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**THE INTERNATIONAL ENVIRONMENT:**

**A REFERENCE BOOK**

**VOLUME III**

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

**DECEMBER 1989 - JUNE 1992**

## PREFACE

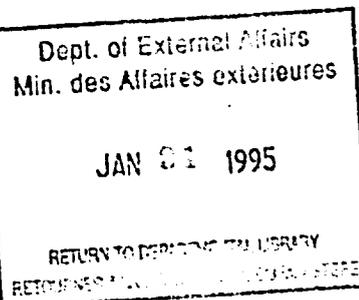
Environmental issues are at the forefront of the international agenda. Every month, new and substantial declarations and agreements are reached in international bodies, dealing with environmental issues. Keeping up with the pace of the international environmental diplomacy is a challenging task.

In August 1990, we released our first compendium of environmental declarations and agreements entitled "The International Environment" and in August of 1991, the second version of the book was released. The response to those initiatives were so positive, that we are now releasing a third volume, covering new declarations and agreements reached from the end of 1989 up to 1992, and picking up some important items not included in the earlier versions. This volume differs from the previous two in that it includes non-governmental as well as intergovernmental declarations and statements, thereby reflecting the evolving trend of global environmental cooperation not only among governments but including all sectors of society.

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 Foreign Affairs  
and International Trade  
Ottawa, Canada

NON - CIRCULATING  
CONSULTER SUR PLACE



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# Pressemitteilung

Presse- und Informationsamt der Bundesregierung

8 July 1992

Working together for growth and a safer world



WIRTSCHAFTSGIPFEL  
MÜNCHEN



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1. We, the Heads of State and Government of seven major industrial nations and the President of the Commission of the European Community, have met in Munich for our eighteenth annual Summit.
2. The international community is at the threshold of a new era, freed from the burden of the East-West conflict. Rarely have conditions been so favourable for shaping a permanent peace, guaranteeing respect for human rights, carrying through the principles of democracy, ensuring free markets, overcoming poverty and safeguarding the environment.
3. We are resolved, by taking action in a spirit of partnership, to seize the unique opportunities now available. While fundamental change entails risk, we place our trust in the creativity, effort and dedication of people as the true sources of economic and social progress. The global dimension of the challenges and the mutual dependencies call for world-wide cooperation. The close coordination of our policies as part of this cooperation is now more important than ever.

#### World economy

4. Strong world economic growth is the prerequisite for solving a variety of challenges we face in the post-Cold War world. Increasingly, there are signs of global economic recovery. But we will not take it for granted and will act together to assure the recovery gathers strength and growth picks up.
5. Too many people are out of work. The potential strength of people, factories and resources is not being fully employed. We are particularly concerned about the hardship unemployment creates.
6. Each of us faces somewhat different economic situations. But we all would gain greatly from stronger, sustainable non-inflationary growth.
7. Higher growth will help other countries, too. Growth generates trade. More trade will give a boost to developing nations and to the new democracies seeking to transform command economies into productive participants within the global marketplace. Their economic success is in our common interest.
8. A successful Uruguay Round will be a significant contribution to the future of the world economy. An early conclusion of the negotiations will reinforce our economies, promote the process of reform in Eastern Europe and give new opportunities for the well-being of other nations, including in particular the developing countries.

We regret the slow pace of the negotiations since we met in London last year. But there has been progress in recent months. Therefore we are convinced that a balanced agreement is within reach.

We welcome the reform of the European Community's Common Agricultural Policy which has just been adopted and which should facilitate the settlement of outstanding issues.

Progress has been made on the issue of internal support in a way which is consistent with the reform of the Common Agricultural Policy, on dealing with the volume of subsidised exports and on avoiding future disputes. These topics require further work. In addition, parties still have concerns in the areas of market access and trade in cereal substitutes that they seek to address.

We reaffirm that the negotiations should lead to a globally balanced result. An accord must create more open markets for goods and services and will require comparable efforts from all negotiating partners.

On this basis we expect that an agreement can be reached before the end of 1992.

9. We are committed, through coordinated and individual actions, to build confidence for investors, savers, and consumers: confidence that hard work will lead to a better quality of life; confidence that investments will be profitable; confidence that savings will be rewarded and that price stability will not be put at risk.
10. We pledge to adopt policies aimed at creating jobs and growth. We will seek to take the appropriate steps, recognising our individual circumstances, to establish sound macroeconomic policies to spur stronger sustainable growth. With this in mind we have agreed on the following guidelines:
  - to continue to pursue sound monetary and financial policies to support the upturn without rekindling inflation;
  - to create the scope for lower interest rates through the reduction of excessive public deficits and the promotion of savings;
  - to curb excessive public deficits above all by limiting public spending. Taxpayers' money should be used more economically and more effectively.
  - to integrate more closely our environmental and growth objectives, by encouraging market incentives and technological innovation to promote environmentally sound consumption and production.

As the risk of inflation recedes as a result of our policies, it will be increasingly possible for interest rates to come down. This will help promote new investment and therefore stronger growth and more jobs.

11. But good macroeconomic policies are not enough. All our economies are burdened by structural rigidities that constrain our potential growth rates. We need to encourage competition. We need to create a more hospitable environment for private initiative. We need to cut back excess regulation, which suppresses innovation, enterprise and creativity. We will strengthen employment opportunities through better training, education, and enhanced mobility. We will strengthen the basis for long-term growth through improvements in infrastructure and greater attention to research and development. We are urging these kinds of reforms for new democracies in the transition to market economies. We cannot demand less of ourselves.
12. The coordination of economic and financial policies is a central element in our common strategy for sustained, non-inflationary growth. We request our Finance Ministers to strengthen their cooperation on the basis of our agreed guidelines and to intensify their work to reduce obstacles to growth and therefore foster employment. We ask them to report to our meeting in Japan in 1993.

United Nations Conference on Environment and Development (UNCED)

13. The Earth Summit has been a landmark in heightening the consciousness of the global environmental challenges, and in giving new impetus to the process of creating a worldwide partnership on development and the environment. Rapid and concrete action is required to follow through on our commitments on climate change, to protect forests and oceans, to preserve marine resources, and to maintain biodiversity. We therefore urge all countries, developed and developing, to direct their policies and resources towards sustainable development which safeguards the interests of both present and future generations.
14. To carry forward the momentum of the Rio Conference, we urge other countries to join us:
  - in seeking to ratify the Climate Change Convention by the end of 1993,
  - in drawing up and publishing national action plans, as foreseen at UNCED, by the end of 1993,
  - in working to protect species and the habitats on which they depend,

- in giving additional financial and technical support to developing countries for sustainable development through official development assistance (ODA), in particular by replenishment of IDA, and for actions of global benefit through the Global Environment Facility (GEF) with a view to its being established as a permanent funding mechanism,
- in establishing at the 1992 UN General Assembly the Sustainable Development Commission which will have a vital role to play in monitoring the implementation of Agenda 21,
- in establishing an international review process for the forest principles, in an early dialogue, on the basis of the implementation of these principles, on possible appropriate internationally agreed arrangements, and in increased international assistance,
- in further improving monitoring of the global environment, including through better utilisation of data from satellite and other earth observation programmes,
- in the promotion of the development and diffusion of energy and environment technologies, including proposals for innovative technology programmes,
- by ensuring the international conference on straddling fish stocks and highly migratory fish stocks in the oceans is convened as soon as possible.

#### Developing countries

15. We welcome the economic and political progress which many developing countries have made, particularly in East and South-East Asia, but also in Latin America and in some parts of Africa. However, many countries throughout the world are still struggling against poverty. Sub-Sahara Africa, above all, gives cause for concern.
16. We are committed to dialogue and partnership founded on shared responsibility and a growing consensus on fundamental political and economic principles. Global challenges such as population growth and the environment can only be met through cooperative efforts by all countries. Reforming the economic and social sector of the UN system will be an important step to this end.
17. We welcome the growing acceptance of the principles of good governance. Economic and social progress can only be assured if countries mobilise their own potential, all segments of the population are involved and human rights are respected. Regional cooperation among developing coun-

tries enhances development and can contribute to stability, peaceful relations and reduced arms spending.

18. The industrial countries bear a special responsibility for a sound global economy. We shall pay regard to the effects of our policies on the developing countries. We will continue our best efforts to increase the quantity and quality of official development assistance in accordance with our commitments. We shall direct official development assistance more towards the poorest countries. Poverty, population policy, education, health, the role of women and the well-being of children merit special attention. We shall support in particular those countries that undertake credible efforts to help themselves. The more prosperous developing countries are invited to contribute to international assistance.
19. We underline the importance for developing countries of trade, foreign direct investment and an active private sector. Poor developing countries should be offered technical assistance to establish a more diversified export base especially in manufactured goods.
20. Negotiations on a substantial replenishment of IDA funds should be concluded before the end of 1992. The IMF should continue to provide concessional financing to support the reform programmes for the poorest countries. We call for an early decision by the IMF on the extension for one year of the Enhanced Structural Adjustment Facility and for the full examination of options for the subsequent period, including a renewal of the facility.
21. We are deeply concerned about the unprecedented drought in southern Africa. Two thirds of the Drought Appeal target has been met. But much remains to be done. We call on all countries to assist.
22. We welcome the progress achieved by many developing countries in overcoming the debt problems and regaining their creditworthiness. Initiatives of previous Summits have contributed to this. Nevertheless, many developing countries are still in a difficult situation.
23. We confirm the validity of the international debt strategy. We welcome the enhanced debt relief extended to the poorest countries by the Paris Club. We note that the Paris Club has agreed to consider the stock of debt approach, under certain conditions, after a period of three or four years, for the poorest countries that are prepared to adjust, and we encourage it to recognise the special situation of some highly indebted lower-middle-income countries on a case by case basis. We attach great importance to the enhanced use of voluntary debt conversions, including debt conversions for environmental protection.

Central and eastern Europe

24. We welcome the progress of the democracies in central and eastern Europe including the Baltic states (CEECs) towards political and economic reform and integration into the world economy. The reform must be pursued vigorously. Great efforts and even sacrifices are still required from their people. They have our continuing support.
25. We welcome the substantial multilateral and bilateral assistance in support of reform in the CEECs. Financing provided by the EBRD is playing a useful role. Since 1989, total assistance and commitments, in the form of grants, loans and credit guarantees by the Group of 24 and the international financial institutions, amounts to \$ 52 billion. We call upon the Group of 24 to continue its coordination activity and to adapt it to the requirements of each reforming country. We reaffirm our readiness to make fair contributions.
26. We support the idea of working with Poland to reallocate, on the basis of existing arrangements, funds from the currency stabilisation fund, upon agreement on an IMF programme, towards new uses in support of Poland's market reform effort, in particular by strengthening the competitiveness of Poland's business enterprises.
27. The industrial countries have granted substantial trade concessions to the CEECs in order to ensure that their reform efforts will succeed. But all countries should open their markets further. The agreements of the EC and EFTA countries aiming at the establishment of free trade areas with these countries are a significant contribution. We shall continue to offer the CEECs technical assistance in enhancing their export capacity.
28. We urge all CEECs to develop their economic relations with each other, with the new independent States of the former Soviet Union as well as more widely on a market-oriented basis and consistent with GATT principles. As a step in this direction we welcome the special cooperation among the CSFR, Poland and Hungary, and hope that free trade among them will soon be possible.
29. Investment from abroad should be welcomed. It is important for the development of the full economic potential of the CEECs. We urge the CEECs to focus their policies on the creation of attractive and reliable investment conditions for private capital. We are providing our bilateral credit insurance and guarantee instruments to promote foreign investment when these conditions, including servicing of debt, are met. We call upon enterprises in the industrial countries to avail themselves of investment opportunities in the CEECs.

New independent States of the former Soviet Union

30. The far-reaching changes in the former Soviet Union offer an historic opportunity to make the world a better place: more secure, more democratic and more prosperous. Under President Yeltsin's leadership the Russian government has embarked on a difficult reform process. We look forward to our meeting with him to discuss our cooperation in support of these reforms. We are prepared to work with the leaders of all new States pursuing reforms. The success is in the interest of the international community.
31. We are aware that the transition will involve painful adjustments. We offer the new States our help for their self-help. Our cooperation will be comprehensive and will be tailored to their reform progress and internationally responsible behaviour, including further reductions in military spending and fulfilment of obligations already undertaken.
32. We encourage the new States to adopt sound economic policies, above all by bringing down budget deficits and inflation. Working with the IMF can bring experience to this task and lend credibility to the efforts being made. Macroeconomic stabilisation should not be delayed. It will only succeed if at the same time the building blocks of a market economy are also put into place, through privatisation, land reform, measures to promote investment and competition and appropriate social safeguards for the population.
33. Creditworthiness and the establishment of a dependable legal framework are essential if private investors are to be attracted. The creditworthiness of the new States will in particular be assessed by the way in which they discharge their financial obligations.
34. Private capital and entrepreneurial commitment must play a decisive and increasing part in economic reconstruction. We urge the new States to develop an efficient private business sector, in particular the body of small and medium-sized private companies which is indispensable for a market economy.
35. Rapid progress is particularly urgent and attainable in two sectors: agriculture and energy. These sectors are of decisive importance in improving the supply situation and increasing foreign exchange revenue. Trade and industry in our countries are prepared to cooperate. Valuable time has already been lost because barriers to investment remain in place. For energy, we note the importance of the European Energy Charter for encouraging production and ensuring the security of supply. We urge rapid conclusion of the preparatory work.

