24. We emphasize the important role of science and technology in protecting the global environment, and reaffirm that measures need to be taken to ensure the transfer of environmentally sound technologies to the developing countries

on preferential, most favourable, concessional and non-commercial terms. The transfer of these technologies to the developing countries should be regarded as a contribution to the common interests of humankind. The developed countries should promote the transfer of environmentally sound technologies to developing countries, through procedures and arrangements including incentives and disincentives to the private sector.

IV. THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

25. In accordance with the United Nations General Assembly resolution 44/228, we emphasize that the United Nations Conference on Environment and Development in 1992 should not only discuss the global environmental issues such as climate change and ozone layer depletion and the related response strategies. It should also be a forum to address other global issues confronting the developing countries, particularly those development issues related to environment. The relevant agreements reached at the Conference must provide guidance to international deliberations on trade, finance, technology and other similar issues. The interlinkages, where relevant, should be incorporated in each.

26. We believe that the proposed Earth Charter and agenda 21 resulting from the United Nations Conference on Environment and Development should be compatible with the principles embodied in relevant resolutions of the United Nations General Assembly. Furthermore, they must reflect the outcomes of the conferences of developing countries with regard to the inter-relationship between environment and development, and the special situation and the needs of the developing countries. The agenda should be action-oriented to solve the environmental problems and meet the needs of the developing countries with the aim of integrating environmental concerns with development.

27. We also believe that poverty is at the root of the environmental problems of the developing world. The Conference could provide new strength and momentum to the proposed launching of a huge world programme against poverty and its effects on world environment.

V. COORDINATION AND COOPERATION AMONG DEVELOPING COUNTRIES ON ENVIRONMENT AND DEVELOPMENT

28. We agree that the environment-related efforts at various international fora, particularly in the preparatory process for the 1992 Conference, will have direct and far-reaching implications for the developing countries. We emphasize that it is a pressing task for us developing countries to intensify consultations and coordination among ourselves in an effort to present our positions at international fora more effectively so as to safeguard better the interests of the developing countries as a whole.

29. We decide to strengthen further consultations and coordination among developing countries in the preparatory process for the 1992 Conference and at other international fora, along the lines of the New Delhi Conference in 1990 and the Beijing Conference.

30. We believe that measures should be taken to explore the ways and means and modalities for economic and technical cooperation among developing countries in the sphere of environment and development. In this regard, developing countries will also endeavour to set appropriate environmental goals for attaining better quality of life and environmental well-being, while at the same time identify and assess the financial and technological needs for achieving such goals.

31. We support the retaining and strengthening of the headquarters of the United Nations Environment Programme and all its programme activity centres in Nairobi, considering the success the Programme has achieved to date from this venue and the need to have it better equipped for carrying out its work.

32. We re-emphasize that we intend to participate fully in the global effort to protect the environment without hindering the development process and that this can be achieved if the right climate is created for global cooperation by a positive, constructive and practical response on the part of the developed countries, so that we can jointly promote the well-being of the present and future generations.

* * *

APPENDIX

List of participating countries

Algeria	Mali
Argentina	Mexico
Bangladesh	Morocco
Brazil	Nepal
Cameroon	Niger
Chile	Nigeria
China	Pakistan
Colombia	Peru
Côte d'Ivoire	Philippines
Cuba	Saudi Arabia
Egypt	Senegal
Ethiopia	Singapore
Fiji	Sudan
Ghana	Thailand
Guyana	Uganda
India	United Republic of Tanzania
Indonesia	Venezuela
Iran (Islamic Republic of)	Yugoslavia
Jordan	Zaire
Kenya	Zimbabwe
Malaysia	

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PROCÉDE *Plassoir*® PROCESS
MONTREAL - TORONTO

(13)

July 17, 1991
London, England
G-7 Economic Summit

LONDON ECONOMIC SUMMIT - ECONOMIC DECLARATION
THE ENVIRONMENT

Paragraphs forty-seven through fifty-seven of the Economic Declaration, 'Building World Partnership', deal with the environment:

"47. The international community will face formidable environmental challenges in the coming decade. Managing the environment continues to be a priority issue for us. Our economic policies should ensure that the use of this planet's resources is sustainable and safeguards the interests of both present and future generations. Growing market economies can best mobilise the means for protecting the environment, while democratic systems ensure proper accountability.

"48. Environmental considerations should be integrated into the full range of government policies, in away which reflects their economic costs. We support the valuable work in this field being undertaken by the OECD. This includes the systematic review of member countries' environmental performance and the development of environmental indicators for use in decision-making.

"49. Internationally, we must develop a co-operative approach for tackling environmental issues. Industrial countries should set an example and thus encourage developing countries and Central and East European nations to play their part. Co-operation is also required on regional problems. In this context, we welcome the consensus reached on the Environmental Protocol of the Antarctic Treaty, aimed at reinforcing the environmental preservation of this continent. We note the good progress of the Sahara and Sahel Observatory as well as the Budapest Environmental Centre.

"50. The UN Conference on Environment and Development (UNCED) in June 1992 will be a landmark event. It will mark the climax of many international environmental negotiations. We commit ourselves to work for a successful Conference and to give the necessary political impetus to its preparation.

"51. We aim to achieve the following by the time of UNCED:

a) an effective framework convention on climate change, containing appropriate commitments and addressing all sources and sinks for greenhouse gases. We will seek to expedite work on implementing protocols to reinforce the convention. All participants should be committed to design and implement concrete strategies to limit net emissions of greenhouse gases, with measures to facilitate adaptation.

Significant actions by industrial countries will encourage the participation of developing and East European countries, which is essential to the negotiations.

b) agreement on principles for the management, conservation and sustainable development of all types of forest, leading to a framework convention. This should be in a form both acceptable to the developing countries where tropical forests grow and consistent with the objective of a global forest convention or agreement which we set at Houston.

"52. We will seek to promote, in the context of UNCED:

a) mobilisation of financial resources to help developing countries tackle environmental problems. We support the use of existing mechanisms for this purpose, in particular the Global Environment Facility (GEF). The GEF could become the comprehensive funding mechanism to help developing countries meet their obligations under the new environmental conventions.

b) encouragement of an improved flow of beneficial technology to developing countries, making use of commercial mechanisms.

c) a comprehensive approach to the oceans, including regional seas. The environmental and economic importance of oceans and seas means that they must be protected and sustainably managed.

d) further development of international law of the environment, drawing inter alia on the results of the Siena Forum.

e) the reinforcement of international institutions concerned with the environment, including the United Nations Environment Programme (UNEP), for the decade ahead.

"53. We support the negotiation, under the auspices of UNEP, of an acceptable framework convention on biodiversity, if possible to be concluded next year. It should concentrate on protecting ecosystems, particularly in species-rich areas, without impeding positive developments in biotechnology.

"54. We remain concerned about the destruction of tropical forests. We welcome the progress made in developing the pilot programme for the conservation of the Brazilian tropical forest, which has been prepared by the Government of Brazil in consultation with the World Bank and the European Commission, in response to the offer of co-operation extended following the Houston Summit. We call for further urgent work under the auspices of the World Bank, in co-operation with the European Commission, in the framework of appropriate policies and with careful attention to economic, technical and social issues. We will financially support the implementation of the preliminary stage of the pilot programme utilising all potential sources, including the private sector, non-governmental organisations, the multilateral development banks, and the Global Environmental Facility. When details of the programme have been resolved, we will consider supplementing these resources with bilateral assistance, so that progress can be made on the ground. We believe that good progress with this project will have a beneficial impact on the treatment of forests at UNCED. We also welcome the spread of debt for nature exchanges, with an emphasis on forests.

"55. The burning oil wells and polluted seas in the Gulf have shown that we need greater international capacity to prevent and respond to environmental disasters. All international and regional agreements for this purpose, including those of the International Maritime Organization (IMO), should be fully implemented. We welcome the decision by UNEP to establish an experimental centre for urgent environmental assistance. In the light of the recent storm damage in Bangladesh, we encourage the work on flood alleviation under the auspices of the World Bank, which we called for at the Arch Summit.

"56. Living marine resources threatened by over-fishing and other harmful practices should be protected by the implementation of measures in accordance with international law. We urge control of marine pollution and compliance with the regimes established by regional fisheries organisations through effective monitoring and enforcement measures.

"57. We call for greater efforts in co-operation in environmental science and technology, in particular:

a) scientific research into the global climate, including satellite monitoring and ocean observation. All countries, including developing countries, should be involved in this research effort. We welcome the development of information services for users of earth observation data since the Houston Summit.

b) the development and diffusion of energy and environment technologies, including proposals for innovative technology programmes."

Other parts of the Declaration also deal with important aspects of the environment.

The Economic Policy section includes a paragraph on economic instruments:

"8. We will encourage work nationally and internationally to develop cost-effective economic instruments for protecting the environment, such as taxes, charges and tradeable permits."

The International Trade section includes a paragraph on the importance of open markets and the role of the GATT in the field of environment and trade:

"15. Open markets help to create the resources needed to protect the environment. We therefore commend the OECD's pioneering work in ensuring that trade and environment policies are mutually supporting. We look to the General Agreement on Tariffs and Trade (GATT) to define how trade measures can properly be used for environmental purposes."

The Energy section includes language on the importance of high environmental standards, on energy efficiency, and on the role of renewable energy sources:

"18. We will work to secure stable worldwide energy supplies, to remove barriers to energy trade and investment, to encourage high environmental and safety standards and to promote international cooperation on research and development in all these areas. We will also seek to improve energy efficiency and to price energy from all sources so as to reflect costs fully, including environmental costs.

"19. In this context, nuclear power generation contributes to diversifying energy sources and reducing greenhouse gas emissions. In developing nuclear power as an economic energy source, it is essential to achieve and maintain the highest available standards of safety, including in waste management, and to encourage co-operation to this end throughout the world....

"20. The commercial development of renewable energy sources and their integration with general energy systems should also be encouraged, because of the advantages these sources offer for environmental protection and energy security."

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The Central and Eastern Europe section highlights the importance of environmental considerations in the economic restructuring of the area:

"25. A favourable environment for private investment, both foreign and domestic, is crucial for sustained growth and for avoiding dependence on external assistance from governments. In this respect, technical assistance from our private sectors and governments, the European Community and international institutions should concentrate on helping this essential market-based transformation. In this context, we emphasise the importance of integrating

environmental considerations into the economic restructuring process in Central and Eastern Europe."

The Developing Countries and Debt session notes the environmental dimension of development assistance:

"38. Many of these countries, especially the poorest, need our financial and technical assistance to buttress their own development endeavours. Additional aid efforts are required, to enhance both the quantity and the quality of our support for priority development issues. These include alleviating poverty, improving health, education and training and enhancing the environmental quality of our aid. We endorse the increasing attention being given to population issues in devising strategies for sustainable progress."

(14)

January 17, 1991
United Nations, General Assembly, A/RES/45/212
Protection of Global Climate for Present and future
Generations of Mankind



General Assembly

Distr.
GENERAL

A/RES/45/212
17 January 1991

Forty-fifth session
Agenda item 81

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Second Committee (A/45/851)]

45/212. Protection of global climate for present and future generations of mankind

The General Assembly,

Recalling its resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989, in which it recognized that climate change is a common concern of mankind, and urging Governments and, as appropriate, intergovernmental and non-governmental organizations and scientific institutions, to collaborate in a concerted effort with the aim of preparing, as a matter of urgency, a framework convention on climate change, and other related instruments, containing appropriate commitments for action to combat climate change and its adverse effects, taking into account the most up-to-date, sound scientific knowledge and any existing uncertainties, as well as the particular needs and development priorities of developing countries,

Recalling also its 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,

Recalling further its resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development,

Taking note of the relevant resolutions and decisions of the Governing Council of the United Nations Environment Programme and of the Executive Council of the World Meteorological Organization,

Taking note also of the recommendations and decisions of the Preparatory Committee for the United Nations Conference on Environment and Development, adopted at its organizational session 1/ and at its first session, 2/

Noting the important work accomplished by the Intergovernmental Panel on Climate Change, which has completed its first assessment report,

Noting also the relevant conclusions and recommendations on climate change adopted at various intergovernmental meetings during 1990,

Noting further the fact that the largest part of the current emission of pollutants into the environment originates in developed countries, and recognizing therefore that those countries have the main responsibility for combating such pollution,

Welcoming the fact that several countries and a regional economic integration organization have already taken measures or made specific commitments to address the problem of climate change and its effects through the stabilization and/or reduction of environmentally harmful emissions of greenhouse gases, and that other countries are contemplating doing so,

Noting that, pursuant to paragraph 10 of General Assembly resolution 44/207, resolution 4 (EC-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization and decision SS.II/3 of 3 August 1990, adopted by the Governing Council of the United Nations Environment Programme at its second special session, 3/ an Ad Hoc Working Group of Government Representatives to prepare for negotiations on a framework convention on climate change met at Geneva from 24 to 26 September 1990 and adopted a number of recommendations, 4/

Recognizing the continuing need for scientific research into the sources and effects of climate change and its possible adverse impact, including the socio-economic consequences, and the effectiveness of possible response strategies, and recognizing also the importance of the active participation of developing countries and the need to assist and co-operate with them in climate-related research and action,

1. Decides to establish a single intergovernmental negotiating process under the auspices of the General Assembly, supported by the United Nations Environment Programme and the World Meteorological Organization, for the preparation by an

1/ See A/44/48 and Corr.1 and 2.

2/ See A/45/46.

3/ See Official Records of the General Assembly, Forty-fifth Session, Supplement No. 25, annex.

4/ A/45/696, annex I.