36. All Summit participants have shown solidarity in a critical situation by providing extensive food aid, credits and medical assistance. They also have committed technical assistance. A broad inflow of know-how and experience to the new States is needed to help them realise their own potential. Both private and public sectors can contribute to this. What is needed most of all is concrete advice on the spot and practical assistance. The emphasis should be on projects selected for their value as a model or their strategic importance for the reform process. Partnerships and management assistance at corporate level can be particularly effective.
37. We stress the need for the further opening of international markets to products from the new States. Most-favoured-nation treatment should be applied to trade with the new States and consideration given to further preferential access. The new States should not impede reconstruction by setting up barriers to trade between themselves. It is in their own interest to cooperate on economic and monetary policy.
38. We want to help the new States to preserve their highly-developed scientific and technological skills and to make use of them in building up their economies. We call upon industry and science in the industrial countries to promote cooperation and exchange with the new States. By establishing International Science and Technology Centres we are helping to redirect the expertise of scientists and engineers who have sensitive knowledge in the manufacture of weapons of mass destruction towards peaceful purposes. We will continue our efforts to enable highly-qualified civil scientists to remain in the new States and to promote research cooperation with western industrial countries.
39. We welcome the membership of the new States in the international financial institutions. This will allow them to work out economic reform programmes in collaboration with these institutions and on this basis to make use of their substantial financial resources. Disbursements of these funds should be linked to progress in implementing reforms.
40. We support the phased strategy of cooperation between the Russian Government and the IMF. This will allow the IMF to disburse a first credit tranche in support of the most urgent stabilisation measures within the next few weeks while continuing to negotiate a comprehensive reform programme with Russia. This will pave the way for the full utilisation of the \$ 24 bn support package announced in April. Out of this, \$ 6 bn earmarked for a rouble stabilisation fund will be released when the necessary macro-economic conditions are in place.

41. We suggest that country consultative groups should be set up for the new States, when appropriate, in order to foster close cooperation among the States concerned, international institutions and partners. The task of these groups would be to encourage structural reforms and to coordinate technical assistance.

Safety of nuclear power plants in the new independent States of the former Soviet Union and in central and eastern Europe

42. While we recognise the important role nuclear power plays in global energy supplies, the safety of Soviet-design nuclear power plants gives cause for great concern. Each State, through its safety authorities and plant operators, is itself responsible for the safety of its nuclear power plants. The new States concerned of the former Soviet Union and the countries of central and eastern Europe must give high priority to eliminating this danger. These efforts should be part of a market-oriented reform of energy policies encouraging commercial financing for the development of the energy sector.
43. A special effort should be made to improve the safety of these plants. We offer the States concerned our support within the framework of a multilateral programme of action. We look to them to cooperate fully. We call upon other interested States to contribute as well.
44. The programme of action should comprise immediate measures in the following areas:
- operational safety improvements;
  - near-term technical improvements to plants based on safety assessments;
  - enhancing regulatory regimes.
- Such measures can achieve early and significant safety gains.
45. In addition, the programme of action is to create the basis for longer-term safety improvements by the examination of
- the scope for replacing less safe plants by the development of alternative energy sources and the more efficient use of energy,
  - the potential for upgrading plants of more recent design.

Complementary to this, we will pursue the early completion of a convention on nuclear safety.

46. The programme of action should develop clear priorities, provide coherence to the measures and ensure their earliest implementation. To implement the immediate measures, the existing G 24 coordination mandate on nuclear safety should be extended to the new States concerned of the former Soviet Union and at the same time made more effective. We all are prepared to strengthen our bilateral assistance.

In addition, we support the setting up of a supplementary multilateral mechanism, as appropriate, to address immediate operational safety and technical safety improvement measures not covered by bilateral programmes. We invite the international community to contribute to the funding. The fund would take account of bilateral funding, be administered by a steering body of donors on the basis of consensus, and be coordinated with and assisted by the G 24 and the EBRD.

47. Decisions on upgrading nuclear power plants of more recent design will require prior clarification of issues concerning plant safety, energy policy, alternative energy sources and financing. To establish a suitable basis on which such decisions can be made, we consider the following measures necessary:

- The necessary safety studies should be presented without delay.
- Together with the competent international organisations, in particular the IEA, the World Bank should prepare the required energy studies including replacement sources of energy and the cost implications. Based on these studies the World Bank and the EBRD should report as expeditiously as possible on potential financing requirements.

48. We shall review the progress made in this action programme at our meeting in 1993.

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49. We take note of the representations that we received from various Heads of State or Government and organisations, and we will study them with interest.

#### Next meeting

50. We welcome and have accepted Prime Minister Miyazawa's invitation to Tokyo in July 1993.

## Chairman's Statement

### 1. Nagorny Karabakh, Moldova, Ossetia

We deplore the continued fighting in Nagorny Karabakh. We urge the parties to the conflict to cease hostilities immediately and appeal to them to allow additional measures to be carried out such as a troop disengagement and the return of refugees to their native areas. We emphasize that we shall on no account recognize faits accomplis brought about by force. We appeal to all parties to the conflict to participate in the negotiations in Rome and later in Minsk with a view to finding a just and lasting political settlement in line with CSCE principles.

We observe with deep concern the escalation of the conflict on the left bank of the Dniestr in the Republic of Moldova. We urgently appeal to all parties concerned to cease hostilities at once and to refrain from any attacks.

We support the efforts to achieve a peaceful settlement made by the Presidents of the Republic of Moldova, Romania, the Russian Federation and Ukraine at the summit meeting of littoral states of the Black Sea in Istanbul on 25 June 1992, and support their appeal to the CSCE to help find a solution.

We appeal to all countries to allow no steps which might serve, politically or materially, to sustain the fighting.

We are pleased to note that the ceasefire in southern Ossetia is being largely observed and appeal to all parties concerned to do everything in their power to expedite a peaceful settlement of the conflict in Georgia. The political leaders in southern and northern Ossetia are again urged to sign and abide by the ceasefire agreement negotiated between the Presidents of the Russian Federation and Georgia. We call upon the parties concerned to quickly bring about a peaceful settlement of the dispute on the basis of CSCE principles, and to respect the territorial integrity of the states affected and the rights of the minority populations living there.

### 2. The Baltic States

Equal treatment of all minorities in the Baltic states is a basic ingredient of peace and stability in the area.

We understand the concern of the Baltic states about the deadlocked negotiations with Russia on the withdrawal of former Soviet forces. We are also aware of the practical problems facing Russia in removing them. However, these problems must not be allowed to hinder the application of the principle of international law to the effect that military forces may not be stationed on the territory of another state without its consent. It is therefore important to quickly reach agreement in the current negotiations on a timetable for the withdrawal of the troops.

3. Middle East

We reaffirm our unqualified support for the Middle East peace process initiated by the Madrid peace conference. We express the hope that the direct bilateral negotiations between the parties to the conflict, as well as the multilateral negotiations on regional issues, will lead to a just, lasting and comprehensive peace settlement based on Security Council resolutions 242 and 338.

We welcome the progress made by all five multilateral working groups at their recent first meetings. These talks are a major part of the efforts to promote confidence-building between the nations affected on the road to peace in the Middle East. We appeal to all sides to create an atmosphere of confidence and trust.

4. Iraq

We note that Iraq still refuses to comply with all resolutions of the Security Council without reservation. We shall continue to demand the elimination of all Iraqi weapons of mass destruction and the release of all prisoners. We warn the Iraqi regime against repressive actions against all the peoples of Iraq in violation of UN Security Council resolution 688.

Iraq must accept the responsibility for the well-being of its citizens and for the equal treatment of its minorities. It is essential for Bagdad to comply with Security Council resolutions 706 and 712 so that food and medical supplies can be distributed on an equitable basis. We condemn any use of force against those who provide help to the population.

5. Korea

We welcome the progress achieved in the dialogue between North and South Korea. It gives us reason to hope for a further reduction of tension.

We are concerned about North Korea's suspected nuclear weapons programme. The IAEA Safeguards Agreement must be fully implemented and an effective bilateral inspection regime must be put into practice.

6. China

The recent developments towards economic reform in the People's Republic of China are encouraging. We also want to see China making greater efforts towards political reform. The situation with regard to human rights calls for considerable further improvement. We welcome China's accession to the Non-Proliferation Treaty and her application of the guidelines and parameters of the Missile Technology Control Regime. We hope that China will play a more constructive role in the international sphere.

7. The Mediterranean

We consider it necessary to devote more attention to developments in the Mediterranean. Our aim must be to launch joint efforts to enable the countries concerned to develop in a way that will both maintain peace and security and at the same time promote understanding of the principles of democracy and ensure greater respect for human rights.

We support the recent efforts of the Secretary General of the United Nations to find a solution to the Cyprus conflict. We call on all sides to cooperate with the Secretary General to seize the present opportunity to negotiate a settlement to this long-standing and tragic problem along the lines of Security Council resolution 750.

8. Africa

In Africa respect for basic human rights, political pluralism and market economy systems are gaining ground. We will continue to support this process of political and economic reform.

Substantial progress towards the complete dismantling of apartheid in South Africa has been interrupted by another instance of brutal violence. We call on all sides to resume negotiations as soon as possible and make greater efforts to prevent violence. We appeal to all parties concerned to continue through negotiations on the path to democracy devoid of racial barriers. Sustainable economic growth is essential for an enduring solution of South Africa's problems.

The situation in the Horn of Africa is still alarming. Ethnic strife in Ethiopia continues even after the controversial elections.

The ending of anarchy, chaos, violence and hunger in Somalia still depends on the willingness of numerous local groupings to allow the United Nations, the International Committee of the Red Cross and other organizations to bring in food and medical supplies for the people. We welcome and support the UN peace mission for Somalia, UNOSOM.

9. Latin America

We appreciate the progress achieved in consolidating democracy and market economy structures in Latin America.

In this connection we welcome the efforts of the OAS - including sanctions - to secure Haiti's return to constitutional order.

We also look forward to Peru's return to constitutional order.

We welcome the signing of the peace agreement for El Salvador and the efforts of both parties to implement it quickly.

We encourage efforts in other countries of the region to settle ongoing conflicts.

There is growing recognition in the region that the mastering of global challenges such as environmental protection and drug trafficking, calls for close international cooperation. We are prepared to participate in and support cooperation in the region. The growing links between terrorist organizations and drug traffickers fill us with concern.

The steps Argentina and Brazil have taken to allow full inspection of their nuclear activities, and their decision to give effect to the Treaty of Tlatelolco and to consider

signing the comprehensive safeguards agreement with the IAEA, will be conducive to cooperation in this sphere as well.

#### 10. Drugs

Through our initiatives of recent years we have considerably strengthened international cooperation to combat drug trafficking. Meanwhile well over twenty countries, as well as the European Community and various international organizations, including the UN International Drug Control Programme, are involved in the work of the Financial Action Task Force to investigate the laundering of drug money, and of the Chemical Action Task Force to prevent chemicals being diverted to the illicit manufacture of drugs. The fight against drugs remains a major challenge. In order to meet this challenge effectively we shall continue our efforts to achieve broad international cooperation. In this context we attach special importance to the role of the United Nations, especially its Drug Control Programme.

#### 11. Terrorism

We condemn terrorism in all its forms and reaffirm our resolve to cooperate in combatting it. We call upon all countries involved to renounce support for terrorism, including financial support, and to take effective action to deny the use of their territory to terrorist organizations.

We denounce equally strongly the taking of hostages. We welcome the recent release of two hostages in Lebanon. We call again for the immediate and unconditional release of all hostages who may still be held and for an accounting for all persons taken hostage who may have died while being held.

We underline the need for Libya to comply with Security Council Resolutions 731 and 748 promptly and fully. We call upon all countries to enforce rigorously the sanctions against Libya so that those responsible for the bombings of PA 103 and UTA 772 may be brought to justice and Libya's support for terrorism is ended.

We support the measures of the International Civil Aviation Organization aimed at increased security in Civil Aviation. We consider the Convention on the Marking of Plastic Explosives for the Purpose of Detection to be a significant step towards this aim.

## Political Declaration

### Shaping the New Partnership

#### I.

1. We, the leaders of our seven countries and the representatives of the European Community, support the democratic revolution which has ended the East-West confrontation and has fundamentally changed the global political landscape. Since we last met, further dramatic changes have accelerated progress towards democracy, market-based economies, and social justice. The way has been opened for a new partnership of shared responsibilities, not only in Europe which at long last is reunited, but also in the Asia-Pacific region and elsewhere in the world. We are entering an era where confrontation has given way to cooperation.
2. This new partnership will take many forms. The former adversaries of East and West will cooperate extensively on economic, political and security issues. We look for the worldwide development of similar patterns of cooperation within regions and between regions. As developed countries, we offer continuing support and assistance to developing countries. We believe that transnational problems, in particular the proliferation of weapons of mass destruction, can be solved only through international cooperation. Partnership will flourish as common values take root, based on the principles of political and economic freedom, human rights, democracy, justice and the rule of law. We believe that political and economic freedom are closely linked and mutually reinforcing and that, to that end, good governance and respect for human rights are important criteria in providing economic assistance.
3. The countries of Central and Eastern Europe and the new states of the former Soviet Union can now seize unprecedented opportunities - but they also face enormous challenges. We will support them as they move toward the achievement of democratic societies and political and economic freedom. We encourage them to create a stable constitutional and legal framework for their reform programmes and commend their efforts to cut substantially the proportion of public spending devoted to the military sector.

4. The Treaty signed at Maastricht by the twelve members of the European Community is a historic step on the way to European Union. Its implementation will enhance political stability on the European continent and open up new opportunities for cooperation.
5. Since we last met, the creation of the North Atlantic Cooperation Council has enhanced the cooperative relationship of the North Atlantic Alliance with countries in Central and Eastern Europe and with the states of the former Soviet Union. WEU, too, is strengthening its relationship with countries in Central and Eastern Europe.
6. The need for international cooperation has also been underlined by new instabilities and conflicts due to resurgent nationalism and interethnic tensions. Communal and territorial disputes are being settled by force, causing death, destruction, and widespread dislocation of innocent people throughout the former Yugoslavia, in parts of the former Soviet Union, and elsewhere in the world.
7. The full and immediate implementation of all CSCE commitments is essential in building security and stability in Europe. All CSCE states must solve their disputes by peaceful means and guarantee the equal treatment of all minorities. We call upon the Helsinki CSCE Summit to take decisions to strengthen the CSCE's capabilities for conflict prevention, crisis management and peaceful resolution of disputes. We also look forward to the establishment of a security cooperation forum at the Helsinki Summit. In this regard, we welcome the recent decisions by NATO foreign ministers and WEU ministers on support for peacekeeping operations carried out under the responsibility of the CSCE. We support the development of a regular and productive dialogue between Japan and the CSCE on matters of common concern.
8. In the Asia-Pacific region, existing regional frameworks, such as the ASEAN Post-Ministerial Conferences and the Asia-Pacific Economic Cooperation, have an important part to play in promoting peace and stability. We are seriously concerned at the present situation in Cambodia and urge all parties concerned to support UNTAC and uphold the still fragile peace process to bring it to a successful conclusion.
9. We welcome Russia's commitment to a foreign policy based on the principle of law and justice. We believe that this represents a basis for full normalization of the Russian-Japanese relationship through resolving the territorial issue.

## II

1. The end of the East-West confrontation provides a historic opportunity, but also underlines the urgent need to curb the proliferation of nuclear weapons, other weapons of mass destruction and missiles capable of delivering them. We are firmly of the view that the indefinite extension of the nuclear Non-Proliferation Treaty at the 1995 Review Conference will be a key step in this process and that the process of nuclear arms control and reduction must be continued. The motivation for nuclear proliferation will also be reduced through efforts to advance regional security.
2. We urge countries not yet parties to the NPT to join. We look forward to the early adherence to the NPT as non-nuclear weapons states of Ukraine, Kazakhstan and Belarus as well as the other non-Russian states of the former Soviet Union. We shall continue through bilateral contacts and the International Science and Technology Centres in Moscow and Kiev our efforts to inhibit the spread of expertise on weapons of mass destruction. We attach the highest importance to the establishment in the former Soviet Union of effective export controls on nuclear materials, weapons and other sensitive goods and technologies and will offer training and practical assistance to help achieve this.
3. The world needs the most effective possible action to safeguard nuclear materials and to detect and prevent the transfer or the illicit or clandestine production of nuclear weapons. Nuclear cooperation will in future be conditional on adherence to the NPT or an existing equivalent internationally binding agreement as well as on the adoption of full-scope International Atomic Energy Agency safeguards, as recently laid down by the Nuclear Suppliers Group. The IAEA must receive the resources necessary to strengthen the existing safeguards regime and to conduct effective special inspections of undeclared but suspect nuclear sites as one means of achieving this. We will support reference by the IAEA of unresolved cases of proliferation to the UN Security Council.
4. We reaffirm our willingness to share the benefits of peaceful nuclear technology with all other states, in accordance with our non-proliferation commitments.
5. We will continue to encourage all countries to adopt the guidelines of the Missile Technology Control Regime and welcome the recent decision by the plenary session of

the MTCR to extend the scope of the guidelines to cover missiles capable of delivering all kinds of weapons of mass destruction. Each of us will continue our efforts to improve transparency and consultation in the transfer of conventional weapons and to encourage restraint in such transfers. Provision of full and timely information to the UN Arms Register is an important element in these efforts.

6. We will continue to intensify our cooperation in the area of export controls of sensitive items in the appropriate fora to reduce threats to international security. A major element of this effort is the informal exchange of information to improve and harmonize these export controls.
7. Arms control agreements which have been signed by the former Soviet Union, in particular the START and CFE treaties, must enter into force. The full implementation of the CFE Treaty will create the foundation for the new cooperative security framework in Europe. We welcome the far-reaching follow-on agreement on strategic nuclear weapons concluded by the US and Russia in June as another major step towards a safer, more stable world. Further measures, in particular the unilaterally announced elimination of ground-launched short-range nuclear weapons by the United States and the former Soviet Union, should be carried out as soon as possible. We support Russia in its efforts to secure the peaceful use of nuclear materials resulting from the elimination of nuclear weapons. The Geneva negotiations for a convention on the effective global ban on chemical weapons must be successfully concluded this year. We call on all nations to become original signatories to this convention.

### III.

1. The new challenges underline the need for strengthening the UN, taking account of changing international circumstances. Since our last meeting in London the tasks and responsibilities of the UN have further increased in a dramatic way, especially in the area of crisis prevention, conflict management and the protection of minorities. The UN has played a central role in the international response to developments in the Gulf, in Cambodia, in the former Yugoslavia and in other regions of the world.
2. We support the UN's role in maintaining international peace and security. The accession to the UN of new states has reinforced the importance of this role. We call

upon all these new member states to abide by their solemn undertakings to uphold the purposes and principles of the UN Charter.

3. We reaffirm our commitment to cooperate on existing refugee problems. We deplore action by any state or group against minorities that creates new flows of refugees and displaced persons.
4. We support moves undertaken so far by the Secretary-General to reform the Organization, including the appointment of a high-ranking emergency relief coordinator. The Secretary General's report "An Agenda for Peace" is a valuable contribution to the work of the United Nations on preventive diplomacy, peace-making and peace-keeping. We assure him of our readiness to provide the political support and resources needed to maintain international peace and security.
5. We strongly support improved cooperation between the UN and regional arrangements and agencies as envisaged in Chapter VIII of the UN Charter, which have an increasing role in solving conflicts.
6. In closing this Declaration, we reaffirm that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Human rights are not at the disposal of individual states or their governments. They cannot be subordinate to the rules of any political, ideological or religious system. The protection and the promotion of human rights remain one of the principal tasks of the community of nations.

## Declaration on Former Yugoslavia

We, the leaders of our seven countries and the representatives of the European Community, are deeply concerned about the ongoing Yugoslav crisis. We strongly condemn the use of violence in the former Yugoslavia and deplore the suffering inflicted upon its population. We particularly deplore those actions directed against civilian populations as well as the forced expulsion of ethnic groups. Although all parties have contributed to this state of affairs the Serbian leadership and the Yugoslav Army controlled by it bear the greatest share of the responsibility.

We support the EC Conference on Yugoslavia chaired by Lord Carrington as a key forum for ensuring a durable and equitable political solution to the outstanding problems of the former Yugoslavia, including constitutional arrangements for Bosnia and Hercegovina. We call on all parties to resume negotiations in that Conference in good faith and without preconditions. We also welcome close consultations between the Conference chaired by Lord Carrington, the EC, the UN and the other parties concerned with the Yugoslav crisis. These consultations could lead to the holding of a broader international conference to address unresolved questions, including issues related to minorities. We stress the absolute need for the parties in former Yugoslavia to show the will for peace, which is indispensable to success and without which the peoples of former Yugoslavia will continue to suffer.

The tragic humanitarian situation especially in Bosnia and Hercegovina is unacceptable. We fully endorse the efforts of the international community to provide relief. We welcome the efforts made in achieving the opening of the airport of Sarajevo and we support actions taken by UNPROFOR to secure the airport. The blockade of Sarajevo must be lifted and the shelling of the town stopped in order to sustain a comprehensive relief operation.

We express our gratitude to all participants in the airlift to Sarajevo and the supply of its population. We appeal to all parties in Bosnia and Hercegovina not to imperil the humanitarian effort. We firmly warn the parties concerned, including irregular forces, not to take any action that would endanger the lives of those engaged in the relief operation. Should these efforts fail due to an unwillingness of those concerned to fully cooperate

with the United Nations we believe the Security Council will have to consider other measures, not excluding military means, to achieve its humanitarian objectives.

The airlift to Sarajevo can only be the beginning of a larger humanitarian effort. Safe access by road to Sarajevo as well as to other parts of Bosnia and Herzegovina in need must be guaranteed.

The needs of the hundreds of thousands of refugees and displaced persons require further significant financial support. We are willing to contribute and ask others also to make fair contributions.

We underline the need for Serbia and Croatia to respect the territorial integrity of Bosnia and Hercegovina and for all military forces not subject to the authority of the Government of Bosnia and Hercegovina to either be withdrawn or disbanded and disarmed with their weapons placed under effective international monitoring.

We call on all parties to prevent the conflict from spreading to other parts of the former Yugoslavia.

We urge the Serbian leadership to respect minority rights in full, to refrain from further repression in Kosovo and to engage in serious dialogue with representatives of Kosovo with a view to defining a status of autonomy according to the draft convention of the EC Conference on Yugoslavia.

Sanctions decided by the UN Security Council in resolution 757 as well as all other provisions of relevant UN resolutions must be fully implemented.

We support the efforts of the UN peace keeping forces in implementing the UN peace plan for Croatia in all its elements. We demand that Serbs and Croats extend their full cooperation to the UN peace plan and make every effort to bring the bloodshed in Croatia to an end.

We do not accept Serbia and Montenegro as the sole successor state of the former Yugoslavia. We call for the suspension of the delegation of Yugoslavia in the proceedings of the CSCE and other relevant international fora and organizations.



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## ADOPTION OF AGREEMENTS ON ENVIRONMENT AND DEVELOPMENT

### The Rio Declaration on Environment and Development

#### Preamble

The United Nations Conference on Environment and Development,

Having met at Rio de Janeiro from 3 to 14 June 1992,

Reaffirming the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972, and seeking to build upon it,

With the goal of establishing a new and equitable global partnership through the creation of new levels of cooperation among States, key sectors of societies and people,

Working towards international agreements which respect the interests of all and protect the integrity of the global environmental and developmental system,

Recognizing the integral and interdependent nature of the Earth, our home,

Proclaims that:

#### Principle 1

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

Principle 2

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Principle 3

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

Principle 4

In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.

Principle 5

All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.

Principle 6

The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International

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actions in the field of environment and development should also address the interests and needs of all countries.

#### Principle 7

States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.

#### Principle 8

To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.

#### Principle 9

States should cooperate to strengthen endogenous capacity-building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.

#### Principle 10

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to

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information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

#### Principle 11

States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.

#### Principle 12

States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus.

#### Principle 13

States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and

compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.

#### Principle 14

States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health.

#### Principle 15

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

#### Principle 16

National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.

#### Principle 17

Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.

Principle 18

States shall immediately notify other States of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Every effort shall be made by the international community to help States so afflicted.

Principle 19

States shall provide prior and timely notification and relevant information to potentially affected States on activities that may have a significant adverse transboundary environmental effect and shall consult with those States at an early stage and in good faith.

Principle 20

Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.

Principle 21

The creativity, ideals and courage of the youth of the world should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better future for all.

Principle 22

Indigenous people and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and

traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

Principle 23

The environment and natural resources of people under oppression, domination and occupation shall be protected.

Principle 24

Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary.

Principle 25

Peace, development and environmental protection are interdependent and indivisible.

Principle 26

States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations.

Principle 27

States and people shall cooperate in good faith and in a spirit of partnership in the fulfilment of the principles embodied in this Declaration and in the further development of international law in the field of sustainable development.

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## ADOPTION OF AGREEMENTS ON ENVIRONMENT AND DEVELOPMENT

Non-legally binding authoritative statement of principles  
for a global consensus on the management, conservation  
and sustainable development of all types of forests

### PREAMBLE

(a) The subject of forests is related to the entire range of environmental and development issues and opportunities, including the right to socio-economic development on a sustainable basis.

(b) The guiding objective of these principles is to contribute to the management, conservation and sustainable development of forests and to provide for their multiple and complementary functions and uses.

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(c) Forestry issues and opportunities should be examined in a holistic and balanced manner within the overall context of environment and development, taking into consideration the multiple functions and uses of forests, including traditional uses, and the likely economic and social stress when these uses are constrained or restricted, as well as the potential for development that sustainable forest management can offer.

(d) These principles reflect a first global consensus on forests. In committing themselves to the prompt implementation of these principles, countries also decide to keep them under assessment for their adequacy with regard to further international cooperation on forest issues.

(e) These principles should apply to all types of forests, both natural and planted, in all geographic regions and climatic zones, including austral, boreal, subtemperate, temperate, subtropical and tropical.

(f) All types of forests embody complex and unique ecological processes which are the basis for their present and potential capacity to provide resources to satisfy human needs as well as environmental values, and as such their sound management and conservation is of concern to the Governments of the countries to which they belong and are of value to local communities and to the environment as a whole.

(g) Forests are essential to economic development and the maintenance of all forms of life.

(h) Recognizing that the responsibility for forest management, conservation and sustainable development is in many States allocated among federal/national, state/provincial and local levels of government, each State, in accordance with its constitution and/or national legislation, should pursue these principles at the appropriate level of government.

#### PRINCIPLES/ELEMENTS

1. (a) "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies and have the responsibility to ensure that activities within

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their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction".

(b) The agreed full incremental cost of achieving benefits associated with forest conservation and sustainable development requires increased international cooperation and should be equitably shared by the international community.