Intergovernmental Negotiating Committee of an effective framework convention on climate change, containing appropriate commitments, and any related instruments as might be agreed upon, taking into account proposals that may be submitted by States participating in the negotiating process, the work of the Intergovernmental Panel on Climate Change and the results achieved at international meetings on the subject, including the Second World Climate Conference;

2. Decides that the Intergovernmental Negotiating Committee should be open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly;

3. Welcomes the organization of a broad-based preparatory process at the national level involving, as appropriate, the scientific community, industry, trade unions, non-governmental organizations and other interested groups;

4. Decides that the first negotiating session should be held in Washington, D.C., in February 1991 and that, subject to review of the timetable at the end of each negotiating session and taking into account the schedule of other intergovernmental meetings on environment and development matters, in particular the sessions of the Preparatory Committee for the United Nations Conference on Environment and Development, further meetings should be held at Geneva and at Nairobi, in May/June, September and November/December 1991 and, as appropriate, between January and June 1992;

5. Authorizes the Secretary-General of the United Nations, with the assistance of the Executive Director of the United Nations Environment Programme and the Secretary-General of the World Meteorological Organization, pending the establishment of an ad hoc secretariat for the Intergovernmental Negotiating Committee, to convene, exceptionally, the first session of the Intergovernmental Negotiating Committee, to be held in Washington, D.C., in February 1991; the subsequent sessions of the Committee shall be convened by the ad hoc secretariat;

6. Decides that the maximum duration of each of the negotiating sessions should be two weeks;

7. Considers that the negotiations for the preparation of an effective framework convention on climate change, containing appropriate commitments, and any related legal instruments as might be agreed upon, should be completed prior to the United Nations Conference on Environment and Development in June 1992 and opened for signature during the Conference;

8. Reaffirms the principles embodied in its resolutions 44/207 and 44/228, which take into account the concerns of all States and the specific needs of developing countries;

9. Takes account of the Ministerial Declaration adopted at the Second World Climate Conference, held at Geneva from 29 October to 7 November 1990; 5/

10. Decides to establish a special voluntary fund, administered by the head of the ad hoc secretariat under the authority of the Secretary-General of the United Nations, to ensure that developing countries, in particular the least developed among them, as well as small island developing countries, are able to participate fully and effectively in the negotiating process, and invites Governments, regional economic integration organizations and other interested organizations to contribute generously to the fund;
11. Recommends that, at the first session of the Intergovernmental Negotiating Committee, to be held in Washington, D.C., a Bureau consisting of a Chairman, three Vice-Chairmen and a Rapporteur shall be elected, each of the five regional groups being represented by one member;
12. Requests the Secretary-General of the United Nations, in consultation with the Executive Director of the United Nations Environment Programme and the Secretary-General of the World Meteorological Organization, as well as with the executive heads of United Nations bodies with expertise in the field of development, to establish as soon as possible at Geneva an ad hoc secretariat of appropriate size and quality, consisting mainly of Professional staff of the United Nations Environment Programme and the World Meteorological Organization, taking into account the need to ensure that the work programmes of those two organizations are not negatively affected, to be co-ordinated by those two organizations in consultation and co-operation with the head of the ad hoc secretariat and supplemented by staff from other bodies of the United Nations system, as appropriate, in order to ensure that the ad hoc secretariat embodies the requisite technical expertise;
13. Decides that the Secretary-General of the United Nations shall appoint as head of the ad hoc secretariat a senior official of an appropriate level, who shall act under the guidance of the Intergovernmental Negotiating Committee;
14. Requests the head of the ad hoc secretariat to co-operate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the needs and requests for objective scientific and technical advice made during the negotiating process;
15. Also requests the head of the ad hoc secretariat to make available, at the first session of the Intergovernmental Negotiating Committee, the first assessment report of the Intergovernmental Panel on Climate Change, including its paper on legal measures, as well as the background documentation prepared for the Panel, as inputs for the negotiations, together with the Ministerial Declaration of the Second World Climate Conference 5/ and other relevant documents;
16. Requests the Intergovernmental Negotiating Committee, through the ad hoc secretariat and taking into account the relevance of the negotiations to the United Nations Conference on Environment and Development, to keep the Preparatory Committee for the Conference and the Secretary-General of the Conference, as well as the Secretary-General of the United Nations, regularly informed in a timely manner, through regular progress reports, of the progress of the negotiations;

17. Also requests the Intergovernmental Negotiating Committee to take into account, as appropriate, any relevant developments in the preparations for the United Nations Conference on Environment and Development that the Preparatory Committee may bring to its attention;
18. Requests the Chairman of the Intergovernmental Negotiating Committee, on behalf of the Committee, to submit a report to the United Nations Conference on Environment and Development in 1992 on the outcome of the negotiations, as well as on possible future steps in the field of climate change;
19. Invites relevant non-governmental organizations to make contributions to the negotiating process, as appropriate on the understanding that these organizations shall not have any negotiating role during the process, and taking into account decision 1/1 concerning the participation of non-governmental organizations adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first session; 6/
20. Decides that the negotiating process shall be funded through existing United Nations budgetary resources, without negatively affecting its programmed activities, and through voluntary contributions to a trust fund established specifically for that purpose for the duration of the negotiations and administered by the head of the ad hoc secretariat under the authority of the Secretary-General of the United Nations;
21. Invites the World Meteorological Organization and the United Nations Environment Programme and other relevant bodies of the United Nations system, including those in the field of development, to make appropriate contributions to the negotiating process, including its funding;
22. Invites Governments, regional economic integration organizations and other interested organizations to contribute generously to the trust fund;
23. Requests the head of the ad hoc secretariat to prepare draft rules of procedure for consideration by the Intergovernmental Negotiating Committee at its first session;
24. Requests the Secretary-General of the United Nations to submit to the General Assembly at its forty-sixth session a report on the progress of the negotiations;
25. Decides to include in the provisional agenda of its forty-sixth session the item entitled "Protection of global climate for present and future generations of mankind".

71st plenary meeting
21 December 1990

6/ See A/45/46, annex I.

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MADRID
MADRID

(15)

May 29, 1991
UNEP Governing Council, UNEP/GC. 16/L. 14/Rev. 1
United Nations Centre for Urgent Environmental Assistance



United Nations Environment Programme



Distr.
LIMITED

UNEP/GC.16/L.14/Rev.1
29 May 1991

ORIGINAL: ENGLISH



GOVERNING COUNCIL
Sixteenth session
Agenda item 4

UNITED NATIONS CENTRE FOR URGENT ENVIRONMENTAL ASSISTANCE

Austria, Bangladesh, Barbados, Bulgaria, Byelorussian Soviet Socialist Republic, Egypt, France, Germany, Guyana, Italy, Japan, Kuwait, Lesotho, Malta, Mauritius, Mauritania, Morocco, Netherlands, Nigeria, Oman, Poland, Rwanda, Saudi Arabia, Senegal, Spain, Switzerland, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia and Zimbabwe: draft decision

The Governing Council,

Recalling its decision SS.II/1 of 3 August 1990, in which the Governing Council requested the Executive Director to submit a report on, inter alia, the establishment of a United Nations centre for urgent environmental assistance,

Recalling also its decision 15/10 of 25 May 1989, particularly the operative part by which the Governing Council requested the Executive Director, inter alia, to assess, as a result of the consultations with Governments and United Nations bodies, specialized agencies and competent regional organizations, the advisability of establishing such a centre and the financial implications if any,

Recalling further the General Assembly resolutions 42/169 of 11 December 1987 establishing the International Decade for Natural Disaster Reduction and 44/228 of 22 December 1989 concerning the United Nations Conference on Environment and Development,

Noting with concern that environmental emergencies have continued to have a devastating effect on human life and the environment,

Convinced that co-operation amongst Governments and United Nations bodies and other competent regional organizations is vital in facing the challenges posed by environmental emergencies,

Having taken note of the 1989 report of the Administrative Committee on Co-ordination to the Governing Council at its sixteenth session (UNEP/GC.16/13 and Corr.1 (English and French only)) and, in particular, its paragraph 23 in which the Committee indicates the importance it attaches to the full participation of United Nations system in the assessment of the proposed centre,

Taking into account the comments of the Administrative Committee on Co-ordination contained in paragraph 12 of its 1990 report to the Governing Council at its sixteenth session (UNEP/GC.16/12),

Noting that environmental emergencies were the subject of discussion at the forty-fourth session of the General Assembly, during which the Assembly also approved resolution 44/224 of 22 December 1989, in which it, inter alia, recognized the need to strengthen international co-operation in monitoring, assessing and anticipating environmental threats,

Noting also that the Preparatory Committee for the United Nations Conference on Environment and Development is considering, inter alia, appropriate responses to industrial accidents,

1. Takes note of the report of the Executive Director on a proposed United Nations centre for urgent environmental assistance (UNEP/GC.16/4/Add.2, paras. 11-25);

2. Welcomes the participation of the United Nations agencies in the assessment of the capacity of the United Nations to deal with environmental emergencies;

3. Notes that the analysis of the responses received to date indicates the need to improve the capacity of the United Nations to respond efficiently to environmental emergencies;

4. Endorses the Executive Director's proposal to proceed with the development, on an experimental basis, of a United Nations centre for urgent environmental assistance acting in co-operation and in co-ordination with other United Nations agencies, focusing on assessment of and responses to man-made environmental emergencies. This mechanism will act upon the request of the Government concerned and maintain rosters of experts and a list of appropriate equipment to be used in such emergencies, ensuring that this does not duplicate the existing activities and responsibilities under existing international treaties and of other United Nations bodies in these fields and maintaining proper liaison with them;

5. Decides to establish the above-mentioned mechanism on an experimental basis at the beginning of 1992 for a period of eighteen months with the appropriation proposed by the Executive Director to cover up to four Professional staff members and a senior consultant as the necessary support staff;

6. Requests Governments to support the experimental mechanism by providing any necessary complementary financial and material resources;

7. Requests the Executive Director to transmit the present decision to the Preparatory Committee for the United Nations Conference on Environment and Development at its third session, in the context of the preparatory process for the Conference;

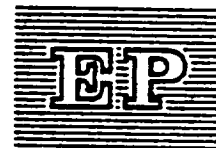
8. Further requests the Executive Director to undertake, in consultation with other members of the United Nations system, an evaluation of the activities of the body and to report thereon to the Governing Council at its seventeenth regular session.

(16)

May 29, 1991
UNEP Governing Council, UNEP/GC. 16/L. 26
Strategies for the Protection and Development of the Oceans
and Coastal Areas



United Nations
Environment
Programme



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UNEP/GC.16/L.26
29 May 1991

ORIGINAL: ENGLISH

GOVERNING COUNCIL
Sixteenth session
Agenda item 7

STRATEGIES FOR THE PROTECTION AND DEVELOPMENT OF THE OCEANS
AND COASTAL AREAS

Draft decision submitted by the Vice-President of the Council,
Chairman of the Programme Committee

The Governing Council,

Having reviewed the note of the Executive Director transmitting the draft highlights of a report on strategies for the protection and development of the oceans and coastal areas, commissioned in a joint effort by the United Nations Environment Programme and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNEP/GC.16/21/Add.5);

1. Welcomes the continuing co-operation between the United Nations Environment Programme and the Intergovernmental Oceanographic Commission on the preparation of strategies for the protection and development of the oceans and coastal areas;
2. Approves the completion of the strategy document by the United Nations Environment Programme, in co-operation with the Intergovernmental Oceanographic Commission, as an important input to the planning of the United Nations Environment Programme, the Intergovernmental Oceanographic Commission and other parts of the United Nations system;
3. Requests the Executive Director to arrange for the completed document to be submitted to the Governing Council at its [third special session] [its seventeenth regular session] and the Preparatory Committee of the United Nations Conference on Environment and Development at its fourth session, through the appropriate channel.

(17)

May 29, 1991

UNEP Governing Council, UNEP/GC. 16/L. 27. Rev. 1
The Environmental Consequences of the Armed Conflict in the
Gulf area



United Nations
Environment
Programme



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29 May 1991

ENGLISH
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GOVERNING COUNCIL
Sixteenth session
Nairobi, 20-31 May 1991
Agenda item 4

THE ENVIRONMENTAL CONSEQUENCES OF THE ARMED CONFLICT IN
THE GULF AREA

Egypt, Jordan, Kuwait, Morocco, Oman, Saudi Arabia, Sudan, Syria Arab
Republic, Tunisia, and Yemén: revised draft decision

The Governing Council,

Expressing its concern about the environmental damage that occurred during the armed conflict in the Gulf area, which resulted in the pollution of the waters of the area by oil, air pollution from burning oil wells and other environmental damage to the surrounding areas,

Further concerned that the environmental damage has spread and is spreading to other regions,

Expressing its appreciation to the Executive Director of the United Nations Environment Programme for sending an expert mission to the area to make the preliminary impact assessment of the environmental situation,

Expressing its satisfaction at the efforts made by the United Nations Environment Programme and the other international agencies and at the participation of the international community in the response to the marine and air pollution in the region,

Taking note of the report of the Executive Director on the environmental consequences of the armed conflict between Iraq and Kuwait (UNEP/GC.16/4/Add.1),

Noting with concern the magnitude of the environmental problem the solution of which requires concerted efforts by the international community,

Requests the Executive Director:

(a) To increase his efforts further to enhance co-operation among and promote greater involvement of the United Nations agencies and organizations, intergovernmental and Governments willing and able to provide the expertise and resources needed to deal with the environmental impacts in the region;

(b) To revitalize further the Regional Organization for the Protection of the Marine Environment and to strengthen its secretariat and its marine emergency mutual aid centre, in order to contribute to the solution of the regional environmental problems resulting from the armed conflict;

(c) To assist other regional organizations concerned in this exercise without prejudice to the funding or other resources allocated by the United Nations Environment Programme and other agencies for work in this field;

(d) To submit to the Governing Council at its next regular session an updated version of the report called for in paragraph 2 of decision 16/...,* on developments with respect to the environmental situation and the extent of the work accomplished, as well as a re-assessment of the environmental situation in the region.

* See draft decision UNEP/GC.16/L.39.

(18)

May 29, 1991
UNEP Governing Council, UNEP/GC. 16/L. 32
Integration of Environment and Development



United Nations
Environment
Programme



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UNEP/GC.16/L.32
29 May 1991

ORIGINAL: ENGLISH

GOVERNING COUNCIL
Sixteenth session
Agenda item 4

INTEGRATION OF ENVIRONMENT AND DEVELOPMENT

Bahamas, Barbados, Chile, Colombia, Guyana, Jamaica, Norway
United States of America and Venezuela: draft decision

The Governing Council,

Conscious of the need to integrate on a permanent basis, the twin issues of environment and development in the work of the United Nations system and in the perspective and follow-up action to the United Nations Conference on Environment and Development in a way that reflects the aspirations and expectations of all countries,

Recognizing that concern for global environmental problems and resource allocations thereto must not detract attention from efforts by the world community to support sustainable development, to eliminate constraints to the achievement of that goal and to combat poverty, which is both a cause and a consequence of environmental degradation,

1. Decides that the seventeenth session of the Governing Council will particularly focus on the integration of environment and development in the programme of the United Nations Environment Programme and in the follow-up actions arising from the decisions of the United Nations Conference on Environment and Development;
2. Requests the Executive Director and the secretariat of the Programme to contribute actively to the solution of the problems of technology transfer to the developing countries, particularly in the pursuit of the concept of sustainable development;
3. Suggests that the Preparatory Committee consisting the feasibility of linking existing environmental data bases into any new systems for collection of development data generated by the Conference process, for access and easy retrieval by developing countries to assist them in taking account of environmental concerns in their development planning;
4. Requests the secretariat to ensure that all documentation for future sessions of the Governing Council reflects an integrated approach to developmental and environmental concerns, as appropriate;
5. Further requests the Executive Director to bring the present decision to the attention of the Preparatory Committee for the United Nations Conference on Environment and Development.

(19)

May 29, 1991
UNEP Governing Council, UNEP/GC. 16/L. 33
Strengthening the Role of UNEP



United Nations Environment Programme



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UNEP/GC.16/L.33
29 May 1991

ORIGINAL: ENGLISH



GOVERNING COUNCIL
Sixteenth session
Agenda item 4

STRENGTHENING THE ROLE OF UNEP

Uganda: draft decision*

The Governing Council,

Recalling General Assembly resolution 2997 (XXVII) of 15 December 1972, by which the United Nations Environment Programme was established,

Recalling further General Assembly resolution 44/228 of 22 December 1989 that established the United Nations Conference on Environment and Development to integrate the twin issues of Environment and Development,

Aware of Governing Council decision 15/1 of 25 May 1989 that reaffirmed the United Nations Environment Programme's essential role as the central catalysing, co-ordinating and stimulating body in the field of the environment within the United Nations system,

Noting the growing need for even more effective co-ordination as well as direction of the ever-increasing variety and intensity of environmentally related activities throughout the United Nations system, as well as the larger international context in which the United Nations system operates,

1. Recommends to the General Assembly that more effective arrangements be provided to ensure the effective and comprehensive co-ordination and direction of Environmental activities in the United Nations system to enable it to meet the new and expanding requirements placed upon it by the ever increasing complexity of global environmental challenges facing the international community, taking into account the Programme's mandate on global environmental issues;
2. Supports retaining and strengthening the headquarters of the United Nations Environment Programme and all its programme activity centres in Nairobi considering the success the Programme has achieved to date from this venue and the need to have it better equipped for carrying out its work;
3. Recommends that the General Assembly requests the Preparatory Committee for the United Nations Conference on Environment and Development to develop the modalities of strengthening the United Nations Environment Programme and make appropriate recommendations to the Conference;
4. Requests the Executive Director to appraise the Governing Council on the matter at its next session.

* On behalf of the States members of the Group of 77.

(20)

November 29, 1990
Espoo, Finland
Convention on Environmental Impact Assessment in a
Transboundary Context (ECE)



Economic and Social
Council

RESTRICTED

ENVWA/R.36/Add.1
29 November 1990

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

SENIOR ADVISERS TO ECE GOVERNMENTS
ON ENVIRONMENTAL AND WATER PROBLEMS

(Fourth session, Espoo, Finland,
25 February - 1 March 1991)
(Item 3 of the provisional agenda)

DRAFT CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT
IN A TRANSBOUNDARY CONTEXT

Addendum

DRAFT RESOLUTION ON ENVIRONMENTAL IMPACT ASSESSMENT
IN A TRANSBOUNDARY CONTEXT

Prepared by the Ad hoc Working Group for adoption
by the Senior Advisers on Environmental and Water Problems
at their fourth session
(ENVWA/AC.3/12, para. 7)

The signatories to the Convention on Environmental Impact Assessment in a
Transboundary Context of (date),

1. Resolve to strive for the entry into force of the Convention as soon as possible and to seek to implement the Convention to the maximum extent possible pending its entry into force;
2. Consider that, pending the entry into force of the Convention, the necessary authority should be given to the Economic Commission for Europe and to its Executive Secretary to provide for a sufficient secretariat and, in the framework of the existing budgetary structure, for the appropriate financial means;

2 Jan 23

3. Continue to co-operate in bringing closer together their policies and strategies in relation to environmental impact assessment;
4. Also endeavour to co-operate closely on the control, monitoring and reduction of significant adverse transboundary impact associated with existing activities; and
5. Encourage other United Nations regional commissions to develop appropriate arrangements relating to environmental impact assessment in a transboundary context, drawing, as appropriate, on the Convention.

UNITED
NATIONS

E



**Economic and Social
Council**

RESTRICTED

ENVWA/R.36

5 November 1990

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

SENIOR ADVISERS TO ECE GOVERNMENTS
ON ENVIRONMENTAL AND WATER PROBLEMS

(Fourth session)
(Espoo (Finland) 25 February - 1 March 1991)
(Item 3 of the provisional agenda)

DRAFT CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT
IN A TRANSBOUNDARY CONTEXT

Prepared by the Ad hoc Working Group for adoption
by the Senior Advisers on Environmental and Water Problems
at their fourth session (Espoo (Finland), 25 February - 1 March 1991)
(ENVWA/AC.3/12, paragraph 7)

DRAFT CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT
IN A TRANSBOUNDARY CONTEXT

PREAMBLE

The Parties to this Convention,

Aware of the interrelationship between economic activities and their environmental consequences,

Affirming the need to ensure environmentally sound and sustainable development,

Determined to enhance international co-operation in assessing environmental impact in particular in a transboundary context,

Mindful of the need and importance to develop anticipatory policies and of preventing, mitigating and monitoring significant adverse environmental impact in general and more specifically in a transboundary context,

Recalling the relevant provisions of the Charter of the United Nations, the Declaration of the Stockholm Conference on the Human Environment, the Final Act of the Conference on Security and Co-operation in Europe (CSCE) and the Concluding Documents of the Madrid and Vienna Meetings of Representatives of the Participating States of the CSCE,

Commending the ongoing activities of States to ensure that, through their national legal and administrative provisions and their national policies, environmental impact assessment is carried out,

Conscious of the need to give explicit consideration to environmental factors at an early stage in the decision-making process by applying environmental impact assessment, at all appropriate administrative levels, as a necessary tool to improve the quality of information presented to decision-makers so that environmentally sound decisions can be made paying careful attention to minimizing significant adverse impact, particularly in a transboundary context,

Mindful of the efforts of international organizations to promote the use of environmental impact assessment both at the national and international levels, and taking into account work on environmental impact assessment carried out under the auspices of the United Nations Economic Commission for Europe, in particular results achieved by the Seminar on Environmental Impact Assessment (September 1987, Warsaw, Poland) as well as noting the Goals and Principles on environmental impact assessment adopted by the Governing Council of the United Nations Environment Programme, and the Ministerial Declaration on Sustainable Development (May 1990, Bergen, Norway),

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of this Convention

- (i) "Parties" means, unless the text otherwise indicates, the Contracting Parties to this Convention;
- (ii) "Party of origin" means the Contracting Party or Parties to this Convention under whose jurisdiction a proposed activity is envisaged to take place;
- (iii) "Affected Party" means the Contracting Party or Parties to this Convention likely to be affected by the transboundary impact of a proposed activity;
- (iv) "Concerned Parties" means the Party of origin and the affected Party of an environmental impact assessment pursuant to this Convention;
- (v) "Proposed activity" means any activity or any major change to an activity subject to a decision of a competent authority in accordance with an applicable national procedure;
- (vi) "Environmental impact assessment" means a national procedure for evaluating the likely impact of a proposed activity on the environment;
- (vii) "Impact" means any effect caused by a proposed activity on the environment including human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interaction among these factors; it also includes effects on cultural heritage or socio economic conditions resulting from alterations to those factors;
- (viii) "Transboundary impact" means any impact, not exclusively of a global nature, within an area under the jurisdiction of a Party caused by a proposed activity the physical origin of which is situated wholly or in part within the area under the jurisdiction of another Party;
- (ix) "Competent authority" means the national authority or authorities designated by a Party as responsible for performing the tasks covered by this Convention and/or the authority or authorities entrusted by a Party with decision making powers regarding a proposed activity;
- (x) "The Public" means one or more natural or legal persons.

Article 2

GENERAL PROVISIONS

1. The Parties shall, either individually or jointly, take all appropriate and effective measures to prevent, reduce and control significant adverse transboundary environmental impact from proposed activities.
2. Each Party shall take the necessary legal, administrative or other measures to implement the provisions of this Convention, including, with respect to proposed activities listed in Appendix I that are likely to cause significant adverse transboundary impact, the establishment of an environmental impact assessment procedure that permits public participation and preparation of the environmental impact assessment documentation described in Appendix II.
3. The Party of origin shall ensure that in accordance with the provisions of this Convention an environmental impact assessment is undertaken prior to a decision to authorize or undertake a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact.
4. The Party of origin shall, consistent with the provisions of this Convention, ensure that affected Parties are notified of a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact.
5. Concerned Parties shall, at the initiative of any such Party, enter into discussions on whether one or more proposed activities not listed in Appendix I is or are likely to cause a significant adverse transboundary impact and thus should be treated as if it or they were so listed. Where those Parties so agree, the activity or activities shall be thus treated. General guidance for identifying criteria to determine significant adverse impact is set forth in Appendix III.
6. The Party of origin shall provide, in accordance with the provisions of this Convention, an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.
7. Environmental impact assessments as required by this Convention shall, as a minimum requirement, be undertaken at the project level of the proposed activity. To the extent appropriate, the Parties shall endeavour to apply the principles of environmental impact assessment to policies, plans and programmes.
8. The provisions of this Convention shall not affect the right of Parties to implement national laws, regulations, administrative provisions or accepted legal practices protecting information the supply of which would be prejudicial to industrial and commercial secrecy or national security.
9. The provisions of this Convention shall not affect the right of particular Parties to implement, by bilateral or multilateral agreement where appropriate, more stringent measures than those of the present Convention.

10. The provisions of this Convention shall not prejudice any obligations of the Parties under international law with regard to activities having or likely to have a transboundary impact.

Article 3

NOTIFICATION

1. For a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact, the Party of origin shall, for the purposes of ensuring adequate and effective consultations under article 5, notify any Party which it considers may be an affected Party as early as possible and no later than when informing its own public about that proposed activity.

2. This notification shall contain, inter alia,

(a) Information on the proposed activity including any available information on its possible transboundary impact;

(b) The nature of the possible decision; and

(c) An indication of a reasonable time within which a response under paragraph 3 of this article is required taking into account the nature of the proposed activity;

and may include the information set out in paragraph 4 of this article.

3. The affected Party shall respond to the Party of origin within the time specified in the notification, acknowledging receipt of the notification and shall indicate whether it intends to participate in the environmental impact assessment procedure.

4. If the affected Party indicates that it does not intend to participate in the environmental impact assessment procedure, or if it does not respond within the time specified in the notification, the provisions in paragraphs 5, 6, 7 and 8 of this article and in articles 4 to 7 will not apply. In such circumstances the right of a Party of origin to determine whether to carry out an environmental impact assessment on the basis of its national law and practice is not prejudiced.

5. Upon receipt of a response from the affected Party indicating its desire to participate in the environmental impact assessment procedure, the Party of origin shall, if it has not already done so, provide to the affected Party:

(a) Relevant information regarding the environmental impact assessment procedure including an indication of the time schedule for transmittal of comments; and

(b) Relevant information on the proposed activity and its possible significant adverse transboundary impact.

6. An affected Party shall, at the request of the Party of origin, provide the latter with reasonably obtainable information relating to the potentially affected environment under the jurisdiction of the affected Party, where such information is necessary for the preparation of the environmental impact assessment documentation. The information shall be furnished promptly and, as appropriate, through a joint body where one exists.

7. When a Party considers that it would be affected by a significant adverse transboundary impact of a proposed activity listed in Appendix I, and when no notification has taken place in accordance with paragraph 1 of this article, the concerned Parties shall, at the request of the affected Party, exchange sufficient information for the purposes of holding discussions on whether there is likely to be a significant adverse transboundary impact. If those Parties agree that there is likely to be a significant adverse transboundary impact, the provisions of this Convention shall apply accordingly. If those Parties cannot agree whether there is likely to be a significant adverse transboundary impact, any such Party may submit that question to an inquiry commission in accordance with the provisions of Appendix IV to advise on the likelihood of significant adverse transboundary impact, unless they agree on another method of settling this question.

8. The concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed of, and be provided with possibilities for making comments or objections on, the proposed activity and for the transmittal of these comments or objections to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin.

Article 4

PREPARATION OF THE ENVIRONMENTAL IMPACT ASSESSMENT DOCUMENTATION

1. The environmental impact assessment documentation to be submitted to the competent authority of the Party of origin shall contain, as a minimum, the information described in Appendix II.

2. The Party of origin shall furnish the affected Party, as appropriate through a joint body where one exists, with the environmental impact assessment documentation. The concerned Parties shall arrange for distribution of the documentation to the authorities and the public of the affected Party in the areas likely to be affected and for the submission of comments to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin within a reasonable time before the final decision is taken on the proposed activity.