2. (a) States have the sovereign and inalienable right to utilize, manage and develop their forests in accordance with their development needs and level of socio-economic development and on the basis of national policies consistent with sustainable development and legislation, including the conversion of such areas for other uses within the overall socio-economic development plan and based on rational land-use policies.

(b) Forest resources and forest lands should be sustainably managed to meet the social, economic, ecological, cultural and spiritual human needs of present and future generations. These needs are for forest products and services, such as wood and wood products, water, food, fodder, medicine, fuel, shelter, employment, recreation, habitats for wildlife, landscape diversity, carbon sinks and reservoirs, and for other forest products. Appropriate measures should be taken to protect forests against harmful effects of pollution, including air-borne pollution, fires, pests and diseases in order to maintain their full multiple value.

(c) The provision of timely, reliable and accurate information on forests and forest ecosystems is essential for public understanding and informed decision-making and should be ensured.

(d) Governments should promote and provide opportunities for the participation of interested parties, including local communities and indigenous people, industries, labour, non-governmental organizations and individuals, forest dwellers and women, in the development, implementation and planning of national forest policies.

3. (a) National policies and strategies should provide a framework for increased efforts, including the development and strengthening of institutions and programmes for the management, conservation and sustainable development of forests and forest lands.

(b) International institutional arrangements, building on those organizations and mechanisms already in existence, as appropriate, should facilitate international cooperation in the field of forests.

(c) All aspects of environmental protection and social and economic development as they relate to forests and forest lands should be integrated and comprehensive.

4. The vital role of all types of forests in maintaining the ecological processes and balance at the local, national, regional and global levels through, *inter alia*, their role in protecting fragile ecosystems, watersheds and freshwater resources and as rich storehouses of biodiversity and biological resources and sources of genetic material for biotechnology products, as well as photosynthesis, should be recognized.

5. (a) National forest policies should recognize and duly support the identity, culture and the rights of indigenous people, their communities and other communities and forest dwellers. Appropriate conditions should be promoted for these groups to enable them to have an economic stake in forest use, perform economic activities, and achieve and maintain cultural identity and social organization, as well as adequate levels of livelihood and well-being, through, *inter alia*, those land tenure arrangements which serve as incentives for the sustainable management of forests.

(b) The full participation of women in all aspects of the management, conservation and sustainable development of forests should be actively promoted.

6. (a) All types of forests play an important role in meeting energy requirements through the provision of a renewable source of bio-energy, particularly in developing countries, and the demands for fuelwood for household and industrial needs should be met through sustainable forest management, afforestation and reforestation. To this end, the potential contribution of plantations of both indigenous and introduced species for the provision of both fuel and industrial wood should be recognized.

(b) National policies and programmes should take into account the relationship, where it exists, between the conservation, management and sustainable development of

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forests and all aspects related to the production, consumption, recycling and/or final disposal of forest products.

(c) Decisions taken on the management, conservation and sustainable development of forest resources should benefit, to the extent practicable, from a comprehensive assessment of economic and non-economic values of forest goods and services and of the environmental costs and benefits. The development and improvement of methodologies for such evaluations should be promoted.

(d) The role of planted forests and permanent agricultural crops as sustainable and environmentally sound sources of renewable energy and industrial raw material should be recognized, enhanced and promoted. Their contribution to the maintenance of ecological processes, to offsetting pressure on primary/old-growth forest and to providing regional employment and development with the adequate involvement of local inhabitants should be recognized and enhanced.

(e) Natural forests also constitute a source of goods and services, and their conservation, sustainable management and use should be promoted.

7. (a) Efforts should be made to promote a supportive international economic climate conducive to sustained and environmentally sound development of forests in all countries, which include, inter alia, the promotion of sustainable patterns of production and consumption, the eradication of poverty and the promotion of food security.

(b) Specific financial resources should be provided to developing countries with significant forest areas which establish programmes for the conservation of forests including protected natural forest areas. These resources should be directed notably to economic sectors which would stimulate economic and social substitution activities.

8. (a) Efforts should be undertaken towards the greening of the world. All countries, notably developed countries, should take positive and transparent action towards reforestation, afforestation and forest conservation, as appropriate.

(b) Efforts to maintain and increase forest cover and forest productivity should be undertaken in ecologically, economically and socially sound ways through the rehabilitation, reforestation and re-establishment of trees and forests on unproductive, degraded and deforested lands, as well as through the management of existing forest resources.

(c) The implementation of national policies and programmes aimed at forest management, conservation and sustainable development, particularly in developing countries, should be supported by international financial and technical cooperation, including through the private sector, where appropriate.

(d) Sustainable forest management and use should be carried out in accordance with national development policies and priorities and on the basis of environmentally sound national guidelines. In the formulation of such guidelines, account should be taken, as appropriate and if applicable, of relevant internationally agreed methodologies and criteria.

(e) Forest management should be integrated with management of adjacent areas so as to maintain ecological balance and sustainable productivity.

(f) National policies and/or legislation aimed at management, conservation and sustainable development of forests should include the protection of ecologically viable representative or unique examples of forests, including primary/old-growth forests, cultural, spiritual, historical, religious and other unique and valued forests of national importance.

(g) Access to biological resources, including genetic material, shall be with due regard to the sovereign rights of the countries where the forests are located and to the sharing on mutually agreed terms of technology and profits from biotechnology products that are derived from these resources.

(h) National policies should ensure that environmental impact assessments should be carried out where actions are likely to have significant adverse impacts on important forest resources, and where such actions are subject to a decision of a competent national authority.

9. (a) The efforts of developing countries to strengthen the management, conservation and sustainable development of their forest resources should be supported by the international community, taking into account the importance of redressing external indebtedness, particularly where aggravated by the net transfer of resources to developed countries, as well as the problem of achieving at least the replacement value of forests through improved

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market access for forest products, especially processed products. In this respect, special attention should also be given to the countries undergoing the process of transition to market economies.

(b) The problems that hinder efforts to attain the conservation and sustainable use of forest resources and that stem from the lack of alternative options available to local communities, in particular the urban poor and poor rural populations who are economically and socially dependent on forests and forest resources, should be addressed by Governments and the international community.

(c) National policy formulation with respect to all types of forests should take account of the pressures and demands imposed on forest ecosystems and resources from influencing factors outside the forest sector, and intersectoral means of dealing with these pressures and demands should be sought.

10. New and additional financial resources should be provided to developing countries to enable them to sustainably manage, conserve and develop their forest resources, including through afforestation, reforestation and combating deforestation and forest and land degradation.

11. In order to enable, in particular, developing countries to enhance their endogenous capacity and to better manage, conserve and develop their forest resources, the access to and transfer of environmentally sound technologies and corresponding know-how on favourable terms, including on concessional and preferential terms, as mutually agreed, in accordance with the relevant provisions of Agenda 21, should be promoted, facilitated and financed, as appropriate.

12. (a) Scientific research, forest inventories and assessments carried out by national institutions which take into account, where relevant, biological, physical, social and economic variables, as well as technological development and its application in the field of sustainable forest management, conservation and development, should be strengthened through effective modalities, including international cooperation. In this context, attention

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should also be given to research and development of sustainably harvested non-wood products.

(b) National and, where appropriate, regional and international institutional capabilities in education, training, science, technology, economics, anthropology and social aspects of forests and forest management are essential to the conservation and sustainable development of forests and should be strengthened.

(c) International exchange of information on the results of forest and forest management research and development should be enhanced and broadened, as appropriate, making full use of education and training institutions, including those in the private sector.

(d) Appropriate indigenous capacity and local knowledge regarding the conservation and sustainable development of forests should, through institutional and financial support, and in collaboration with the people in local communities concerned, be recognized, respected, recorded, developed and, as appropriate, introduced in the implementation of programmes. Benefits arising from the utilization of indigenous knowledge should therefore be equitably shared with such people.

13. (a) Trade in forest products should be based on non-discriminatory and multilaterally agreed rules and procedures consistent with international trade law and practices. In this context, open and free international trade in forest products should be facilitated.

(b) Reduction or removal of tariff barriers and impediments to the provision of better market access and better prices for higher value-added forest products and their local processing should be encouraged to enable producer countries to better conserve and manage their renewable forest resources.

(c) Incorporation of environmental costs and benefits into market forces and mechanisms, in order to achieve forest conservation and sustainable development, should be encouraged both domestically and internationally.

(d) Forest conservation and sustainable development policies should be integrated with economic, trade and other relevant policies.

(e) Fiscal, trade, industrial, transportation and other policies and practices that may lead to forest degradation should be avoided. Adequate policies, aimed at management,

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conservation and sustainable development of forests, including where appropriate, incentives, should be encouraged.

14. Unilateral measures, incompatible with international obligations or agreements, to restrict and/or ban international trade in timber or other forest products should be removed or avoided, in order to attain long-term sustainable forest management.

15. Pollutants, particularly air-borne pollutants, including those responsible for acidic deposition, that are harmful to the health of forest ecosystems at the local, national, regional and global levels should be controlled.



# GLOBAL ENVIRONMENT FACILITY

*PARTNERS IN GLOBAL SOLUTIONS*

## STATEMENT BY GEF PARTICIPANTS ON THE FUTURE EVOLUTION OF THE GLOBAL ENVIRONMENT FACILITY

### Introduction

1. Environmental concerns are pervasive within and between countries, and are of a local, national, and global nature. A broad-based and integrated environmental strategy, linked with sound economic and social policies for sustainable development, is necessary to address them. These issues have been discussed extensively in a number of international fora, notably at sessions of the Preparatory Committee for UNCED. Agenda 21, developed within the UNCED process, provides a comprehensive summary of the environment and development issues likely to confront all countries. It is evident that sound environmental management is an intrinsic part of the sustainability of the development process.
2. In response to environment and development concerns, multilateral and bilateral donors and lenders have taken a number of steps to assist developing countries in incorporating environmental costs and benefits more systematically into their development policies and programs. These efforts have been given further impetus by the recent communique from the Development Committee -- a joint ministerial committee of the Boards of Governors of the World Bank and the International Monetary Fund -- which, inter alia, proposed that consideration be given to an "Earth Increment" in the tenth replenishment of the International Development Association (IDA-10).
3. There is also general recognition that some environmental problems transcend national boundaries and require internationally-negotiated solutions. In order to assist developing countries in dealing with global environmental problems, the Global Environment Facility (GEF) was established in 1990 as a three year pilot program. The GEF provides funding for investments and technical assistance in four focal areas -- global warming, biodiversity, international waters, and ozone depletion. To date, 83% of the funds that have been allocated are for global warming and biodiversity.
4. Two conventions covering global environmental issues - climate change and biodiversity - are now under negotiation. Addressing these two issues will place an additional financial burden on developing countries. It is generally agreed that new and additional funding will be required to meet agreed incremental costs. The governments negotiating the two conventions have indicated that a modified GEF is one option for assisting developing countries to meet their obligations under the conventions.
5. The Participants finalized and agreed upon a document entitled "The Global Environment Facility - Beyond the Pilot Phase" which is summarized in the following paragraphs.

## Principles

6. The principles underlying the Facility are summarized as follows:

- The GEF would provide additional grant and concessional funding of the agreed incremental costs for achieving agreed global environmental benefits;
- The GEF would finance activities which benefit the global environment. It would continue to support its current four focal areas. Land degradation issues, primarily desertification and deforestation, as they relate to the focal areas of the Facility, would be eligible for financing;
- The GEF is available to function as the funding mechanism for agreed global environmental conventions on Climate Change and Biodiversity, should the Parties to those conventions so desire;
- The GEF would assure the cost-effectiveness of its activities in addressing the targeted global environmental issues;
- The GEF would fund programs and projects which are country driven and consistent with national priorities designed to support sustainable development;
- The GEF would build on proven institutional structures, thus avoiding the creation of new institutions;
- The GEF must be transparent and accountable to contributors and beneficiaries alike; and
- The GEF would have sufficient flexibility to introduce modifications as the need arises.

## Governance

7. The governance of the restructured GEF would reflect these principles. Universal participation is seen as key to the Facility's success. Governments participating in the GEF would form a Participants' Assembly. It would normally take decisions on the basis of consensus. When this does not prove possible, a voting system would be used that guarantees a balanced and equitable representation of the interests of developing countries while giving due weight to the funding efforts of donor countries. To ensure that deliberations do not become unwieldy, a constituency system might be needed.

8. If the Conferences of the Parties to the Conventions determine that the GEF constitutes an acceptable funding mechanism, they would have primacy for establishing policy, strategy, and eligibility criteria under the respective conventions, as well as guiding the GEF on these issues. The GEF, through its Participants, would ensure that the priorities and criteria set by the Conferences of the Parties to the Conventions are respected, and provide regular reports to the Parties on its activities.

9. The United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), and the World Bank would continue to fulfill the roles they

currently play within the Facility. This means that UNDP would be responsible for technical assistance, capacity building, and project preparation. UNEP would play a role in strategic planning, assure the integrity of the scientific and technical advice that guides the GEF, and ensure that the policy framework for the GEF is consistent with conventions and related legal instruments and agreements. The World Bank would manage GEF's investment projects, act as trustee, and provide secretariat support.

10. Country-endorsed strategies and action plans are an important framework for the identification of global environmental activities and coordination with other forms of development assistance. While focusing primarily on programs and projects, the GEF would ensure the availability of resources for countries in need of assistance in the preparation of national reports and action programs related to the Climate Change and Biodiversity Conventions.

11. Participants give priority to the important role of the Scientific and Technical Advisory Panel (STAP) to ensure the overall scientific integrity of the Facility and to continue to review individual projects. If the Conferences of the Parties to the Conventions establish their own advisory panels it would be important to develop complementarity - through shared membership and regular consultations - between them and the STAP.

12. The private sector, non-governmental organizations (NGOs), and community groups are expected to contribute significantly to the success of the Facility.

#### Funds Management

13. Governments will need to consider several options before deciding on the sources and levels of funding for activities with global benefits, as well as modalities of funds management. A single unitary funding mechanism has advantages in terms of efficiency in mobilizing financial resources and providing an integrated approach to programming. If a single unitary fund were established, it would be replenished periodically, possibly every three years, through a single replenishment process. Agreement would need to be reached among governments on what would constitute an appropriate level of burden-sharing. The single fund would be utilized to fund activities under the focal areas of the GEF's mandate, including agreed minimum levels of funds for activities under agreed conventions, such as the Climate Change and Biodiversity conventions now under negotiation. Preceding their entry into force, such allocations, or similar arrangements, would be determined by the signatories to the Conventions and the GEF. Subsequent replenishments would be negotiated between the Conferences of the Parties to the Conventions and the GEF. In addition, some funds would remain unallocated to provide flexibility in programming GEF activities.

14. In light of the overall scarcity of resources for development and the environment, the GEF should have a catalytic effect, where appropriate, by integrating activities justified by their global environmental benefits into the development assistance programs of bilateral and multilateral donors.

Washington, D.C., 4 May, 1992.





SECOND MINISTERIAL  
CONFERENCE OF  
DEVELOPING COUNTRIES  
ON ENVIRONMENT  
AND DEVELOPMENT  
26-29 APRIL 1992  
KUALA LUMPUR  
MALAYSIA

SMCED/MC/DOC.2

# **KUALA LUMPUR DECLARATION ON ENVIRONMENT AND DEVELOPMENT**

**SECOND MINISTERIAL CONFERENCE OF DEVELOPING COUNTRIES  
ON ENVIRONMENT AND DEVELOPMENT**

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**KUALA LUMPUR DECLARATION ON ENVIRONMENT AND DEVELOPMENT**

We, the Ministers from 55 Developing Countries<sup>1</sup> met in Kuala Lumpur, at the invitation of the Government of Malaysia, from 26 to 29 April 1992, at the Second Ministerial Conference of Developing Countries on Environment and Development. The Kuala Lumpur Conference which had its initiation in New Delhi, India in April 1990, is a follow-up to the First Ministerial Conference held in Beijing in June 1991. The Kuala Lumpur Conference was also attended by observers<sup>2</sup> from 11 Developed Countries, 10 International Organizations and 9 Non-Governmental Organizations.

1. We exchanged views on the United Nations Conference on Environment and Development (UNCED) process, which started in 1989 with the United Nations General Assembly (UNGA) Resolution 44/228, in the light

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<sup>1</sup> Annex 1 - List of developing countries participating in the above Conference

<sup>2</sup> Annex 2 - List of observers participating in the above Conference.

of the results of the Fourth Substantive Session of the Preparatory Committee of UNCED held in New York from 2 March to 3 April 1992. To that effect, we reaffirm the will and the determination of our Governments to ensure that the Rio Conference fully and clearly achieves in concrete terms, the provisions contained in the relevant General Assembly Resolutions notably UNGA Resolution 44/228. In this context, the discussions centered on efforts to address important outstanding issues, with a view to finding solutions for them at UNCED scheduled at Rio de Janeiro, Brazil, 3-14 June 1992.

2. While noting that progress was made in a number of areas at the Fourth Substantive Session of the Preparatory Committee, we express our serious concern at the lack of progress on a few key issues, particularly financial resources and mechanisms.
3. UNCED is of historic importance and provides the occasion at the highest levels of government to address environment and development in an integrated, comprehensive and balanced manner for the benefit of both present and future generations. We call for a new global partnership based on respect for sovereignty and the principles of equity and equality among States for the achievement of sustainable development, taking into account the main responsibility of developed countries for the deterioration of the environment, and the need for sustained economic growth and development of developing countries.
4. Development is a fundamental right of all peoples and countries. An environmentally sound planet should correspond to a socially and

economically just world. An environmentally sound development, and the creation of a supportive international economic environment to achieve this objective, including transfer of new and additional financial resources to developing countries, through distinct and specific mechanisms which are transparent, accountable and with equal representation in decision-making, and modalities for transfer of technology, must be at the centre of the international agenda. In this regard, recognising the importance of international trade to all countries and the need for far reaching reforms in international economic relations, we call on the developed countries to ensure without further delay a balanced, meaningful and satisfactory conclusion of the Uruguay Round of Multilateral Trade Negotiations. We further emphasize that developed countries should not attempt to impose unilateral restrictions on international trade, in particular, on natural resource-based and other related products on environmental grounds.

5. We further underline, in the context of attaining sustainable development, the need for the urgent conclusion and implementation of internationally supported measures to enhance and stabilize commodity prices, including commodity diversification, processing and development.
6. We reiterate that for the new global partnership to be meaningful, developing countries must have the resources to participate effectively. We also underline the urgent need to eradicate poverty and to guarantee sustained growth in both economic and environmental terms.

7. We stress that sustainable development makes it incumbent on developed countries to take major steps to transform their production, consumption and distribution patterns towards environmentally sound development. For the developing countries, sustainable development implies the right to development with due regard to the ecological processes. In order for the developing countries to achieve sustainable development, developed countries should adhere to a new concept of global partnership.
  
8. On the basis of the foregoing, and reaffirming the principles and objectives of the First Ministerial Conference of Developing Countries on Environment and Development held at Beijing, we agree on the following positions on the core issues of special importance to developing countries to be taken up at the Rio Conference:-

#### **Rio Declaration on Environment and Development**

9. We note the progress made at the Fourth Substantive Session of the Preparatory Committee in regard to the elaboration of the Rio Declaration on Environment and Development, as reflected in the Chairman's Draft Text transmitted for further consideration and finalisation at the Rio Conference. Recalling the reservations made, including those by developing countries, we agree that steps need to be taken to further develop the text in line with UNGA Resolution 44/228.

## **Agenda 21**

10. We note the progress made at the Fourth Substantive Session of the Preparatory Committee Meeting in the identification of specific objectives, programmes and activities of Agenda 21 in a number of areas, including the recognition of the need for international efforts to address the serious problem of desertification and drought. We further reaffirm our willingness to continue participating in a constructive attitude in the issues yet to be resolved. We are also of the view that the programmes must support national priorities, must form an integrated package, and should not be used as a new form of conditionality in access to development support or any attempts to review national policies or strategies. We believe that agreement on the implementation of Agenda 21 programmes will depend on the availability of adequate, new and additional financial resources, and the transfer of technology to developing countries on preferential and concessional terms.

## **Financial Resources**

11. We reaffirm the position which was presented by the Group of 77 and China at the Fourth Substantive Session of the Preparatory Committee for UNCED.
12. As regards the means of implementation, we are of the view that new and additional funding should be the basis of an evolving partnership leading progressively towards the goal of sustainable development in both

developing and developed countries. This funding should be provided in addition to, and separate from the Official Development Assistance (ODA) target commitments by the developed countries. A specific and separate fund for the implementation of Agenda 21 should be established. Predictability in the flow of funds should be ensured by assessed contributions from developed countries. Developing countries could contribute on a voluntary basis. The governance of the fund should include the following criteria:-

- (a) it should be transparent;
- (b) it should be democratic in nature, with an equal voice for all parties in setting project eligibility criteria, project selection, and the authority to release funds, enabling an equitable balance between developed and developing countries;
- (c) it should provide access and disbursement to all developing countries without any conditionality; and
- (d) it should provide for funding of activities according to the priorities and needs of the developing countries, taking into account Agenda 21.

All possibilities can be explored in regard to location or locations of the fund and its administrative and operational activities in the light of the above criteria. In addition, existing mechanisms governed by the criteria defined above, could also be utilized as appropriate, in order to optimize provision of substantial grants or concessionary resources for the implementation of Agenda 21. In the follow-up after UNCED, there should be provisions for the effective monitoring of the financing of Agenda 21 and the mechanisms utilized for that purpose.

13. We welcome the initiative and note the Tokyo Declaration on Financing Global Environment and Development.

### **Transfer of Technology**

14. We recognize the progress made at the Fourth Substantive Session of the Preparatory Committee Meeting on this subject and strongly stress the need for assured access to, and transfer of technology on preferential and concessional terms to developing countries, taking into consideration that Intellectual Property Rights should not hinder the transfer of technology to developing countries. We further stress that the concept of transfer of technology should not be diluted by referring to it as technology cooperation. We emphasize that modalities should be immediately set up for the transfer of technology, including state-of-the-art technologies, to developing countries consistent with the relevant provisions of the UNGA Resolution 44/228.

### **Statement of Principles on Forests**

15. We emphasize that forest ecosystems and resources are part of the national patrimony to be managed, conserved and developed by each country in accordance with its national plans and priorities in the exercise of its sovereign rights.

16. We call on all countries to give full support to the finalisation of a Non Legally-binding Authoritative Statement of Principles on the Management, Conservation and Development of All Types of Forests and its adoption at the Rio Conference. Considering that the Statement of Principles would provide an adequate and sound basis for the greening of the world, including through reforestation, afforestation, regeneration and sustainable use of forest resources, the negotiations of a legally binding instrument on forest would not be required.
  
17. We also call on the developed countries to substantially increase their forest cover and to avoid unilateral measures in the name of environmental protection, that constitute arbitrary or discriminatory action such as bans and restrictions on international trade of forest and forest related products from the developing countries.

### **Institutions**

18. We stress the necessity for an early decision on an intergovernmental institutional arrangement for follow-up of Agenda 21 and other decisions of UNCED, in accordance with agreed sections of document A/CONF.151/PC/WG.III/L.31/REV.1 and further agreement to be achieved at the Rio Conference. The Rio Conference could also recommend to the General Assembly, provisions for financial and other means in the interim period between the Rio Conference and the Forty-seventh United Nations General Assembly. In addition, we agree that national and regional

institutions should be strengthened in order to promote sustainable development.

### **Proposed Conventions on Climate Change and Biological Diversity**

19. We note the current stage of negotiations pertaining to the Framework Convention on Climate Change and the Convention on Biological Diversity, and call for their early conclusion.

### **Framework Convention on Climate Change**

20. We express deep concern at the lack of progress in the negotiations for the Framework Convention on Climate Change. In this regard, and in accordance with UNGA Resolution 46/169, we urge the Intergovernmental Negotiating Committee to expedite and successfully complete the negotiations as soon as possible and to adopt the Framework Convention on Climate Change, containing appropriate commitments and any related legal instruments as may be agreed upon, in time for it to be opened for signature during UNCED. We stress the importance of these negotiations which should seriously address the adverse impact of climate change on developing countries including adaptation and mitigation measures. This is especially relevant to small island states; states with low-lying coastal areas, which are vulnerable to

climate change and its consequential sea-level rise; disaster prone developing countries; and countries liable to drought and desertification.

21. We urge the developed countries to undertake meaningful and specific commitments on the stabilization and reduction of emissions of carbon dioxide and other greenhouse gases.
22. We further stress that developed countries should make commitments for the provision of financial resources and transfer of technology to developing countries to enable them to adapt, mitigate and combat climate change and its adverse effects. We also stress that a fund should be established under this Convention for its implementation.
23. We also express concern on the implications of the Convention to developing countries whose economies are highly dependent on income generated from the production, processing, export, and/or the consumption of fossil fuels and associated energy intensive products.
24. We reiterate that the implementation mechanisms of the Convention should fully take into account the sovereign rights of each country to determine its national policies, plans and programmes for sustainable development.

## **Convention on Biological Diversity**

25. We note the progress of the negotiations for a Convention on Biological Diversity and reaffirm the sovereign rights of States to use their biological and genetic resources.
26. We underline the need for the Convention to establish mechanisms to give effect to the rights of countries which possess biological and genetic resources in in-situ conditions. In this context, we reiterate that the Convention on Biological Diversity must include legally binding commitments to ensure the link between the access to the genetic material of developing countries and the transfer of biotechnology and research capabilities from developed countries, as well as sharing of commercial profits and products derived from the genetic material.
27. We recognize that developing countries are already taking measures to conserve and use in a sustainable manner their biological resources and stress that those measures should be supported by the developed countries through the provision of financial and other resources.
28. We are of the view that providing for a 'Global List of Biogeographic Areas of Global Importance' under the Convention on Biological Diversity is not necessary.
29. We also stress that a fund should be established under this Convention to make it possible for developing countries to fulfill their obligations under the Convention.

## **South-South Cooperation**

30. We recognize the need to enhance South-South cooperation on environment and development, by regular consultations at all levels and through exchange of environmentally sound scientific and technological knowledge on mutually acceptable terms, in the interest of accelerating development. We agree that there should be regular consultations at ministerial, scientific and other expert levels to encourage cooperation and monitor the decisions to be taken at the Rio Conference.