Article 5

CONSULTATIONS ON THE BASIS OF THE ENVIRONMENTAL IMPACT ASSESSMENT DOCUMENTATION

The Party of origin shall, after completion of the environmental impact assessment documentation, without undue delay enter into consultations with the affected Party concerning, inter alia, the potential transboundary impact of the proposed activity and measures to reduce or eliminate its impact. Consultations may relate to:

(a) Possible alternatives to the proposed activity, including the no-action alternative and possible measures to mitigate significant adverse transboundary impact and to monitor the effects of such measures at the expense of the Party of origin;

(b) Other forms of possible mutual assistance in reducing any significant adverse transboundary impact of the proposed activity; and

(c) Any other appropriate matters relating to the proposed activity.

The Parties shall agree, at the commencement of such consultations, on a reasonable time frame for the duration of the consultation period. Any such consultations may be conducted through an appropriate joint body, where one exists.

Article 6

FINAL DECISION

1. The Parties shall ensure that, in the final decision on the proposed activity, due account is taken of the outcome of the environmental impact assessment including the environmental impact assessment documentation, as well as the comments thereon received pursuant to articles 3.8 and 4.2, and the outcome of the consultations as referred to in article 5.

2. The Party of origin shall provide to the affected Party the final decision on the proposed activity along with the reasons and considerations on which it was based.

3. If additional information on the significant transboundary impact of a proposed activity, which was not available at the time a decision was made with respect to that activity and which could have materially affected the decision, becomes available to a concerned Party before work on that activity commences, that Party shall immediately inform the other concerned Party or Parties. If one of the concerned Parties so requests, consultations shall be held as to whether the decision needs to be revised.

Article 7

POST-PROJECT ANALYSIS

1. The concerned Parties, at the request of any such Party, shall determine whether, and if so to what extent, a post-project analysis shall be carried out, taking into account the likely significant adverse transboundary impact of the activity for which an environmental impact assessment has been undertaken pursuant to this Convention. Any post-project analysis undertaken shall include, in particular, the surveillance of the activity and the determination of any adverse transboundary impact. Such surveillance and determination may be undertaken with a view to achieving the objectives listed in Appendix V.

2. When, as a result of post project analysis, the Party of origin or the affected Party has reasonable grounds for concluding that there is a significant adverse transboundary impact or factors have been discovered which may result in such an impact, it shall immediately inform the other Party. The concerned Parties shall then consult on necessary measures to reduce or eliminate the impact.

Article 8

BILATERAL AND MULTILATERAL CO-OPERATION

The Parties may continue existing or enter into new bilateral or multilateral agreements or other arrangements in order to implement their obligations under this Convention. Such agreements or other arrangements may be based on the elements listed in Appendix VI.

Article 9

RESEARCH PROGRAMMES

The Parties shall give special consideration to the setting up, or intensification of, specific research programmes aimed at:

- (a) Improving existing qualitative and quantitative methods for assessing the impacts of proposed activities;
- (b) Achieving a better understanding of cause-effect relationships and their role in integrated environmental management;
- (c) Analysing and monitoring the efficient implementation of decisions on proposed activities with the intention of minimizing or preventing impacts;
- (d) Developing methods to stimulate creative approaches in the search for environmentally sound alternatives to proposed activities, production and consumption patterns;
- (e) Developing methodologies for the application of the principles of environmental impact assessment at the macro-economic level.

The results of the programmes listed above shall be exchanged by the Parties.

Article 10

STATUS OF THE APPENDICES

The appendices attached to this Convention form an integral part of the Convention.

Article 11

MEETING OF PARTIES

1. The Parties shall meet, so far as possible, in connection with the annual sessions of the Senior Advisers to ECE Governments on Environmental and Water Problems. The first meeting of the Parties shall be convened not later than one year after the date of the entry into force of this Convention. Thereafter, 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 the request being communicated to them by the secretariat, it is supported by at least one third of the Parties.

2. The Parties shall keep under continuous review the implementation of the Convention, and, with this purpose in mind, shall:

(a) Review the policies and methodological approaches to environmental impact assessment by the Parties with a view to further improving environmental impact assessment procedures in a transboundary context;

(b) Exchange information regarding experience gained in concluding and implementing bilateral and multilateral agreements or other arrangements regarding the use of environmental impact assessment in a transboundary context to which one or more of the Parties are party;

(c) Seek, where appropriate, the services of competent international bodies and scientific committees in methodological and technical aspects pertinent to the achievement of the purposes of this Convention;

(d) At their first meeting, consider and by consensus adopt rules of procedure for their meetings;

(e) Consider and, where necessary, adopt proposals for amendments to this Convention;

(f) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

Article 12

RIGHT TO VOTE

1. Each Party to this Convention shall have one vote.

2. Except as provided for in paragraph 1 of this article, 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. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 13

SECRETARIAT

The Executive Secretary of the Economic Commission for Europe shall carry out the following secretariat functions:

(a) The convening and preparing of meetings of the Parties;

(b) The transmission of reports and other information received in accordance with the provisions of this Convention to the Parties; and

(c) The performance of other functions as may be provided for in this Convention or as may be determined by the Parties.

Article 14

AMENDMENTS TO THE CONVENTION

1. Any Party may propose amendments to this Convention.
2. Proposed amendments shall be submitted in writing to the secretariat which shall communicate them to all Parties. The proposed amendments shall be discussed at the next meeting of the Parties provided these proposals have been circulated by the secretariat to the Parties at least ninety days in advance.
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.
4. Amendments to this Convention adopted in accordance with paragraph 3 of this article shall be submitted by the Depository to all Parties for ratification, approval or acceptance. They shall enter into force for Parties having ratified, approved or accepted them on the ninetieth day after the receipt by the Depository of notification of their ratification, approval or acceptance by at least three fourths of these Parties. Thereafter they 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.
5. For the purpose of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.
6. The voting procedure set forth in paragraph 3 of this article is not intended to constitute a precedent for future agreements negotiated within the Economic Commission for Europe.

Article 15

SETTLEMENT OF DISPUTES

1. If a dispute arises between two or more Parties about the interpretation or application of this Convention, they shall seek a solution by negotiation or by any other method of dispute settlement acceptable to the parties to the dispute.
2. When signing, ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party may declare in writing to the Depository that for a dispute not resolved in accordance with paragraph 1 of this article, it accepts one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:
 - (a) Submission of the dispute to the International Court of Justice;
 - (b) Arbitration in accordance with the procedure set out in Appendix VII.

3. If the parties to the dispute have accepted both means of dispute settlement referred to in paragraph 2 of this article, the dispute may be submitted only to the International Court of Justice, unless the parties agree otherwise.

Article 16

SIGNATURE

This Convention shall be open for signature at Espoo (Finland) from 25 February to 1 March 1991 and thereafter at the United Nations Headquarters in New York until 2 September 1991 by the member States of the Economic Commission for Europe as well as States having consultative status with the Economic Commission for Europe pursuant to paragraph 8 of the Economic and Social Council resolution 36 (IV) of 28 March 1947, and by regional economic integration organizations constituted by sovereign States members of the Economic Commission for Europe to which their member States have transferred competence in respect of matters governed by this Convention, including the competence to enter into treaties in respect of these matters.

Article 17

RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. This Convention shall be subject to ratification, acceptance or approval by signatory States and regional economic integration organizations.
2. This Convention shall be open for accession as from 3 September 1991 by the States and organizations referred to in article 16.
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations, who shall perform the functions of Depository.
4. Any organization referred to in article 16 which becomes Party to this 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.
5. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations referred to in article 16 shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depository of any relevant modification to the extent of their competence.

Article 18

ENTRY INTO FORCE

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the sixteenth instrument of ratification, acceptance, approval or accession.

2. For the purposes of paragraph 1 of this article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such an organization.

3. For each State or organization referred to in article 16 which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the sixteenth 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 organization of its instrument of ratification, acceptance, approval or accession.

Article 19

WITHDRAWAL

At any time after four years from the date on which this Convention has come into force with respect to a Party, that Party may withdraw from the Convention by giving written notification to the Depositary. Any such withdrawal shall take effect on the ninetieth day after the date of its receipt by the Depositary. Any such withdrawal shall not affect the application of articles 3 to 6 of the Convention to a proposed activity in respect of which a notification has been made pursuant to article 3.1 or a request has been made pursuant to article 3.7 before such withdrawal took effect.

Article 20

AUTHENTIC TEXTS

The original of this Convention, of which the English, French and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

APPENDIX I

LIST OF ACTIVITIES

1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.
2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more and nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).
3. Installations solely designed for the production or enrichment of nuclear fuels, for the reprocessing of irradiated nuclear fuels or for the storage, disposal and processing of radioactive waste.
4. Major installations for the initial smelting of cast-iron and steel and for the production of non-ferrous metals.
5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos; for asbestos cement products, with an annual production of more than 20,000 tonnes finished product; for friction material, with an annual production of more than 50 tonnes finished product; and for other asbestos utilization of more than 200 tonnes per year.
6. Integrated chemical installations.
7. Construction of motorways, express roads ^{2/} and lines for long-distance railway traffic and of airports with a basic runway length of 2,100 metres or more.
8. Large diameter oil and gas pipelines.
9. Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes.
10. Waste disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes.
11. Large dams and reservoirs.
12. Groundwater abstraction activities in cases where the annual volume of water to be abstracted amounts to 10 million cubic metres or more.
13. Pulp and paper manufacturing of 200 air dried metric tonnes or more per day.
14. Major mining, on-site extraction and processing of metal ores or coal.
15. Offshore hydrocarbon production.

16. Major storage facilities for petroleum, petrochemical and chemical products.

17. Deforestation of large areas.

*/ For the purposes of this Convention:

"Motorway" means a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which:

(a) Is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other by a dividing strip not intended for traffic or, exceptionally, by other means;

(b) Does not cross at level with any road, railway or tramway track, or footpath; and

(c) Is specially sign-posted as a motorway.

"Express road" means a road reserved for motor traffic accessible only from interchanges or controlled junctions and on which, in particular, stopping and parking are prohibited on the running carriageway(s).

APPENDIX II

CONTENT OF THE ENVIRONMENTAL IMPACT ASSESSMENT DOCUMENTATION

Information to be included in the environmental impact assessment documentation shall, as a minimum, contain, in accordance with article 4:

- (a) A description of the proposed activity and its purpose;
- (b) A description, where appropriate, of reasonable alternatives (for example, locational or technological) to the proposed activity and also the no action alternative;
- (c) A description of the environment likely to be significantly affected by the proposed activity and its alternatives;
- (d) A description of the potential environmental impact of the proposed activity and its alternatives and an estimation of its significance;
- (e) A description of mitigation measures to keep adverse environmental impact to a minimum;
- (f) An explicit indication of predictive methods and underlying assumptions as well as the relevant environmental data used;
- (g) An identification of gaps in knowledge and uncertainties encountered in compiling the required information;
- (h) Where appropriate, an outline for monitoring and management programmes and any plans for post-project analysis; and
- (i) A non-technical summary including a visual presentation as appropriate (maps, graphs, etc.).

APPENDIX III

GENERAL CRITERIA TO ASSIST IN THE DETERMINATION OF THE
ENVIRONMENTAL SIGNIFICANCE OF ACTIVITIES NOT LISTED IN APPENDIX I

1. In considering proposed activities to which article 2.5 applies, the concerned Parties may consider whether the activity is likely to have a significant adverse transboundary impact in particular by virtue of one or more of the following criteria:

(a) Size: proposed activities which are large for the type of the activity;

(b) Location: proposed activities which are located in or close to an area of special environmental sensitivity or importance (such as wetlands designated under the Ramsar Convention, national parks, nature reserves, sites of special scientific interest, or sites of archaeological, cultural or historical importance); also proposed activities in locations where the characteristics of proposed development would be likely to have significant effects on the population;

(c) Effects: proposed activities with particularly complex and potentially adverse effects including those giving rise to serious effects on humans or on valued species or organisms, those which threaten the existing or potential use of an affected area and those causing additional loading which cannot be sustained by the carrying capacity of the environment.

2. The concerned Parties shall consider for this purpose proposed activities which are located close to an international frontier as well as more remote proposed activities which could give rise to significant transboundary effects far removed from the site of development.

APPENDIX IV

INQUIRY PROCEDURE

1. The requesting Party or Parties shall notify the secretariat that it or they submit(s) the question of whether a proposed activity listed in Appendix I is likely to have a significant adverse transboundary impact to an inquiry commission established in accordance with the provisions of this Appendix. This notification shall state the subject-matter of the inquiry. The secretariat shall notify immediately all Parties to the Convention of this submission.
2. The inquiry commission shall consist of three members. Both the requesting party and the other party to the inquiry procedure shall appoint a scientific or technical expert and the two experts so appointed shall designate by common agreement the third expert who shall be the president of the inquiry commission. The latter shall not be a national of one of the parties to the inquiry procedure, 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 matter in any other capacity.
3. If the president of the inquiry commission has not been designated within two months of the appointment of the second expert, the Executive Secretary of the Economic Commission for Europe shall, at the request of either party, designate the president within a further two-month period.
4. If one of the parties to the inquiry procedure does not appoint an expert within one month of its receipt of the notification by the secretariat, the other party may inform the Executive Secretary of the Economic Commission for Europe who shall designate the president of the inquiry commission within a further two month period. Upon designation, the president of the inquiry commission shall request the party which has not appointed an expert to do so within one month. After such a period, the president shall inform the Executive Secretary of the Economic Commission for Europe who shall make this appointment within a further two-month period.
5. The inquiry commission shall adopt its own rules of procedure.
6. The inquiry commission may take all appropriate measures in order to carry out its functions.
7. The parties to the inquiry procedure shall facilitate the work of the inquiry commission and, in particular, using all means at their disposal, shall:
 - (a) Provide it with all relevant documents, facilities and information; and
 - (b) Enable it, where necessary, to call witnesses or experts and receive their evidence.
8. The parties and the experts shall protect the confidentiality of any information they receive in confidence during the work of the inquiry commission.

9. If one of the parties to the inquiry procedure does not appear before the inquiry commission or fails to present its case, the other party may request the inquiry commission to continue the proceedings and to complete its work. Absence of a party or failure of a party to present its case shall not constitute a bar to the continuation and completion of the work of the inquiry commission.

10. Unless the inquiry commission determines otherwise because of the particular circumstances of the matter, the expenses of the inquiry commission, including the remuneration of its members, shall be borne by the parties to the inquiry procedure in equal shares. The inquiry commission shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

11. Any Party having an interest of a factual nature in the subject-matter of the inquiry procedure, and which may be affected by an opinion in the matter, may intervene in the proceedings with the consent of the inquiry commission.

12. The decisions of the inquiry commission on matters of procedure shall be taken by majority vote of its members. The final opinion of the inquiry commission shall reflect the view of the majority of its members and shall include any dissenting view.

13. The inquiry commission shall present its final opinion within two months of the date on which it was established unless it finds it necessary to extend this time limit for a period which should not exceed two months.

14. The final opinion of the inquiry commission shall be based on accepted scientific principles. The final opinion shall be transmitted by the inquiry commission to the parties to the inquiry procedure and to the secretariat.

APPENDIX V

POST-PROJECT ANALYSIS

Objectives include:

- (a) Monitoring compliance with the conditions as set out in the authorization or approval of the activity and the effectiveness of mitigation measures;
- (b) Review of an impact for proper management and in order to cope with uncertainties;
- (c) Verification of past predictions in order to transfer experience to future activities of the same type.

APPENDIX VI

ELEMENTS FOR BILATERAL AND MULTILATERAL CO-OPERATION

1. Concerned Parties may set up, where appropriate, institutional arrangements or enlarge the mandate of existing institutional arrangements within the framework of bilateral and multilateral agreements in order to give full effect to this Convention.
2. Bilateral and multilateral agreements or other arrangements may include:
 - (a) Any additional requirements for the implementation of this Convention, taking into account the specific conditions of the subregion concerned;
 - (b) Institutional, administrative and other arrangements, to be made on a reciprocal and equivalent basis;
 - (c) Harmonization of their policies and measures for the protection of the environment in order to attain the greatest possible similarity in standards and methods related to the implementation of environmental impact assessment;
 - (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post project analysis;
 - (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into environmental impact assessment;
 - (f) The establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities, for which environmental impact assessment in accordance with the provisions of this Convention shall be applied; and the establishment of critical loads of transboundary pollution;
 - (g) Undertaking, where appropriate, joint environmental impact assessment, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies with a view to rendering the data and information obtained compatible.

APPENDIX VII

ARBITRATION

1. The claimant Party or Parties shall notify the secretariat that the Parties have agreed to submit the dispute to arbitration pursuant to article 15.2 of this Convention. The notification shall state the subject matter of arbitration and include, in particular, the articles of this Convention, the interpretation or application of which are at issue. The secretariat shall forward the information received to all Parties to this Convention.
2. The arbitral tribunal shall consist of three members. Both the claimant Party or Parties and the other Party or 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 arbitral 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.
3. If the president of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Executive Secretary of the Economic Commission for Europe shall, at the request of either party to the dispute, designate the president within a further two-month period.
4. 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 Executive Secretary of the Economic Commission for Europe who shall designate the president of the arbitral tribunal within a further two-month period. Upon designation, the president of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such a period, the president shall inform the Executive Secretary of the Economic Commission for Europe who shall make this appointment within a further two-month period.
5. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.
6. Any arbitral tribunal constituted under the provisions set out herein shall draw up its own rules of procedure.
7. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.
8. The tribunal may take all appropriate measures in order to establish the facts.
9. 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, facilities and information; and

(b) Enable it, where necessary, to call witnesses or experts and receive their evidence.

10. The parties and the arbitrators shall protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.
11. The arbitral tribunal may, at the request of one of the parties, recommend interim measures of protection.
12. 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 render its final decision. Absence of a party or 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.
13. The arbitral tribunal may hear and determine counter-claims arising directly out of the subject matter of the dispute.
14. 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.
15. Any Party to this Convention having an interest of a legal nature in the subject-matter of the dispute, and which may be affected by a decision in the case, may intervene in the proceedings with the consent of the tribunal.
16. The arbitral 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.
17. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon all parties to the dispute. The award will be transmitted by the arbitral tribunal to the parties to the dispute and to the secretariat. The secretariat will forward the information received to all Parties to this Convention.
18. 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.

(21)

January 30, 1991
Bamako, Mali
Bamako Convention

BAMAKO CONVENTION ON THE BAN OF THE IMPORT INTO AFRICA
AND THE CONTROL OF TRANSBOUNDARY MOVEMENT
OF HAZARDOUS WASTES WITHIN AFRICA

PREAMBLE

The Parties to this Convention,

1. Mindful of the growing threat to human health and the environment posed by the increased generation and the complexity of hazardous wastes,
2. Further mindful 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,
3. Aware of the risk of damage to human health and the environment caused by transboundary movements of hazardous wastes,
4. Reiterating that States should ensure that the generator should carry out his responsibilities with regard to the transport and disposal of hazardous wastes in a manner that is consistent with the protection of human health and environment, whatever the place of disposal,
5. Recalling relevant Chapter of the Charter of the Organization of African Unity (OAU) on environmental protection, the African Charter for Human and Peoples's Rights, chapter IX of the Lagos Plan of Action and other Recommendations adopted by the Organization of African Unity on the environment,
6. Further recognizing the sovereignty of States to ban the importation into, and the transit through, their territory, of hazardous wastes and substances for human health and environmental reasons,
7. Recognizing also the increasing mobilization in Africa for the prohibition of transboundary movements of hazardous wastes and their disposal in African countries,
8. Convinced that hazardous wastes should, as far as is compatible with environmentally sound and efficient management, be disposed in the State where they were generated,
9. Convinced that the effective control and minimization of transboundary movements of hazardous wastes will act as an incentive, in Africa and elsewhere, for the reduction of the volume of the generation of such wastes,
10. Noting that a number of international and regional agreements deal with the problem of the protection and preservation of the environment with regard to the transit of dangerous goods,
11. 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), the Charter of Human Rights, relevant recommendations, declaration, instruments and regulations adopted within the United Nations System, the relevant Articles of the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, allows for the establishment of regional agreements which may be equal to or stronger than its own provisions, Article 39 of the Lome IV Convention relating to the international movement of hazardous wastes and radioactive wastes, African inter-governmental organizations and the work and studies done within other international and regional organizations.

12. Mindful of the spirit, principles, aims and functions of the African Convention on the Conservation of Nature and Natural Resources adopted by the African Heads of State and Government in Algiers (1968) and 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 human environment and the conservation of natural resources.

13. Concerned by the problems of the transboundary traffic in hazardous wastes,

14. Recognizing the need to promote the development of clean production methods, including clean technologies, for the sound management of hazardous wastes produced in Africa, in particular, to avoid, minimize and eliminate the generation of such wastes,

15. Recognizing also that when necessary hazardous wastes should be transported in accordance with relevant international conventions and recommendations,

16. Determined to protect, by strict control, the human health of the African population and the environment against the adverse effects which may result from the generation of hazardous wastes,

17. Affirming a commitment also to responsibly address the problem of hazardous wastes originating within the Continent of Africa,

HAVE AGREED AS FOLLOWS :

ARTICLE 1

DEFINITIONS

For the purpose of this Convention :

1. "Wastes" are substances or materials 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. "Hazardous wastes" shall mean wastes as specified in Article 2 of this Convention.
3. "Management" means the prevention and reduction of hazardous wastes and the

collection, transport, storage, treatment either for re-use or disposal of hazardous wastes including after-care of disposal sites ;

4. "Transboundary movement" means any movement of hazardous wastes from an area under the national jurisdiction of any 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 another State, provided at least two States are involved in the movement ;
5. "Clean production methods" means production or industrial systems which avoid or eliminate the generation of hazardous wastes and hazardous products in conformity with Article 4, Section 3 (f) and (g) of this Convention ;
6. "Disposal" means any operation specified in Annex III to this Convention ;
7. "Approved site or facility" means a site or facility for the disposal of hazardous wastes which is authorised or permitted to operate for this purpose by a relevant authority of the State where the site or facility is located ;
8. "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 and any information related to it, and for responding to such a notification, as provided in Article 6;
9. "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 ;
10. "Environmentally sound management of hazardous wastes" means taking all practicable steps to ensure that hazardous wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes ;
11. "Area under the national jurisdiction of a State" means any land, marine area or airspace 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 ;
12. "State of export" means a State from which a transboundary movement of hazardous wastes is planned to be initiated or is initiated ;
13. "State of import" means a State to which a transboundary movement 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 ;
14. "State of transit" means any State, other than the State of export or import, through which a movement of hazardous wastes is planned or takes place ;

15. "States concerned" means Parties which are States of export or import, or transit States whether or not Parties ;
16. "Person" means any natural or legal person ;
16. "Exporter" means any person under the jurisdiction of the State export who arranges for hazardous wastes to be exported ;
17. "Exporter" means any person under the jurisdiction of the State export who arranges for hazardous wastes to be exported ;
18. "Importer" means any person under the jurisdiction of the State of import who arranges for hazardous wastes to be imported;
19. "Carrier", means any person who carries out the transport of hazardous wastes ;
20. "Generator" means any person whose activity produces hazardous wastes, or, if that person is not known, the person who is in possession and/or control of those wastes;
21. "Disposer" means any person to whom hazardous wastes are shipped and who carries out the disposal of such wastes;
22. "Illegal traffic" means any transboundary movement of hazardous wastes as specified in Article 9;
22. "Dumping at sea" means the deliberate disposal of hazardous wastes at sea from vessels, aircraft, platforms or other man-made structures at sea, and includes ocean incineration and disposal into the seabed and sub-seabed.

ARTICLE 2

SCOPE OF THE CONVENTION

1. The following substances shall be "hazardous wastes" for the purposes of this convention:
 - a) Wastes that belong to any category contained in Annex I of this Convention;
 - b) Wastes that are not covered under paragraph (a) above but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the State of export, import or transit;
 - c) Wastes which possess any of the characteristics contained in Annex II of this Convention;

- d) Hazardous substances which have been banned, cancelled or refused registration by government regulatory action, or voluntarily withdrawn from registration, in the country of manufacture, for human health and environmental reasons.
2. Wastes which, as a result of being radioactive, are subject to any international control systems, including international instruments, applying specifically to radioactive materials, are included in the scope of this Convention.
3. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, shall not fall within the scope of this Convention.

ARTICLE 3

NATIONAL DEFINITIONS OF HAZARDOUS WASTES

1. Each State 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 Annex 1 of this Convention, 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 of this Convention.
3. The Secretariat shall forthwith inform all Parties of the information it has received pursuant to Paragraphs 1 and 2 of this Article.
4. Parties shall be responsible for making the information transmitted to them by the Secretariat under Paragraph 3 of this Article, available to their exporters and other appropriate bodies.

ARTICLE 4

GENERAL OBLIGATIONS

1. Hazardous Waste Import Ban

All Parties shall take appropriate legal, administrative and other measures within the area under their jurisdiction to prohibit the import of all hazardous wastes, for any reason, into Africa from non-Contracting Parties. Such import shall be deemed illegal and a criminal act. All Parties shall:

- a) Forward as soon as possible, all information relating to such illegal

hazardous waste import activity to the Secretariat who shall distribute the information to all Contracting Parties;

- b) Co-operate to ensure that no imports of hazardous wastes from a non-Party enter to this Convention. To this end, the Parties shall, at the Conference of the Contracting Parties consider other enforcement mechanisms.

2. Ban on Dumping of Hazardous Wastes at Sea, Internal Waters and Waterways.

- a) Parties in conformity with related international conventions and instruments shall, in the exercise of their jurisdiction within their internal waters, territorial seas, exclusive economic zones and continental shelf, adopt legal, administrative and other appropriate measures to control all carriers from non-Parties, and prohibit the dumping at sea of hazardous wastes, including their incineration at sea and their disposal in the seabed and sub-seabed; any dumping of hazardous wastes at sea, including incineration at sea as well as seabed and sub-seabed disposal, by Contracting Parties, whether in internal waters, territorial seas, exclusive economic zones or high seas shall be deemed to be illegal;
- b) Parties shall forward, as soon as possible, all information relating to dumping of hazardous wastes to the Secretariat which shall distribute the information to all Contracting Parties.

3. Waste Generation in Africa

Each Party shall:

- a) Ensure that hazardous waste generators submit to the Secretariat reports regarding the wastes that they generate in order to enable the Secretariat of the Convention to produce a complete hazardous waste audit;
- b) Impose unlimited liability as well as joint and several liability on hazardous waste generators;
- c) ensure that the generation of hazardous wastes within the area under its jurisdiction is reduced to a minimum taking into account social, technological and economic aspects;
- d) Ensure the availability of adequate treatment and/or disposal facilities, for the environmentally sound management of hazardous wastes which shall be located, to the extent possible, within its jurisdiction;
- e) Ensure that persons involved in the management of hazardous wastes within its jurisdiction take such steps as are necessary to prevent pollution arising from such wastes and, if such pollution occurs, to minimize the consequence thereof for human health and the environment;

The Adoption of Precautionary Measures:

- f) Each Party shall strive to adopt and implement the preventive, precautionary approach to pollution problems which entails, inter-alia, preventing the release into the environment of substances which may cause harm to humans or the environment without waiting for scientific proof regarding such harm. The Parties shall co-operate with each other in taking the appropriate measures to implement the precautionary principle to pollution prevention through the application of clean production methods, rather than the pursuit of a permissible emissions approach based on assimilative capacity assumptions;
- g) In this respect Parties shall promote clean production methods applicable to entire product life cycles including:
- raw material selection, extraction and processing;
 - product conceptualisation, design, manufacture and assemblage;
 - materials transport during all phases;
 - industrial and household usage;
 - reintroduction of the product into industrial systems or nature when it no longer serves a useful function;

Clean production shall not include "end-of-pipe" pollution controls such as filters and scrubbers, or chemical, physical or biological treatment. Measures which reduce the volume of waste by incineration or concentration, mask the hazard by dilution, or transfer pollutants from one environmental medium to another, are also excluded.

- h) The issue of the transfer to Africa of polluting technologies shall be kept under systematic review by the Secretariat of the Conference and periodic reports made to the Conference of the Parties.