**LIST OF DEVELOPING COUNTRIES  
ATTENDING THE SECOND MINISTERIAL CONFERENCE  
OF DEVELOPING COUNTRIES ON ENVIRONMENT AND DEVELOPMENT  
26 - 29 APRIL 1992**

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**DEVELOPING COUNTRIES**

<b>NO.</b>	<b>COUNTRY</b>
1.	ALGERIA
2.	ARGENTINA
3.	BANGLADESH
4.	BARBADOS
5.	BENIN
6.	BRAZIL
7.	BRUNEI DARUSSALAM
8.	CHILE
9.	CHINA
10.	COLOMBIA
11.	COTE D'IVORE
12.	CUBA
13.	DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA
14.	EGYPT
15.	ETHIOPIA
16.	FIJI
17.	GHANA

## DEVELOPING COUNTRIES (CONTINUED)

NO.	COUNTRY
18.	GUYANA
19.	INDIA
20.	INDONESIA
21.	THE ISLAMIC REPUBLIC OF IRAN
22.	JORDAN
23.	KENYA
24.	THE PEOPLE'S BUREAU OF THE GREAT SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIAH
25.	MALAYSIA
26.	MALDIVES
27.	MALI
28.	MALTA
29.	MAURITANIA
30.	MAURITIUS
31.	MEXICO
32.	MOROCCO
33.	NEPAL
34.	NIGERIA
35.	OMAN
36.	PAKISTAN
37.	PALESTINE
38.	PAPUA NEW GUINEA
39.	PERU

**DEVELOPING COUNTRIES (CONTINUED)**

<b>NO.</b>	<b>COUNTRY</b>
40.	PHILIPPINES
41.	THE REPUBLIC OF KOREA
42.	SAUDI ARABIA
43.	SENEGAL
44.	SINGAPORE
45.	SUDAN
46.	TANZANIA
47.	THAILAND
48.	TUNISIA
49.	UGANDA
50.	VANUATU
51.	VENEZUELA
52.	VIETNAM
53.	YUGOSALVIA
54.	ZAIRE
55.	ZIMBABWE

LIST OF OBSERVERS ATTENDING  
THE SECOND MINISTERIAL CONFERENCE OF DEVELOPING  
COUNTRIES ON ENVIRONMENT AND DEVELOPMENT  
26 - 29 APRIL 1992

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DEVELOPED COUNTRIES

NO.	COUNTRY
1.	AUSTRALIA
2.	CANADA
3.	GERMANY
4.	FRANCE
5.	JAPAN
6.	NETHERLANDS
7.	NORWAY
8.	PORTUGAL
9.	SWEDEN
10.	THE UNITED KINGDOM
11.	UNITED STATES OF AMERICA

## **INTERNATIONAL ORGANIZATIONS**

1. UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT (UNCED)
2. UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)
3. DEPARTMENT OF ECONOMIC & SOCIAL DEVELOPMENT (DESD)
4. INTERNATIONAL TROPICALTIMBER ORGANIZATION (ITTO)
5. UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)
6. EUROPEAN COMMUNITY (EC)
7. WORLD METEOROLOGICAL ORGANIZATION (WMO)
8. ASEAN SECRETARIAT
9. INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT (IFAD)
10. ASIAN WETLAND BUREAU

## **OTHER OBSERVERS**

1. AFRICAN NATIONAL CONGRESS (ANC)

## **NON-GOVERNMENTAL ORGANIZATIONS (NGOs)**

- 1. SUNS**
- 2. THIRD WORLD NETWORK**
- 3. RESEARCH FOUNDATION FOR TECHNOLOGY AND NATURAL RESOURCES**
- 4. ENVIRONMENTAL PROTECTION SOCIETY OF MALAYSIA**
- 5. SAHABAT ALAM MALAYSIA**
- 6. FEDERATION OF MALAYSIA CONSUMERS' ASSOCIATION**
- 7. GENETIC RESOURCES**
- 8. BUSINESS COUNCIL FOR SUSTAINABLE DEVELOPMENT**
- 9. WORLD WILDLIFE FUND**





**DEVELOPMENT COMMITTEE**  
JOINT MINISTERIAL COMMITTEE  
OF THE  
BOARDS OF GOVERNORS OF THE BANK AND THE FUND  
ON THE  
TRANSFER OF REAL RESOURCES TO DEVELOPING COUNTRIES



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April 28, 1992

COMMUNIQUE

The 43rd meeting of the Development Committee took place in Washington D.C. on April 28, 1992, under the chairmanship of Mr. Alejandro Foxley, Minister of Finance of Chile. 1/

TRADE

The Committee's first annual review of the interlinkages between the policies of the industrial and developing countries focussed on trade. Ministers agreed that the speedy completion of a successful Uruguay Round would be of enormous value to the world as a whole. Failure would mean delaying progress in areas provisionally negotiated during the Round; risking an increase in protectionist measures; and leaving the world trading system less flexible and less able to respond to changing conditions. They therefore urged all participants to recognize the international importance of the Round, and to work urgently for an outcome which will result in a substantial reduction of trade barriers.

They welcomed the significant efforts made by many developing countries to undertake trade reform and open up their markets, and the important trade moves many have been prepared to make as part of the Uruguay Round. To complement these measures, they encouraged industrial countries to accelerate the pace of their liberalization efforts. The Round's successful conclusion requires that all participants now make clear liberalization commitments. They encouraged all developing countries to take full

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1/ Mr. Lewis T. Preston, President of the World Bank, Mr. Michel Camdessus, Managing Director of the International Monetary Fund, Mr. Alhaji A. Alhaji, Minister of Finance of Nigeria and Chairman of the Group of 24, Mr. Arthur Dunkel, Director-General of the GATT, Mr. Maurice Strong, Secretary-General of UNCED, and Mr. Peter Mountfield, Executive Secretary, participated in the meeting. Observers from a number of other international and regional organizations and from Switzerland also attended.

advantage of the new market opportunities which the Round will bring. They stressed the importance to developing countries of open markets in industrial countries. Industrial countries in turn should maximize these new opportunities to enter their markets.

The Bank and the Fund should undertake and publish regular assessments of the impact of changes in world trade patterns on developing countries. They should support the efforts of developing countries with appropriate technical assistance, policy advice and financial assistance, where necessary, to help them enter new markets. Continued trade liberalization may also require financial support from other multilateral agencies and bilateral donors. The Bank and the Fund will continue to collaborate with the GATT in promoting open trade policies.

While recognizing the need to control potential damage to the environment, Ministers agreed that such legitimate concerns should not be used by any country to justify new or existing barriers to trade. These should not be used to impose environmental policies on the exporting country save where there is international agreement that this is necessary.

Ministers noted the preliminary assessment of the probable impact of the Uruguay Round on certain groups of developing countries, notably those which are net food importers, or those whose existing preferential access would be eroded, and urged the Bank and the Fund to consider the case for transitional financial help to these countries.

Ministers also noted the emergence in many parts of the world of regional trading arrangements, a tendency which may increase if the Uruguay Round fails. Such arrangements should be outwardly-oriented, should emphasize trade creation rather than trade diversion, and should not slow down the process of greater multilateral liberalization.

The Committee asked the Bank and Fund to provide a progress report on trade issues for their September meeting and, once the Round is complete, a report on the implications of its outcome for the two institutions.

#### ENVIRONMENT

The Committee reviewed the interaction between environment and development policies and the preparations for the United Nations Conference on Environment and Development which meets in Rio de Janeiro in June 1992.

Ministers agreed with the conclusion of the World Bank's forthcoming 1992 World Development Report, that continued, and even accelerated, economic growth and human development can be consistent with improving environmental conditions, but this will require significant policy, program, and institutional changes in dealing with national and global environmental problems.

At the national level, developing countries will require a threefold strategy. First, the mutually-reinforcing roles of sustainable development and environment must be vigorously exploited through sound macro-economic policies which will promote growth and reduce poverty. The fight against poverty helps to preserve the environment. Second, such policies must be supplemented by an incentive structure which will discourage overuse of natural resources; developing countries will need external support for technology transfer and for capacity-building in the environmental area. The top sectoral priorities for direct national action are clean water and sanitation, air quality, soil, water and agricultural productivity, and natural habitats. Thirdly, people and institutions (in public and private sectors alike) should be motivated to adopt less damaging behavior by bringing environmental considerations into their decisions--wherever possible by the use of market-based instruments which have the advantage of allowing reduction of environmental damages in the most cost-effective way.

Ministers recognized that many developing countries will continue to need increased outside help to tackle these national environmental problems. They agreed that official support should be provided through existing development institutions, which have strengthened their capacity to deal with environmental activities. Existing lenders and donors can help through increased aid, some of it on concessional terms. World Bank-led Consultative Groups and UNDP-led Round Tables can help to coordinate such aid and to integrate country strategies with environmental action plans. Ministers agreed that consideration should be given to a special "Earth Increment" to the tenth replenishment of the International Development Association (IDA-10).

At the global level, Ministers accepted that certain problems transcend national boundaries and require internationally-negotiated solutions. They recognized that in the absence of conclusive scientific proof, a precautionary strategy to address the risk of climate change required a broad international consensus, as did the need to preserve biodiversity. They noted the early progress made in the operations of the Global Environment Facility, which they considered should play a leading role as the multilateral funding mechanism to provide new and additional financial resources through a mix of grant and concessional funding of incremental costs for achieving agreed global environmental benefits. The GEF should encourage universal membership. Its governance should ensure effective representation and participation by all countries. They asked the GEF participants to reach early decisions on the future coverage, governance and financing of the Facility.

Ministers also welcomed the Bank's account of its own environmental activities, contained in two successive reports, and the related activities of the Fund. They noted the considerable progress made by the World Bank Group in adjusting its existing programs to accommodate environmental concerns; and the emphasis being given to such concerns in the design of the Bank's lending programs, in technical assistance, in the policy dialogue with developing countries and in its research work. They supported the

Bank's efforts to assist borrowers and donors to design and implement environmentally-acceptable programs, including timely production of environmental impact assessments and environment action plans. They asked for a progress report for the September meeting on the outcome of the Rio Conference and the follow-up action planned.

#### TRANSFER OF RESOURCES

The President of the World Bank gave his regular overview of the prospects for resource flows to the developing countries. Ministers expressed their concern that the volume of official development assistance has not increased, since last year, and agreed to discuss all resource flows and transfers in more depth during their September meeting, as requested previously, in order to examine the scarcity of financial resources for development and to make concrete proposals.

#### ECONOMIES IN TRANSITION

The Committee noted the historic changes which have taken place since their last meeting and they warmly welcomed the states of the former Soviet Union into the two institutions. They received renewed assurances from the President of the World Bank that IBRD lending to the new members (and in Eastern and Central Europe) could be supplied without jeopardy to the borrowing requirements of the Bank's other developing country shareholders. They supported the Fund's current and proposed operations in this area, and noted that the rapid acceptance of the new quota increase would allow increased Fund activities there. They recognized the need for close coordination between the Bank and the Fund and with other international organizations. They recognized the importance of integrating these countries quickly into the world trading system, and the GATT, and the need for them to liberalize their own external trade regimes. They called on donor countries to provide additional funds for this area without diverting resources from other recipients.

#### IDA-10 and ESAF

The Committee was briefed on the current state of negotiations for IDA-10. Ministers recognized the many new calls on IDA from the increasing needs of the poorest countries which have traditionally benefited from concessional IDA lending, from newly-eligible countries and new and potential members of the Bank Group, and from the increased importance of environmental concerns. They stressed once again the need to enhance the focus on poverty reduction in IDA operations. While recognizing the budgetary constraints of many donors, Ministers recognized the need for IDA Deputies to reach agreement by the end of 1992 on a Tenth Replenishment of IDA, preferably at a level substantially above that of IDA-9. They noted that the Bank would submit a further progress report at the time of its September meeting. They welcomed the recent expansion in the list of ESAF-eligible countries, and the Fund's operations in support of adjustment efforts. The momentum of these efforts to sustain growth and raise living

standards must be maintained, with financial support from the international community, including for low-income countries under the Fund's enhanced structural adjustment facility.

#### POVERTY

The Committee received a progress report on the implementation of the Bank's poverty strategy and the related work of the Fund. Ministers regretted that because of the worsening economic situation the Bank believed there would be over 50 million more poor people at the end of the century than in 1985, despite their earlier hope of a substantial reduction. Ministers reaffirmed their view that poverty reduction must remain, in the context of sustainable growth, the Bank Group's main priority. Every effort should be made to apply this priority at the country level in the design of individual lending operations and the production of poverty assessments, and to allocate the necessary staff resources with appropriate skills. They noted that the Fund pays full regard to the impact of members' Fund-supported adjustment programs on the poor, and helps member countries to integrate social safety nets into their reform programs.

#### DROUGHT IN SOUTHERN AND EASTERN AFRICA

Ministers noted with grave concern the impact of the severe drought in southern and eastern Africa, and urged donors and the Bank and the Fund to provide maximum support for efforts coordinated by the United Nations to alleviate the effects of the drought.

#### FOREIGN INVESTMENT

Following the proposal by France at the April 1991 meeting, the Committee received a progress report on the study being made by the World Bank Group of the legal framework governing foreign direct investment. Ministers welcomed the work in hand as a basis for discussion of guidelines to help all countries create a hospitable environment for foreign direct investment. They agreed to return to this subject in the September meeting to discuss the proposed guidelines.

#### DEBT

The Committee reviewed recent developments in international debt management. Ministers noted the continued progress being made under the international debt strategy in reinvigorating the reform efforts in debtor countries. They recognized however that for many heavily-indebted countries, the debt overhang continued to pose a serious problem.

They welcomed the recent agreements reached with commercial banks, most recently by Argentina, covering nine countries accounting for more than 60 per cent of the commercial bank debt of the major debtor nations. Ministers encouraged all parties concerned to complete commercial bank

agreements on a timely basis. They welcomed the decision to extend the IDA Debt Reduction Facility for a further two years.