Obligations in the Transport and Transboundary Movement of Hazardous Wastes from Contracting Parties:

- i) Each Party shall prevent the export of hazardous wastes to States which have prohibited by their legislation or international agreements all such 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.
- j) A Party shall not permit hazardous wastes to be exported to a State which does not have the facilities for disposing of them in an environmentally sound manner;

- k) Each Party shall ensure that hazardous wastes to be exported are managed in an environmentally sound manner in the State of import and of transit. Technical guidelines for the environmentally sound management of wastes subject to this convention shall be decided by the Parties at their first meeting ;
- l) The Parties agree not to allow the export of hazardous wastes for disposal within the area South of 60 degrees South Latitude, wether or not such wastes are subject to transboundary movement ;
- m) Furthermore, each Party shall :
 - i) prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes unless such persons are authorized or allowed to perform such operations ;
 - ii) ensure that hazardous wastes that are to be the subject of a transboundary movement are 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.
 - iii) ensure that hazardous wastes be accompanied by a movement document, containing information specified in Annex IV B, from the point at which a transboundary movement commences to the point of disposal ;
- n) Parties shall take the appropriate measures to ensure that the transboundary movements of hazardous wastes only are allowed if :
 - i) 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
 - ii) 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 ;
- o) Under this Convention, the obligation of States in which hazardous wastes are generated, requiring that those wastes are managed in an environmentally sound manner, may not under any circumstances be transferred to the States of import or transit.
- p) Parties shall undertake to review periodically the possibilities for the reduction of the amount and/or the pollution potential of hazardous wastes which are exported to other States.

- q) Parties exercising their right to prohibit the import of hazardous wastes for disposal shall inform the other Parties of their decision pursuant to Article 13 ;
- r) Parties shall prohibit or shall not permit the export of hazardous wastes to States which have prohibited the import of such wastes when notified by the Secretariat or any competent authority pursuant to sub-paragraph (q) above ;
- s) Parties shall prohibit or shall not permit the export of hazardous wastes if the States 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 ;
- t) Parties shall ensure that the transboundary movement of hazardous 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 movements ;
- u) Parties shall require that information about a proposed transboundary movement of hazardous wastes be provided to the States concerned, according to Annex IV A, and state clearly the potential effects of the proposed movement on human health and the environment.

4. Furthermore

- a) Parties shall undertake to enforce the obligation of this Convention against offenders and infringements according to relevant national laws and/or order to better protect human health and the environment ;
- b) 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 to better protect human health and the environment ;
- c) This Convention recognizes the sovereignty of States over their territorial sea, waterways and air space established in accordance with international law, and jurisdiction which States have in their exclusive economic zone and their continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of navigation rights and freedoms as provided for in international law and as reflected in relevant international instruments.

ARTICLE 5

DESIGNATION OF COMPETENT AUTHORITIES FOCAL POINT AND DUMPWATCH

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 designations made by them under paragraph 2 above.
4. Appoint a national body to act as a Dumpwatch. In such capacity as a Dumpwatch, the designated national body only will be required to co-ordinate with the concerned governmental and non-governmental bodies.

ARTICLE 6

TRANSBOUNDARY MOVEMENT AND NOTIFICATION PROCEDURES

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. Such notification shall contain the declaration and information specified in Annex IV A, of this Convention, 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 that are Parties to this Convention.
3. The State of export shall not allow the transboundary movement until it has received :
 - a) written consent of the State of import, and

- b) from the State of import written 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 to this Convention 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.
5. In the case of a transboundary movement of hazardous 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 8 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 to this Convention, the requirements of paragraph 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 Party to this Convention, the provisions of paragraph 4 shall apply to such State.
6. The State shall use a shipment specific notification even where hazardous wastes having the same physical and chemical characteristics are shipped regularly to the same disposer 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 ; specific notification of each and every shipment shall be required and contain the information in Annex IV A of this Convention.
7. Each Party to this Convention shall limit their points or ports of entry and notify the Secretariat to this effect for distribution to all Contracting Parties. Such points and ports shall be the only ones permitted for the transboundary movement of hazardous wastes.
8. The Parties to this Convention shall require that each person who takes charge of a transboundary movement of hazardous 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.

9. The notification and response by this Article shall be transmitted to the competent authority of the States concerned.

10. Any transboundary movement of hazardous 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 of this Convention.

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 movements of hazardous 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 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 a maximum of 90 days from the time that the importing State informed the State of export and the Secretariat. To this end, the State of export and any State 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 under the following situations shall be deemed to be illegal traffic :

- a) if carried out without notification, pursuant to the provisions of this Convention, to all States concerned, or
- b) if carried out without the consent, pursuant to the provisions of this Convention, of a State concerned ; or
- c) if consent is obtained from States concerned through falsification, misrepresentation or fraud ; or

- d) if it does not conform in a material way with the documents ; or
- e) if it results in deliberate disposal of hazardous wastes in contravention of this Convention and of general principles of international law.

2. Each State shall introduce appropriate national legislation for imposing criminal penalties on all persons who have planned, carried out, or assisted in such illegal imports, Such penalties shall be sufficiently high to both punish and deter such conduct.

3) In case of a transboundary movement of hazardous 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 taken back by the exporter or generator or if necessary by itself into the State of export, within 30 days from the time the State of export has been informed about the illegal traffic. To this end the States concerned shall not oppose, hinder or prevent the return of those wastes to the State of export and appropriate legal action shall be taken against the contravenor (s).

4. In the case of a transboundary movement of hazardous 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 returned to the exporter by the importer and that legal proceedings according to the provisions of this Convention are taken against the contravenor (s).

ARTICLE 10

INTRA-AFRICAN CO-OPERATION

1. The Parties to this Convention shall co-operate with one another and with relevant African organizations, to improve and achieve the environmentally sound management of hazardous wastes.

2. To this end, the Parties shall :

- a) Make available information, whether on a bilateral or multilateral basis, with a view to promoting clean production methods and the environmentally sound management of hazardous wastes, including harmonization of technical standards and practices for the adequate management of hazardous 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 clean production technologies and the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of hazardous

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 and improved technologies ;

- d) Co-operate actively to their national laws, regulations and policies, in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes. They shall also co-operate in developing the technical capacity among Parties, especially those which may need and request 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 ;
- f) Co-operate in the exchange and dissemination of information on the movement of hazardous wastes in conformity with Article 13 of this Convention.

ARTICLE 11

INTERNATIONAL CO-OPERATION BILATERAL, MULTILATERAL AND REGIONAL AGREEMENTS

1. Parties to this Convention may enter into bilateral, multilateral, or regional agreements or arrangements regarding the transboundary movement and management of hazardous wastes generated in Africa with Parties or non-Parties provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes as required by this Convention. These agreements or arrangements shall stipulate provisions which are no less environmentally sound than those provided for by this Convention.

2. Parties shall notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements referred to in paragraph 1 of this Article and those which they have entered into prior to the entry into force of this Convention for them, for purpose of controlling transboundary movements of hazardous wastes which take place entirely among the Parties to such agreements. The provisions of this Convention shall not affect transboundary movements of hazardous wastes generated in Africa which take place pursuant to such agreements provided that such agreements are compatible with the environmentally sound management of hazardous wastes as required by this Convention.

3. Each Contracting Party shall prohibit vessels flying its flag or aircraft registered in its territory from carrying out activities in contravention of this Convention.

4. Parties shall use appropriate measures to promote South-South cooperation in the implementation of this Convention.

5. Taking into account the needs of developing countries, cooperation between international organizations is encouraged in order to promote, among other things, public awareness, the development of the rational management of hazardous wastes and the adoption of new and less polluting technologies.

ARTICLE 12

LIABILITIES AND COMPENSATION

The Conference of Parties shall set up an Ad Hoc expert organ to prepare a draft protocol setting out appropriate rules and procedures in the field of liabilities and compensation for damage resulting from the transboundary movement of hazardous wastes.

ARTICLE 13

TRANSMISSION OF INFORMATION

1. The Parties shall ensure that in the case of an accident occurring during the transboundary movement of hazardous wastes or their disposal which is likely to present risks to human health and the environment in other States, those States are immediately informed.

2. The States shall inform each other, through the Secretariat, of :

- a) Changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5 of the present Convention.
- b) Changes in their national definition of hazardous wastes, pursuant to article 3 of the present Convention ;
- c) Decisions made by them to limit or ban the import of hazardous wastes ;
- d) Any other information required pursuant to paragraph 4 of this Article.

3. The Parties, consistent with national laws and regulations, shall set up information collection and dissemination mechanisms of hazardous wastes. They shall transmit such information through the Secretariat, to the Conference of the Parties established under Article 15 of the present Convention, before the end of each calendar year, in a report on the previous calendar year, containing the following information :

- a) Competent authorities, Dumpwatch, and focal points that have been designated by them pursuant to Article 5 of the present Convention.
- b) Information regarding transboundary movements of hazardous wastes in which they have been involved including :

- i) The quantity of hazardous wastes exported, their category, characteristics, destination, any transit country and disposal methods as stated in the notification ;
 - ii) the amount of hazardous 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 subject to transboundary movements.
- c) Information on the measures adopted by them in the 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 - as part of the information required in conformity with Article 4 Section 3 (a) of this Convention ;
 - 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 movements and disposal of hazardous wastes and on the measures undertaken to deal with them ;
 - g) Information on disposal options operated within the area under their national jurisdiction ;
 - h) Information on measures undertaken for the development of clean, production methods, including clean production technologies, for the reduction and/or elimination of the production of hazardous 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, and the response to it, are sent to the Secretariat.

ARTICLE 14FINANCIAL ASPECTS

1. The regular budget of the Conference of the Parties, as required in Article 15 and 16 of this Convention, shall be prepared by the Secretariat and approved by the Conference.
2. Parties shall, at the first meeting of the Conference of the Parties, agree on a scale of contributions to the recurrent budget of the Secretariat.
3. The Parties shall also consider the establishment of a revolving fund to assist on, an interim basis, in case of emergency situations to minimize damage from disasters or accidents arising from transboundary movements of hazardous wastes or during the disposal of such wastes.
4. The Parties agree that, according to the specific needs of different regions and sub-regions, regional or sub-regional centres for training and technology transfers regarding the management of hazardous wastes and the minimization of their generation should be established as well as appropriate funding mechanisms of a voluntary nature.

ARTICLE 15CONFERENCE OF THE PARTIES

1. A Conference of the Parties, made up of Ministers having the environment as their mandate, is hereby established. The first meeting of the Conference of the Parties shall be convened by the Secretary-General of the OAU 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. The Conference of the Parties to this Convention shall 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.
3. The Parties to this Convention 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 and inland waters environments in the context of this Convention.
4. 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 ;

- 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 purpose 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 of the present Convention ;
- c) consider and adopt protocols as required ;
- e) establish such subsidiary bodies as are deemed necessary for the implementation of this Convention ; and
- f) make decisions for the peaceful settlement of disputes arising from the transboundary movement of hazardous wastes, if need be, according to international law.

5. Organisations may be represented as observers at meetings of the Conference of the Parties to this Convention. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to hazardous wastes which has informed the Secretariat, may be represented as an observer at a meeting of the Conference of the Parties to this Convention. The admission and participation of observers shall be subject to the rules of procedures adopted by the Conference of the Parties.

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 of the present Convention.
 - b) to prepare and transmit reports based upon information received in accordance with Articles 3, 4, 6, 11, and 13 of the present Convention as well as upon information derived from meetings of subsidiary bodies established under Article 15 of the present Convention as well as upon, as appropriate, information provided by relevant inter-governmental and non-governmental entities ;
 - c) to prepare reports on its activities carried out in the implementation of its functions under this Convention and present them to the Conference of the Parties ;

- d) to ensure the necessary co-ordination 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 functions ;
- e) to communicate with focal points, competent authorities and Dumpwatch established by the Parties in accordance with Article 5 of this Convention as well as appropriate inter-governmental and non-governmental organizations which may provide assistance in the implementation of this Convention.
- f) to compile information concerning approved national sites and facilities of Parties to this Convention available for the disposal and treatment of their hazardous wastes and to circulate this information ;
- g) to receive and convey information from and to Parties to this Convention on :
 - sources of technical assistance and training ;
 - available technical and scientific know-how ;
 - sources of advice and expertise ; and
 - availability of resources.

This information will assist them in :

- the management of the notification system of this Convention ;
 - environmentally sound clean production methods relating to hazardous wastes, such as clean production technologies ;
 - the assessment of disposal capabilities and sites ;
 - the monitoring of hazardous wastes ; and
 - emergency responses ;
- h) to provide the Parties to this Convention with information on consultants or consulting firms having the necessary technical competence in the field, which can assist them with examining a notification for a transboundary movement, the concurrence of a shipment of hazardous wastes with the relevant notification, and/or whether the proposed disposal facilities for hazardous 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 examinations would not be at the expense of the Secretariat ;
 - i) to assist Parties to this Convention 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 to this Convention 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 to this Convention.

2. The Secretariat's functions shall be carried out on an interim basis by the Organization of African Unity (OAU) jointly with the United Nations Economic Commission for Africa (ECA) until the completion of the first meeting of the Conference of the Parties held pursuant to Article 15 of the present 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 AND OF PROTOCOLS

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, technical, environmental and social 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 their 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 two-thirds majority vote of the Parties present and voting at the meeting. It shall then be submitted by the Depository to all Parties for ratification, approval, formal confirmation or acceptance.

Amendments of Protocols to this Convention.

4. The procedure specified 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.

GENERAL PROVISIONS

5. Instruments of ratification, approval, formal confirmation or acceptance of amendments shall be deposited with the Depository. Amendments adopted in accordance with paragraph 3 or 4 above shall enter into force between Parties having accepted them, on the ninetieth day after the receipt by the Depository of the instrument of ratification, approval, formal confirmation or acceptance by at least two-thirds 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 procedures 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 procedures laid down in Article 17, paragraphs 1, 2, 3, and 4 of the present Convention ;
- 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 Depository, in writing, within six months from the date of the communication of the adoption by the Depository. The Depository 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) Upon the expiration of six months from the date of the circulation of the communication by the Depository, 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 as 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 must 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. The Secretariat shall carry out a verification of the substance of the allegation and submit a report thereof to all the Parties to this convention.

ARTICLE 20

SETTLEMENT OF DISPUTES

1. In case of dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any Protocol thereto, the Parties shall seek a settlement of the dispute through negotiations or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute as provided in paragraph 1 of this Article, the dispute shall be submitted either to an Ad Hoc organ set up by the Conference for this purpose or to the International Court of Justice.

3. The conduct of arbitration of disputes between Parties by the Ad Hoc organ provided for in paragraph 2 of this Article shall be as provided in Annex V of this Convention.

ARTICLE 21

SIGNATURE

This Convention shall be open for signature by Member States of the OAU in Bamako and Addis Ababa for a period of six months from 30 January 1991 to 31 July 1991.

ARTICLE 22

RATIFICATION, ACCEPTANCE, FORMAL CONFIRMATION OR APPROVAL

1. This Convention shall be subject to ratification, acceptance, formal confirmation or approval by Member States of the OAU. Instruments of ratification, acceptance, formal confirmation, or approval shall be deposited with the Depository.
2. Parties shall be bound by all obligations of this Convention.

ARTICLE 23

ACCESSION

This Convention shall be open for accession by member States of the OAU from the date after the day on which the Convention is closed for signature. The instruments of accession shall be deposited with the Depository.

ARTICLE 24

RIGHT TO VOTE

Each Contracting Party to this Convention shall have one vote.

ARTICLE 25

ENTRY INTO FORCE

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the tenth instrument of ratification from Parties signatory to this Convention.
2. For each State which ratifies this Convention or accedes thereto after the date of the deposit of the tenth instrument of ratification, it shall enter into force on the ninetieth day after the date of deposit by such State of its instrument of accession or ratification.

ARTICLE 26

RESERVATIONS AND DECLARATIONS

1. No reservations or exception may be made to this Convention,

2. Paragraph 1 of this Article does not preclude a State when signing, ratifying, 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 Depository.

2. Withdrawal shall be effective one year after receipt of notification by the Depository, or on such later date as may be specified in the notification.

3. Withdrawal shall not exempt the withdrawing Party from fulfilling any obligations it might have incurred under this Convention.

ARTICLE 28

DEPOSITORY

The Secretary-General of the Organization of African Unity shall be the Depository for this Convention and of any Protocol thereto.

ARTICLE 29

REGISTRATION

This Convention, as soon as it enters into force, shall be registered with the Secretary-General of the United Nations Organization in conformity with Article 102 of the Charter of the United Nations.

ARTICLE 30

AUTHENTIC TEXTS

The Arabic, English, French and Portuguese texts of this Convention are equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

ALGERIE

ANGOLA

BENIN..... signed on 30 january 1991

BURKINA FASO..... signed on 30 january 1991

BURUNDI..... signed on 30 january 1991

CAMEROUN

CAP-VERT

CENTRAL AFRICAN REPUBLIC signed on 30 january 1991

CHAD

COMOROS

CONGO

COTE-D'IVOIRE signed on 30 january 1991

DJIBOUTI

EGYPT signed on 30 january 1991

ETHIOPIA

GABON

GAMBIA

GHANA

GUINEA signed on 30 january 1991

GUINEA BISSAU

EQUATORIALE GUINEA

KENYA

LESOTHO

LIBERIA

LIBYAN ARAB JAMAHIRIA

...signed on 30 january 1991

MADAGASCAR

MALAWI

MALI signed on 30 january 1991

MAURITANIA

MAURICE

MOZAMBIQUE

NIGER signed on 30 january 1991

NIGERIA

RWANDA

SAHRAOUI ARAB DEMOCRATIC REPUBLIC

SAO TOME AND PRINCIPE

SENEGAL signed on 30 january 1991

SEYCHELLES

SIERRA LEONE

SOMALIA

SUDAN

SWAZILAND

TANZANIA

TOGO..... signed on 30 january 1991

TUNISIE

UGANDA

ZAMBIA

ZAIRE

ZIMBABWE

NAMIBIA

ADOPTED IN BAMAKO, MALI, ON 30 JANUARY 1991

ANNEX I

CATEGORIES OF WASTES WHICH ARE HAZARDOUS WASTES

Waste Streams

- YO All wastes containing or contaminated by radionuclides, the concentration or properties of which result from human activity.
- Y1 Clinical wastes from medical care in hospitals, medical centres and clinics.
- Y2 Wastes from the production and preparation of pharmaceutical products.
- Y3 Wastes 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.
- Y46 Wastes collected from households, including sewage and sewage sludges.
- Y47 Residues arising from the incineration of household wastes.

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 phosphorous compounds.
- Y38 Organic cyanides.
- Y39 Phenols ; phenol compounds including chlorophenols.
- Y40 Ethers.
- Y41 Halogenated organic solvents.
- Y42 Organic solvents excluding halogenated solvents.
- Y43 Any congener of polychlorinated dibenzo-furan.
- Y44 Any congener of polychlorinated dibenzo-p-dioxin
- Y45 Organohalogen compounds other than substances referred to in this Annex (e.g., Y39, Y41, Y42, Y43, Y44).

ANNEX II
LIST OF HAZARDOUS CHARACTERISTICS

UN Class*	Code Characteristics
1	<p>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 or producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.</p>
3	<p>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 degrees C, closed up test, or not more than 65,6 degrees C, open-cup test. (Since the results of open-cup tests and of closed-up 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 difference would be within the spirit of this definition).</p>
4.1	<p>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.</p>
4.2	<p>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.</p>

Corresponds to the hazardous 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).

- 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 human 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.

ANNEX III
DISPOSAL OPERATIONS

- 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 or naturally occurring repositories, etc..).
- D4 Surface impoundment, (e.g., placement of liquid 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 Annex III.
- D9 Physico chemical treatment not specified elsewhere in the Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Annex III (e.g., evaporation, drying, calcination, neutralisation, 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 Annex III.
- D14 Repackaging prior to submission to any of the operations in Annex III.
- D15 Storage pending any of the operations in Annex III.
- D16 Use of a fuel (other than in direct incineration) or other means to generate energy.
- D17 Solvent reclamation/regeneration.
- D18 Recycling/reclamation of organic substances which are not used as solvents.
- D19 Recycling/reclamation of metals and metal compounds.

- D20 Recycling/reclamation of other inorganic materials.
- D21 Regeneration of acids and bases.
- D22 Recovery of components used for pollution abatement.
- D23 Recovery of components from catalysts.
- D24 Used oil re-refining or other reuses of previously used oil,
- D25 Land treatment resulting in benefit to agriculture or ecological improvement.
- D26 Uses of residual materials obtained from any of the operations numbered D1 - D25.
- D27 Exchange of wastes for submission to any of the operations numbered D1 - D26.
- D28 Accumulation of material intended for any operation in Annex III.

ANNEX IV 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. Importer and 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 waste.
Competent authority 2/
7. Countries of transit.
Competent authority 2/
9. Projected date of shipment and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit).
10. Means of transport envisaged (road, rail, sea, air, inland waters).
11. Information relating to insurance 3/
12. Designation and physical description of the waste including Y number and UN number and its composition 4/ and information on any special handling requirements including emergency provisions in case of accidents.
13. Type of packaging envisaged (e.g., bulk, drummer, tanker).
14. Estimated quantity in weight/volume
15. Process by which the waste is generated 5/
16. Waste classification from Annex II : Hazardous characteristics, H number, and UN class.
17. Method of disposal as per Annex III.
18. Declaration by the generator and exporter that the information is correct.
19. 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.

20. Information concerning the contract between the exporter and disposer.

NOTES

- 1/ Full name and address, telephone, telex 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/ Information to be provided on relevant insurance requirements and how they are met by exporter, carrier, and disposer.
- 4/ 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.
- 5/ Insofar as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.

ANNEX IV 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. Importer and disposer of the waste and actual site of disposal 1/
4. Carrier (s) of the waste 1/ or his agent (s)
5. The date the transboundary movement started and date (s) and signature on receipt by each person who takes charge of the waste.
6. 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.
7. General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable.
8. Information on special handling requirements including emergency provisions in case of accidents.
9. Type and number of packages.
10. Quantity in weight/volume.
11. Declaration by the generator or exporter that the information is correct.
12. Declaration by disposer or exporter indicating no objection from the competent authorities of all States concerned.
13. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the appropriate date of disposal.

NOTES

The information required on the movement document shall where possible be integrated into 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 instruction as to who is to provide information and fill-out any form.

1. Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency.

ANNEX V
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 1 or paragraph 2 of Article 20 of the Convention and include, in particular, the Articles of the Convention, and 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 one of the 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 OAU 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 OAU 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 OAU who shall make this appointment within a further two month's 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 decision 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.

22

June 16, 1972
Stockholm, Sweden
Stockholm Declaration

ENVIRONMENTAL LAW
GUIDELINES AND PRINCIPLES

1

Stockholm Declaration

1

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.

1

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 between 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 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 world-wide 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 multi-national, must be promoted in all countries, especially the developing countries. In this connexion, 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 maybe 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.

23

October 28, 1982
United Nations, General Assembly
World Charter For Nature

WORLD CHARTER FOR NATURE

Date: 28 October 1982
Vote: 111-1-18 (recorded)

Meeting: 48
Draft: A/37/L.4 and Add.1

The General Assembly,

Having considered the report of the Secretary-General on the revised draft World Charter for Nature, 13/

Recalling that, in its resolution 35/7 of 30 October 1980, it expressed its conviction that the benefits which could be obtained from nature depended on the maintenance of natural processes and on the diversity of life forms and that those benefits were jeopardized by the excessive exploitation and the destruction of natural habitats,

Further recalling that, in the same resolution, it recognized the need for appropriate measures at the national and international levels to protect nature and promote international co-operation in that field,

Recalling that, in its resolution 36/6 of 27 October 1981, it again expressed its awareness of the crucial importance attached by the international community to the promotion and development of co-operation aimed at protecting and safeguarding the balance and quality of nature and invited the Secretary-General to transmit to Member States the text of the revised version of the draft World Charter for Nature contained in the report of the Ad Hoc Group of Experts on the draft World Charter for Nature, 14/ as well as any further observations by States, with a view to appropriate consideration by the General Assembly at its thirty-seventh session,

Conscious of the spirit and terms of its resolutions 35/7 and 36/6, in which it solemnly invited Member States, in the exercise of their permanent sovereignty over their natural resources, to conduct their activities in recognition of the supreme importance of protecting natural systems, maintaining the balance and quality of nature and conserving natural resources, in the interests of present and future generations,

Having considered the supplementary report of the Secretary-General, 15/

Expressing its gratitude to the Ad Hoc Group of Experts which, through its work, has assembled the necessary elements for the General Assembly to be able to complete the consideration of and adopt the revised draft World Charter for Nature at its thirty-seventh session, as it had previously recommended,

13/ A/36/539

14/ Ibid., annex I.

Adopts and solemnly proclaims the World Charter for Nature contained in the annex to the present resolution.

ANNEX

WORLD CHARTER FOR NATURE

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 co-operation 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 achievement, 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, 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 habitats 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 habitats 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, the 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 degrade 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 adverse 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 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 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.

RECORDED VOTE ON RESOLUTION 37/7:

In favour: Afghanistan, Angola, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bulgaria, Burundi, Byelorussia, Canada, Cape Verde, Central African Republic, Chad, China, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Denmark, Djibouti, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Finland, France, Gabon, Gambia, German Democratic Republic, Federal Republic of Germany, Greece, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Thailand, Togo, Tunisia, Turkey, Uganda, Ukraine, USSR, United Arab Emirates, United Kingdom, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Yemen, Yugoslavia, Zaire, Zambia.

Against: United States.

Abstaining: Algeria, Argentina, Bolivia, Brazil, Chile, Colombia, Dominican Republic, Ecuador, Ghana, Guyana, Lebanon, Mexico, Paraguay, Peru, Philippines, Suriname, Trinidad and Tobago, Venezuela.

Absent: Albania, Antigua and Barbuda, Bahamas, Belize, Bhutan, Botswana, Burma, Democratic Yemen, Dominica, Fiji, Grenada, Guatemala, Haiti, Israel, Jordan, Lesotho, Liberia, Mauritius, Panama, Saint Lucia, Saint Vincent, Sierra Leone, Syria, Vanuatu, Viet Nam, Zimbabwe.

24

March 22, 1990
United Nations, General Assembly
United Nations Conference on Environment and Development



General Assembly

Distr.
GENERAL

A/RES/44/228
22 March 1990

Forty-fourth session
Agenda item 82 (f)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Second Committee (A/44/746/Add.7)]

44/228. United Nations Conference on Environment and Development

The General Assembly,

Recalling its resolution 43/196 of 20 December 1988 on a United Nations conference on environment and development,

Taking note of decision 15/3 of 25 May 1989 of the Governing Council of the United Nations Environment Programme 1/ on a United Nations conference on environment and development,

Taking note also of Economic and Social Council resolution 1989/87 of 26 July 1989 on the convening of a United Nations conference on environment and development,

Taking note further of Economic and Social Council resolution 1989/101 of 27 July 1989 on strengthening international co-operation on environment through the provision of additional financial resources to developing countries,

Recalling its resolutions 42/186 of 11 December 1987 on the Environmental Perspective to the Year 2000 and Beyond and resolution 42/187 of 11 December 1987 on the report of the World Commission on Environment and Development, 2/

1/ See Official Records of the General Assembly, Forty-fourth Session, Supplement No. 25 (A/44/25), annex I.

2/ See A/42/427, annex.