Ministers noted that re-entry to the capital markets accelerated during 1991 for heavily-indebted countries which have been successfully adjusting their economies. They noted that countries which had avoided debt rescheduling generally maintained their access to markets but the Committee agreed that their efforts deserved continuing support.

They welcomed the consensus reached by the Paris Club on a new treatment, including 50 per cent debt relief, for the poorest and most heavily-indebted countries, which are pursuing appropriate adjustment policies. Members noted that the Paris Club has agreed to consider the stock of debt, under certain conditions, after a period of three to four years. They recognized that debt-reduction, while necessary in certain cases, meant that certain creditors would be unable to advance new loans to the countries concerned.

Ministers considered the impact of current accounting, taxation and supervisory practices upon the willingness of commercial banks to conclude debt reduction agreements, and noted that these had not been a significant barrier. They agreed to consider further whether such procedures seriously inhibited new lending.

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The Committee agreed to meet again in Washington D.C. on September 21, 1992, when, as already decided, it will discuss papers on the transfer of resources to developing countries, and on the legal framework for the treatment of foreign investment.

# COMITE DU DEVELOPPEMENT



COMITE MINISTERIEL CONJOINT  
DES  
CONSEILS DES GOUVERNEURS DE LA BANQUE ET DU FONDS  
SUR LE



TRANSFERT DE RESSOURCES REELLES AUX PAYS EN DEVELOPPEMENT

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Le 28 avril 1992

## COMMUNIQUE

Le Comité du développement a tenu sa quarante-troisième réunion à Washington le 28 avril 1992, sous la présidence de M. Alejandro Foxley, Ministre des finances du Chili 1/.

### COMMERCE INTERNATIONAL

Le premier examen annuel de l'interdépendance des politiques des pays industrialisés et des pays en développement effectué par le Comité était axé sur le commerce international. Les Ministres estiment que l'aboutissement-rapide et satisfaisant de l'Uruguay Round revêt une très grande importance pour le monde entier. En cas d'échec, les progrès ralentiraient dans les domaines où des accords provisoires ont déjà été négociés, les mesures protectionnistes risqueraient de s'intensifier et le système commercial mondial serait moins souple et moins à même de s'adapter à l'évolution des circonstances. Ils demandent donc instamment à tous les participants de reconnaître l'importance que revêtent ces négociations au plan international et d'oeuvrer avec diligence pour qu'elles débouchent sur une réduction sensible des barrières commerciales.

Les Ministres louent les efforts appréciables qu'ont fait un grand nombre de pays en développement pour entreprendre des réformes commerciales et ouvrir leurs marchés, ainsi que les mesures importantes que beaucoup sont prêts à prendre à cet égard dans le cadre du cycle de l'Uruguay. Pour compléter ces mesures, ils encouragent les pays industriels à accélérer le rythme de leurs efforts de libéralisation. Les négociations d'Uruguay ne

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1/ M. Lewis T. Preston, Président de la Banque mondiale, M. Michel Camdessus, Directeur général du Fonds monétaire international, M. Alhaji A. Alhaji, Ministre des finances du Nigéria et Président du Groupe des 24, M. Arthur Dunkel, Directeur général du GATT, M. Maurice Strong, Secrétaire général de la CNUED et M. Peter Mountfield, Secrétaire exécutif du Comité du développement ont participé à la réunion. Des observateurs de plusieurs autres organisations internationales et régionales et de la Suisse étaient également présents.

pourront aboutir que si tous les participants font dès à présent connaître leurs engagements en matière de libéralisation. Ils encouragent tous les pays en développement à tirer pleinement parti des possibilités nouvelles de débouchés que l'Uruguay Round va créer. Ils soulignent l'importance que revêt pour les pays en développement l'existence de marchés ouverts dans les pays industrialisés. Ces derniers devraient, quant à eux, maximiser ces possibilités nouvelles d'entrer sur leurs marchés.

La Banque et le Fonds devraient évaluer régulièrement l'impact de l'évolution des courants d'échanges mondiaux sur les pays en développement et publier le résultat de ces évaluations. Ils devraient appuyer les efforts entrepris par les pays en développement en leur offrant, lorsque c'est nécessaire, une assistance technique, des conseils et un concours financier appropriés pour les aider à entrer sur de nouveaux marchés. La poursuite de la libéralisation des échanges pourrait également nécessiter l'appui financier d'autres organismes multilatéraux et donateurs bilatéraux. La Banque et le Fonds continueront de collaborer avec le GATT pour promouvoir des politiques commerciales ouvertes.

Tout en reconnaissant la nécessité de limiter les dommages potentiels pour l'environnement, les Ministres sont d'avis que ces préoccupations légitimes ne devraient être invoquées par aucun pays pour justifier de nouvelles barrières aux échanges ou celles qui existent déjà. Ces préoccupations n'autorisent pas l'imposition de politiques environnementales au pays exportateur, sauf lorsque la communauté internationale le juge nécessaire.

Les Ministres prennent note de l'évaluation préliminaire de l'impact qu'aura probablement l'Uruguay Round sur certains groupes de pays en développement, et notamment sur ceux qui sont importateurs nets de produits alimentaires ou ceux dont l'accès préférentiel serait érodé, et ils demandent instamment à la Banque et au Fonds de considérer les mérites d'une aide financière transitoire en faveur de ces pays.

Les Ministres notent également l'émergence, dans maintes régions du monde, d'arrangements commerciaux régionaux, tendance qui risque de s'accroître si l'Uruguay Round échoue. Ces arrangements devraient être ouverts sur l'extérieur; ils devraient privilégier la création et non le détournement d'échanges et ne devraient pas ralentir le processus tendant à une libéralisation multilatérale plus large des échanges.

Le Comité demande à la Banque et au Fonds de préparer un rapport d'activité sur les questions commerciales pour leur réunion de septembre et, une fois que l'Uruguay Round sera achevé, un rapport sur ce que son résultat implique pour ces deux institutions.

#### ENVIRONNEMENT

Le Comité a examiné l'interaction des politiques d'environnement et de développement ainsi que les travaux préparatoires de la Conférence des

Nations Unies sur l'environnement et le développement qui se tiendra à Rio de Janeiro en juin 1992.

Les Ministres approuvent la conclusion du prochain Rapport sur le développement dans le monde 1992 de la Banque mondiale, selon laquelle la poursuite, voire l'accélération, de la croissance économique et du développement humain peuvent être compatibles avec une amélioration du milieu naturel, mais la recherche de solutions aux problèmes d'environnement qui se posent à l'échelle nationale et mondiale exigera de profondes réformes des orientations, des programmes et des institutions.

Au niveau national, les pays en développement doivent avoir une triple stratégie. Premièrement, il faut qu'ils exploitent vigoureusement les corrélations positives du développement durable et de l'environnement en adoptant des politiques macroéconomiques saines tendant à promouvoir la croissance et à réduire la pauvreté. La lutte contre la pauvreté contribue à la préservation de l'environnement. Deuxièmement, ce type de mesures doit être complété par une structure d'incitations propre à décourager l'utilisation abusive des ressources naturelles; les pays en développement auront besoin d'un appui extérieur pour les transferts de technologie et le renforcement des capacités dans le domaine de l'environnement. A l'échelon national, une action directe s'impose dans les secteurs prioritaires suivants : eau propre et assainissement, qualité de l'air, sol, eau et productivité agricole, et habitats naturels. Troisièmement, il convient d'inciter les populations et les institutions (dans le secteur public comme dans le secteur privé) à adopter un comportement moins préjudiciable à l'environnement - en faisant jouer, chaque fois que c'est possible, les mécanismes du marché qui ont l'avantage de réduire les dommages causés à l'environnement de la manière la plus efficace et la plus économique possible.

Les Ministres reconnaissent qu'un grand nombre de pays en développement continueront d'avoir besoin d'une aide accrue de l'extérieur pour s'attaquer à ces problèmes d'environnement nationaux. Ils sont convenus qu'un appui officiel devrait être fourni par l'intermédiaire des institutions de développement existantes qui ont renforcé les moyens dont elles disposent pour mener des activités dans le domaine de l'environnement. Les bailleurs de fonds et donateurs existants peuvent contribuer en augmentant le volume de leur aide, en partie à des conditions concessionnelles. Les Groupes consultatifs de la Banque mondiale et les Tables rondes du PNUD peuvent aider à coordonner cette aide et à intégrer les stratégies par pays aux plans d'action environnementaux. Les Ministres sont convenus qu'il y a lieu d'envisager un « Supplément spécial pour la Terre » à la Dixième reconstitution de l'Association internationale de développement (IDA-10).

Au niveau planétaire, les Ministres admettent que certains problèmes transcendent les frontières nationales et appellent des solutions négociées à l'échelon international. Ils reconnaissent qu'en l'absence de preuves scientifiques concluantes, toute stratégie de précaution visant à prévenir le risque de changements climatiques exige un vaste consensus international, de même que la nécessité de préserver la diversité biologique. Ils notent les

progrès initiaux accomplis dans les opérations du Fonds pour l'environnement mondial, lequel devrait, selon eux, jouer un rôle de premier plan, en tant que mécanisme de financement multilatéral, pour fournir des ressources financières nouvelles et additionnelles permettant de financer, sous forme de dons et de prêts concessionnels, les surcoûts liés à la réalisation d'objectifs convenus au plan de l'environnement mondial. Le FEM devrait encourager l'adhésion de tous les pays. Ses modalités d'administration interne devraient permettre la représentation et la participation effectives de tous les pays. Ils demandent aux participants au FEM de prendre rapidement des décisions sur le champ d'application, les modalités d'administration et le financement futurs du FEM.

Les Ministres accueillent également avec satisfaction le bilan, présenté dans deux rapports successifs, des activités menées par la Banque dans le domaine de l'environnement, ainsi que les activités connexes du Fonds. Ils notent les progrès considérables que le Groupe de la Banque a accomplis pour intégrer les préoccupations d'environnement dans ses programmes existants, la priorité que la Banque accorde à ces préoccupations dans la conception de ses programmes de prêt, son assistance technique, son dialogue de politique générale avec les pays en développement et ses travaux de recherche. Ils appuient les efforts réalisés par la Banque pour aider les emprunteurs et les bailleurs de fonds à élaborer et à appliquer des programmes respectueux de l'environnement, et notamment à préparer sans délai des études d'impact sur l'environnement et des plans d'action environnementaux. Ils demandent qu'un rapport d'activité soit préparé pour la réunion de septembre sur les résultats de la Conférence de Rio et les mesures prévues pour y donner suite.

#### TRANSFERT DE RESSOURCES

Le Président de la Banque mondiale a fait le bilan, comme d'habitude, des perspectives d'évolution des flux de ressources destinés aux pays en développement. Les Ministres se déclarent préoccupés par le fait que le volume de l'aide publique au développement n'a pas augmenté depuis l'an dernier, et sont convenus, comme on le leur a demandé, d'étudier plus à fond tous les flux et transferts de ressources à leur réunion de septembre, en vue d'examiner la pénurie de ressources financières pour le développement et de formuler des propositions concrètes.

#### ECONOMIES EN TRANSITION

Le Comité note les changements historiques qui sont survenus depuis leur dernière réunion et accueillent chaleureusement les Etats de l'ancienne Union soviétique au sein des deux institutions. Le Président de la Banque mondiale a de nouveau donné l'assurance que la BIRD pourrait prêter aux nouveaux membres (et aux pays d'Europe orientale et centrale) sans que cela compromette son aptitude à prêter aux autres pays en développement actionnaires de la Banque. Les Ministres appuient les opérations que le Fonds mène ou prévoit de mener dans ce domaine, et notent que l'acceptation rapide du nouveau relèvement des quotes-parts permettrait à celui-ci d'intensifier ce type d'activités. Ils reconnaissent la nécessité d'une coordination étroite entre la Banque et le Fonds et avec les autres

organisations internationales. Ils reconnaissent également l'importance que revêt l'intégration rapide de ces pays dans le système mondial d'échanges et le GATT, et la nécessité pour ces pays de libéraliser leur propre régime commercial. Ils invitent les pays donateurs à fournir des fonds supplémentaires dans ce domaine sans pour autant prélever sur les ressources destinées à d'autres bénéficiaires.

#### IDA-10 et FASR

Le Comité a été informé de l'état actuel des négociations relatives à IDA-10. Les Ministres reconnaissent que les ressources de l'IDA sont maintenant beaucoup plus sollicitées à cause des besoins croissants des pays les plus pauvres qui ont traditionnellement bénéficié des crédits concessionnels de l'Association, à cause des pays nouvellement éligibles et des membres nouveaux et potentiels du Groupe de la Banque, et à cause de l'importance accrue que revêtent les problèmes d'environnement. Ils insistent une fois encore sur la nécessité, dans les opérations de l'IDA, de mieux cibler l'action sur la réduction de la pauvreté. Tout en étant conscients des contraintes budgétaires auxquelles sont soumis nombre de donateurs, les Ministres reconnaissent la nécessité pour les délégués à l'IDA de parvenir à un accord, avant la fin de 1992, sur une Dixième reconstitution de l'IDA, de préférence à un niveau sensiblement supérieur à celui de IDA-9.

Ils notent que la Banque soumettra un nouveau rapport d'activité au moment de sa réunion de septembre. Ils accueillent avec satisfaction l'élargissement récent de la liste des pays admis à bénéficier de la FASR et les opérations menées par le Fonds à l'appui des efforts d'ajustement de ces pays. Il importe de maintenir la dynamique des efforts ainsi déployés pour soutenir la croissance et relever les niveaux de vie, avec le soutien financier de la communauté internationale, y compris en faveur des pays à faible revenu dans le cadre de la facilité d'ajustement structurel renforcée.