Taking note of the report of the Secretary-General on the question of the convening of a United Nations conference on environment and development, 3/

Mindful of the views expressed by Governments in the debate held at its forty-fourth session on the convening of a United Nations conference on environment and development,

Recalling the Declaration of the United Nations Conference on the Human Environment, 4/

Deeply concerned by the continuing deterioration of the state of the environment and the serious degradation of the global life-support systems, as well as by trends that, if allowed to continue, could disrupt the global ecological balance, jeopardize the life-sustaining qualities of the Earth and lead to an ecological catastrophe, and recognizing that decisive, urgent and global action is vital to protecting the ecological balance of the Earth,

Recognizing the importance for all countries of the protection and enhancement of the environment,

Recognizing also that the global character of environmental problems, including climate change, depletion of the ozone layer, transboundary air and water pollution, the contamination of the oceans and seas and degradation of land resources, including drought and desertification, necessitates action at all levels, including the global, regional and national levels, and the commitment and participation of all countries,

Gravely concerned that the major cause of the continuing deterioration of the global environment is the unsustainable pattern of production and consumption, particularly in industrialized countries,

Stressing that poverty and environmental degradation are closely interrelated and that environmental protection in developing countries must, in this context, be viewed as an integral part of the development process and cannot be considered in isolation from it,

Recognizing that measures to be undertaken at the international level for the protection and enhancement of the environment must take fully into account the current imbalances in global patterns of production and consumption,

3/ A/44/256-E/1989/66 and Corr.1 and Add.1 and 2.

4/ Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972 and corrigendum (United Nations publication, Sales No. E.73.II.A.14), chap. I.

Affirming that the responsibility for containing, reducing and eliminating global environmental damage must be borne by the countries causing such damage, must be in relation to the damage caused and must be in accordance with their respective capabilities and responsibilities,

Recognizing the environmental impact of material remnants of war and the need for further international co-operation for their removal,

Stressing the importance for all countries of taking effective measures for the protection, restoration and enhancement of the environment in accordance, inter alia, with their respective capabilities, while at the same time acknowledging the efforts being made in all countries in this regard, including international co-operation between developed and developing countries,

Stresses the need for effective international co-operation in the areas of research, development and application of environmentally sound technologies,

Conscious of the crucial role of science and technology in the field of environmental protection and of the need of developing countries, in particular, for favourable access to environmentally sound technologies, processes, equipment and related research and expertise through international co-operation designed to further global efforts for environmental protection, including the use of innovative and effective means,

Recognizing that new and additional financial resources will have to be channelled to developing countries in order to ensure their full participation in global efforts for environmental protection,

I

1. Decides to convene the United Nations Conference on Environment and Development, which shall be of two weeks' duration and shall have the highest possible level of participation, to coincide with World Environment Day, on 5 June 1992;
2. Accepts with deep appreciation the generous offer of the Government of Brazil to act as host to the Conference;
3. Affirms 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;
4. Affirms also that the protection and enhancement of the environment are major issues that affect the well-being of peoples and economic development throughout the world;
5. Affirms further that the promotion of economic growth in developing countries is essential to address problems of environmental degradation;

6. Affirms the importance of a supportive international economic climate conducive to sustained economic growth and development in all countries for the protection and sound management of the environment;
7. Reaffirms that, in accordance with the Charter of the United Nations and the applicable principles of international law, States have the sovereign right to exploit their own resources pursuant to their environmental policies, and also reaffirms their 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 and to play their due role in preserving and protecting the global and regional environment in accordance with their capacities and specific responsibilities;
8. Affirms the responsibility of States, in accordance with national legislation and applicable international law, for the damage to the environment and natural resources caused by activities within their jurisdiction or control through transboundary interference;
9. Notes that the largest part of the current emission of pollutants into the environment, including toxic and hazardous wastes, originates in developed countries, and therefore recognizes that those countries have the main responsibility for combating such pollution;
10. Stresses that large industrial enterprises, including transnational corporations, are frequently the repositories of scarce technical skills for the preservation and enhancement of the environment, that they conduct activities in sectors that have an impact on the environment and, to that extent, have specific responsibilities and that, in this context, efforts need to be encouraged and mobilized to protect and enhance the environment in all countries;
11. Reaffirms that the serious external indebtedness of developing countries and other countries with serious debt-servicing problems has to be addressed in an efficient and urgent manner in order to enable those countries to contribute fully and in accordance with their capacities and responsibilities to global efforts to protect and enhance the environment;
12. Affirms that, in the light of the foregoing, the following environmental issues, which are not listed in any particular order of priority, are among those of major concern in maintaining the quality of the Earth's environment and especially in achieving environmentally sound and sustainable development in all countries:
 - (a) Protection of the atmosphere by combating climate change, depletion of the ozone layer and transboundary air pollution;
 - (b) Protection of the quality and supply of freshwater resources;
 - (c) Protection of the oceans and all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources;

- (d) Protection and management of land resources by, inter alia, combating deforestation, desertification and drought;
- (e) Conservation of biological diversity;
- (f) Environmentally sound management of biotechnology;
- (g) Environmentally sound management of wastes, particularly hazardous wastes, and of toxic chemicals, as well as prevention of illegal international traffic in toxic and dangerous products and wastes;
- (h) Improvement of the living and working environment of the poor in urban slums and rural areas, through the eradication of poverty by, inter alia, implementing integrated rural and urban development programmes, as well as taking other appropriate measures at all levels necessary to stem the degradation of the environment;
- (i) Protection of human health conditions and improvement of the quality of life;

13. Emphasizes the need to strengthen international co-operation for the management of the environment to ensure its protection and enhancement and the need to explore the issue of benefits derived from activities, including research and development, related to the protection and development of biological diversity;

14. Reaffirms the need to strengthen international co-operation, particularly between developed and developing countries, in research and development and the utilization of environmentally sound technologies;

15. Decides that the Conference, in addressing environmental issues in the developmental context, should have the following objectives:

(a) To examine the state of the environment and changes that have occurred since the United Nations Conference on the Human Environment, held in 1972, and since the adoption of such international agreements as the Plan of Action to Combat Desertification, the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted on 16 September 1987, taking into account the actions taken by all countries and intergovernmental organizations to protect and enhance the environment;

(b) To identify strategies to be co-ordinated regionally and globally, as appropriate, for concerted action to deal with major environmental issues in the socio-economic development processes of all countries within a particular time-frame;

(c) To recommend measures to be taken at the national and international levels to protect and enhance the environment, taking into account the specific needs of developing countries, through the development and implementation of policies for sustainable and environmentally sound development with special

emphasis on incorporating environmental concerns in the economic and social development process and of various sectoral policies and through, *inter alia*, preventive action at the sources of environmental degradation, clearly identifying the sources of such degradation and appropriate remedial measures, in all countries;

(d) To promote the further development of international environmental law, taking into account the Declaration of the United Nations Conference on the Human Environment, 4/ as well as the special needs and concerns of the developing countries, and to examine in this context the feasibility of elaborating general rights and obligations of States, as appropriate, in the field of the environment, and taking into account relevant existing international legal instruments;

(e) To examine ways and means further to improve co-operation in the field of protection and enhancement of the environment between neighbouring countries, with a view to eliminating adverse environmental effects;

(f) To examine strategies for national and international action with a view to arriving at specific agreements and commitments by Governments for defined activities to deal with major environmental issues in order to restore the global ecological balance and to prevent further deterioration of the environment, taking into account the fact that the largest part of the current emission of pollutants into the environment, including toxic and hazardous wastes, originates in developed countries, and therefore recognizing that those countries have the main responsibility for combating such pollution;

(g) To accord high priority to drought and desertification control and to consider all means necessary, including financial, scientific and technological resources, to halt and reverse the process of desertification with a view to preserving the ecological balance of the planet;

(h) To examine the relationship between environmental degradation and the international economic environment, with a view to ensuring a more integrated approach to problems of environment and development in relevant international forums without introducing new forms of conditionality;

(i) To examine strategies for national and international action with a view to arriving at specific agreements and commitments by Governments and by intergovernmental organizations for defined activities to promote a supportive international economic climate conducive to sustained and environmentally sound development in all countries, with a view to combating poverty and improving the quality of life, and bearing in mind that the incorporation of environmental concerns and considerations in development planning and policies should not be used to introduce new forms of conditionality in aid or in development financing and should not serve as a pretext for creating unjustified barriers to trade;

(j) To identify ways and means of providing new and additional financial resources, particularly to developing countries, for environmentally sound development programmes and projects in accordance with national development objectives, priorities and plans and to consider ways of effectively monitoring the

provision of such new and additional financial resources, particularly to developing countries, so as to enable the international community to take further appropriate action on the basis of accurate and reliable data;

(k) To identify ways and means of providing additional financial resources for measures directed towards solving major environmental problems of global concern and especially of supporting those countries, in particular developing countries, for which the implementation of such measures would entail a special or abnormal burden, owing, in particular, to their lack of financial resources, expertise or technical capacity;

(l) To consider various funding mechanisms, including voluntary ones, and to examine the possibility of a special international fund and other innovative approaches, with a view to ensuring, on a favourable basis, the most effective and expeditious transfer of environmentally sound technologies to developing countries;

(m) To examine, with a view to making recommendations on effective modalities for favourable access to, and transfer of, environmentally sound technologies, in particular to the developing countries, including on concessional and preferential terms, and on modalities for supporting all countries in their efforts to create and develop their endogenous technological capacities in the field of scientific research and development, as well as in the acquisition of relevant information, and, in this context, to explore the concept of assured access for developing countries to environmentally sound technologies, in its relation to proprietary rights, with a view to developing effective responses to the needs of developing countries in this area;

(n) To promote the development of human resources, particularly in developing countries, for the protection and enhancement of the environment;

(o) To recommend measures to Governments and the relevant bodies of the United Nations system, with a view to strengthening technical co-operation with the developing countries to enable them to develop and strengthen their capacity for identifying, analysing, monitoring, managing or preventing environmental problems in accordance with their national development plans, objectives and priorities;

(p) To promote open and timely exchange of information on national environmental policies, situations and accidents;

(q) To review and examine the role of the United Nations system in dealing with the environment and possible ways of improving it;

(r) To promote the development or strengthening of appropriate institutions at the national, regional and global levels to deal with environmental matters in the context of the socio-economic development processes of all countries;

(s) To promote environmental education, especially of the younger generation, as well as other measures to increase awareness of the value of the environment;

(t) To promote international co-operation within the United Nations system in monitoring, assessing and anticipating environmental threats and in rendering assistance in cases of environmental emergency;

(u) To specify the respective responsibilities of and support to be given by the organs, organizations and programmes of the United Nations system for the implementation of the recommendations of the Conference;

(v) To quantify the financial requirements for the successful implementation of Conference decisions and recommendations and to identify possible sources, including innovative ones, of additional resources;

(w) To assess the capacity of the United Nations system to assist in the prevention and settlement of disputes in the environmental sphere and to recommend measures in this field, while respecting existing bilateral and international agreements that provide for the settlement of such disputes;

II

1. Decides to establish the Preparatory Committee for the United Nations Conference on Environment and Development, which shall be open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers, in accordance with the established practice of the General Assembly;

2. Decides that the Preparatory Committee shall hold an organizational session of two weeks' duration in March 1990 and a final session, both at United Nations Headquarters, as well as three additional substantive sessions, the first at Nairobi and the following two at Geneva, the timing and duration of which shall be determined by the Preparatory Committee at its organizational session;

3. Decides that the Preparatory Committee, at its organizational session, shall elect, with due regard to equitable geographic representation, a chairman and other members of its Bureau, comprising a substantial number of vice-chairmen and a rapporteur;

4. Decides that the host country of the Conference, Brazil, shall be ex officio a member of the Bureau;

5. Requests the Secretary-General, following the organizational session of the Preparatory Committee, to establish an appropriate ad hoc secretariat at the United Nations Office at Geneva, with a unit in New York and another unit in Nairobi, taking into account the decisions to be made by the Preparatory Committee regarding the preparatory process for the Conference and based on the principle of equitable geographic distribution;

6. Decides that the ad hoc secretariat will be headed by the Secretary-General of the United Nations Conference on Environment and Development, who will be appointed by the Secretary-General of the United Nations;

7. Requests the Secretary-General of the United Nations to prepare a report for the organizational session of the Preparatory Committee containing recommendations on an adequate preparatory process, taking into account the provisions of the present resolution and the views expressed by Governments in the debate at the forty-fourth session of the General Assembly;

8. Decides that the Preparatory Committee shall:

(a) Draft the provisional agenda of the Conference, in accordance with the provisions of the present resolution;

(b) Adopt guidelines to enable States to take a harmonized approach in their preparations and reporting;

(c) Prepare draft decisions for the Conference and submit them to the Conference for consideration and adoption;

9. Requests the United Nations Environment Programme, as the main organ dealing with environmental issues, and other organs, organizations and programmes of the United Nations system, as well as other relevant intergovernmental organizations, to contribute fully to the preparations for the Conference on the basis of guidelines and requirements to be established by the Preparatory Committee;

10. Requests the Secretary-General to ensure the co-ordination of contributions from the United Nations system through the Administrative Committee on Co-ordination;

11. Invites all States to take an active part in the preparations for the Conference, to prepare national reports, as appropriate, to be submitted to the Preparatory Committee in a timely manner, and to promote international co-operation and broad-based national preparatory processes involving the scientific community, industry, trade unions and concerned non-governmental organizations;

12. Requests relevant non-governmental organizations in consultative status with the Economic and Social Council to contribute to the Conference, as appropriate;

13. Stresses the importance of holding regional conferences on environment and development with the full co-operation of the regional commissions, and recommends that the results of such regional conferences be introduced into the preparatory process for the Conference, bearing in mind that regional conferences should make important substantive contributions to the Conference;

14. Decides that the preparatory process and the Conference itself should be funded through the regular budget of the United Nations without adversely affecting other ongoing activities and without prejudice to the provision of sources of extrabudgetary resources;

15. Decides to establish a voluntary fund for the purpose of assisting developing countries, in particular the least developed among them, to participate fully and effectively in the Conference and in its preparatory process, and invites Governments to contribute to the fund;

16. Requests the Chairman of the Preparatory Committee to report to the General Assembly at its forty-fifth and forty-sixth sessions on the progress of work of the Committee;

17. Decides to include in the provisional agenda of its forty-fifth and forty-sixth sessions an item entitled "United Nations Conference on Environment and Development".

85th plenary meeting

22 December 1989

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