#### PAUVRETE

Le Comité a reçu un rapport d'activité sur la mise en oeuvre de la stratégie adoptée par la Banque pour lutter contre la pauvreté et les travaux connexes du Fonds. Les Ministres regrettent qu'à cause de la détérioration de la situation économique, il y aura, selon la Banque, à la fin du siècle plus de 50 millions de plus de pauvres qu'en 1985, alors qu'ils avaient espéré une très forte réduction. Les Ministres réaffirment leur opinion selon laquelle la réduction de la pauvreté doit rester, dans le contexte d'une croissance soutenable, la priorité principale du Groupe de la Banque. Tous les efforts doivent être faits pour tenir compte de cette priorité, au niveau de chaque pays, dans la conception des opérations de prêt et la préparation de bilans de la pauvreté, et pour allouer à cette fin le personnel qualifié nécessaire. Ils notent que le Fonds prend dûment en compte l'impact sur les pauvres des programmes d'ajustement que les pays membres entreprennent avec son appui et qu'il les aide à intégrer des filets de protection sociale dans leurs programmes de réforme.

### SECHERESSE EN AFRIQUE AUSTRALE ET ORIENTALE

Les Ministres notent avec beaucoup d'inquiétude les effets de la grave sécheresse qui sévit en Afrique australe et orientale, et exhortent les bailleurs de fonds ainsi que la Banque et le Fonds à apporter le maximum d'appui aux efforts que les Nations Unies coordonnent pour atténuer les effets de la sécheresse.

### INVESTISSEMENT ETRANGER

Suite à la proposition faite par la France à la réunion d'avril 1991, le Comité a reçu un rapport d'activité sur l'étude que prépare actuellement le Groupe de la Banque sur le cadre juridique régissant l'investissement direct étranger. Les Ministres accueillent favorablement les travaux en préparation, lesquels serviront de base à l'examen de directives visant à aider tous les pays à créer un environnement accueillant pour l'investissement direct étranger. Ils sont convenus de revenir sur cette question à leur réunion de septembre afin d'examiner les directives proposées.

### DETTE

Le Comité a passé en revue l'évolution récente de la gestion internationale de la dette. Les Ministres notent les progrès qui continuent d'être faits, dans le cadre de la stratégie internationale de la dette, pour revigorer les efforts de réforme des pays débiteurs. Ils reconnaissent cependant que, pour un grand nombre de pays lourdement endettés, le poids excessif de la dette continue de poser un grave problème.

Ils se félicitent des accords récents conclus avec les banques commerciales, le plus récemment par l'Argentine, accords qui couvrent neuf pays et plus de 60 % des dettes commerciales des principaux pays débiteurs. Les Ministres encouragent toutes les parties concernées à conclure en temps voulu des accords avec les banques commerciales. Ils saluent la décision tendant à reconduire pour deux autres années le Fonds de désendettement de l'IDA.

Les Ministres notent que pour les pays surendettés qui ont réussi à ajuster leur économie, la rentrée sur les marchés financiers s'est accélérée en 1991. Ils notent que les pays qui avaient évité un rééchelonnement de la dette ont généralement maintenu leur accès aux marchés, mais le Comité est convenu que leurs efforts méritent un appui soutenu.

Ils se félicitent du consensus auquel est parvenu le Club de Paris sur un nouveau traitement de la dette, dont un allègement de 50 %, pour les pays les plus pauvres et les plus endettés qui mènent actuellement des politiques d'ajustement appropriées. Les membres notent que le Club de Paris a accepté, dans certaines conditions, de considérer l'encours de la dette, après une période de trois à quatre ans. Ils reconnaissent que, si elle est nécessaire dans certains cas, la réduction de la dette signifie que certains créanciers ne seront pas en mesure d'accorder de nouveaux prêts aux pays concernés.

Les Ministres ont envisagé l'impact des pratiques actuelles de comptabilité, de fiscalité et de contrôle bancaire sur la volonté des banques commerciales de conclure des accords de réduction de la dette, et notent que ces pratiques n'ont pas vraiment constitué un obstacle. Ils sont convenus d'étudier plus à fond si ces pratiques limitent sérieusement les nouveaux concours.

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Le Comité est convenu de se réunir de nouveau à Washington le 21 septembre 1992, date à laquelle, comme il a déjà été décidé, il examinera des rapports sur le transfert de ressources aux pays en développement et sur le cadre juridique régissant l'investissement étranger.





地球環境賢人会議

Eminent Persons' Meeting on Financing  
Global Environment and Development

Tokyo 15 Wed-17 Fri April 1992

## TOKYO DECLARATION

ON

### FINANCING GLOBAL ENVIRONMENT AND DEVELOPMENT

The human future is at risk. Wasteful patterns of production and consumption in industrialized countries together with pervasive poverty and population growth in developing countries are leading to the destruction of the Earth's ecological base and intolerable levels of human suffering and deprivation. This dangerous course jeopardizes the prospects for the survival and well-being of future generations.

It is time to reevaluate the thinking which underlies our present society. A new environmental ethics needs to be established, and new value systems accepted and supported by the citizens and grassroots levels, and new approaches towards development based on the principles of strengthening the links between people, environment and development; adjusting our behavior to the natural order that lies behind the limited and vulnerable ecosystems of the Earth; sharing the environmental space equitably among all countries of the world, and acting to meet the needs of the future as well as present generations.

The June Earth Summit in Rio offers a unique opportunity to forge a global partnership for sustainable development to eradicate poverty and to safeguard the environment upon which human life depends.

This global partnership must start with a commitment by the developed countries to sharply reduce the burden they impose on the carrying capacity of the Earth's ecosystem. They must change to non-destructive production and consumption patterns and stand ready to support developing countries, which on their part, should articulate new strategies to accelerate the pace of their development and deal effectively with both global and national environmental concerns.

In two years of intensive preparations and negotiations, the 175 Members of the United Nations have established the basis for agreement in Rio on a comprehensive programme of co-operative action, Agenda 21. It includes a broad range of practical measures designed to effect the transition to sustainable development.

Accordingly, we appeal to leaders of all governments to come to the Earth Summit at Rio prepared to commit themselves to the measures required to give effect to a new global partnership for sustainable development.

The main part of the expenditures in the developing countries to implement Agenda 21, which may amount to over \$600 billion a year, will come from developing countries themselves. Developing countries will require a supportive international and national economic environment to enable them to mobilize more internal resources.

Of primary importance to developing countries therefore is:

First, increased access to the markets of industrialized countries. In this context, an immediate and meaningful conclusion of the Uruguay Round is absolutely essential.

Second, increased inflow of private investment and technology transfer into developing countries.

Third, durable solutions to the debt problems of developing countries will be a prerequisite for their transition to sustainable development.

Fourth, very substantial external support will be needed to complement these efforts.

The UNCED Secretariat has estimated that international concessional financing on the order of \$125 billion will be required annually, a figure that should not be surprising given the scale of the efforts needed. The expenditures for both developing and developed countries may appear large, but, on the other hand, they are modest in relation to worldwide military expenditures of some \$1 trillion per year and the similarly large amounts of tax concessions and subsidies through which governments encourage and support policies and activities that often damage the environment. In view of the magnitude of the external resources needed for implementation of Agenda 21, the 0.7 percent ODA/GNP target acquires new relevance. Financing for sustainable development should not be viewed as "foreign aid" in traditional terms, it is an essential investment in global environmental security.

It may take time to make time for many developing countries to make the changes and their own policies and management structures required to utilize new funds effectively in their transition to sustainable development. It will also take time for the industrialized countries to establish the revenue sources required to provide such funding. For that purpose in many countries the saving ratios have to be increased while pursuing policies of sustained economic growth.

New and additional financial resources should support the processes of fundamental change which the transition to sustainable development requires.

At our meeting in Tokyo, we focused especially on how funding for sustainable development might be increased to finance implementation of the Agenda 21 action programme. To that end, we address the following specific recommendations to the governments of the world.

- At UNCED, traditional donors, as well as other countries in a position to shoulder a part of the burden, should each enter into a firm and monitorable commitment with regard to ODA in order to ensure a significant increase of resources for sustainable development.

- Equally, developing countries should commit to establishing open, participatory and monitorable implementation systems which give confidence that resources from all sources are well used for the purposes intended.

- Immediate significant support should be extended to developing countries for capacity building and technology transfer and for programmes and projects ready for

implementation, as a credible commitment to the new partnership. Rio is the place for an initial commitment by donors to increase funding for this purpose.

- A re-orientation of fiscal and taxation policies could be instrumental for promoting changes in demand patterns. In developed countries such a re-orientation could also help to generate the additional resources needed by developing countries, while in the developing countries it could assist in allocating more resources to sustainable development. Countries may also wish to consider special taxes and charges in the context of the global partnership being forged at Rio, keeping in mind the impact on international competitiveness.

- The funding of sustainable development, including new and additional resources, should flow primarily through the various existing channels including those with expertise, experience and efficiency in the development and promotion of accelerated and sustainable programmes. (For a list of some channels and mechanisms of funding, see Annex)

- The private sector will have to take on an important role in the creation of environmentally sustainable global development. In order to associate fully the private sector in the implementation of Agenda 21, it would be useful to set up an instrument for coordinating the participation of firms, non-governmental organizations and private persons into the planning, the financing and the realization of environmental actions linked to local development projects. This mechanism would be supported by voluntary contributions from the private sector and, eventually, also from governments. It would have a leveraging effect on regional development banks and the UNDP.

We call for establishment of a continuing process through which developing countries can enter into long-term compacts with donors for funding of their external needs for implementation of Agenda 21 measures under mutually-agreed conditions which ensure availability of such funds over time and their effective utilization. The World Bank Consultative Groups and UNDP Roundtables should be utilized for the country-level negotiations this would entail.

Japan holds a remarkable record in combining substantial improvements in its domestic environment with unprecedented levels of economic growth. This provides the basis for Japanese leadership in global environment and development cooperation commensurate with its growing weight in the world economy. We appeal to Japan, along with other industrial nations, to assert their leadership at the Earth Summit. We urge other industrial nations to join with Japan prior to the Rio Conference to indicate with some specificity their support for global environment and development cooperation.

## ANNEX

### Channels and Mechanisms

- A revised and strengthened Global Environment Facility (GEF), to finance programmes related to global environmental issues such as the ozone layer, climate change, biodiversity and oceans as well as other programmes of global significance in Agenda 21. The GEF should be fully representative in its decision-making process and transparent in its operations. In order to reach agreement as quickly as possible, we suggest that the finance, economy and planning ministers scheduled to be in Washington at the end of this month for the meetings of the IMF-IBRD Interim and Development Committees and of the GEF participants, hold a specific meeting on this issue in order to evaluate this proposal and to work out its operational guidelines.
- IDA, the most concessional window of the World Bank. A substantial environmentally committed increment, over and above the real volume of IDA-9, would enable the Bank to integrate and promote programmes in the poorer countries which support sustainable development objectives elaborated in Agenda 21.
- The regional development banks, to support programmes of regional concern not covered by GEF.
- UNDP, to enable it to take the lead in supporting and improving capacity building and technology transfer at the national level;
- UNEP, to strengthen its key role as the global environmental agency and centre of leadership;
- United Nations University and its subsidiary research and training centers to undertake studies in global environment;
- Additional funding to UN Specialized Agencies and other UN bodies assigned a wide range of tasks under Agenda 21;
- Funding for sustainable development through bilateral channels.
- Unilateral initiatives such as national foundations;
- Measures including tax incentives to encourage indigenous and foreign private investment and technology cooperation for sustainable development and measures to improve the coordination and mutual support of private investment and public concessional funds.
- Privately supported agencies which have close links to non-governmental groups of developing countries and which often work most effectively at community and household levels.
- The use of tradable permits should continue to be explored as a means of harnessing market mechanisms to increase efficiency and the pressures to reduce pollution; they might in addition provide a source of external funding for developing countries' environmental priorities.





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PREPARATORY COMMITTEE FOR THE UNITED NATIONS  
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT  
Fourth session  
New York, 2 March-3 April 1992  
Working Group II  
Agenda item 2

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

Conservation and management of living resources of the  
high seas

Principles and measures for an effective regime based on  
the United Nations Convention on the Law of the Sea

Proposal submitted by Antigua and Barbuda, Argentina,  
Bahamas, Barbados, Belize, Canada, Cape Verde, Chile,  
Comoros, Cook Islands, Costa Rica, Cuba, Dominica,  
Fiji, Gambia, Guinea, Guinea-Bissau, Guyana, Iceland,  
Jamaica, Kenya, Kiribati, Maldives, Marshall Islands,  
Mauritania, Mauritius, New Zealand, Papua New Guinea,  
Peru, Philippines, Saint Kitts and Nevis, Saint Lucia,  
Samoa, Senegal, Seychelles, Solomon Islands, Sri Lanka,  
Tonga, United Republic of Tanzania and Vanuatu

### BACKGROUND

1. Pursuant to the United Nations Convention on the Law of the Sea, States fishing on the high seas have three fundamental obligations with respect to the conservation and management of living resources:

(a) To adopt with respect to their nationals measures for the conservation of the living resources (art. 117);

(b) To cooperate with other States in taking such measures (art. 117);

(c) To seek to agree with the coastal States on measures necessary to ensure the conservation of straddling stocks (arts. 116 and 63 (2)) and to cooperate in the conservation of highly migratory species (art. 64).

2. Articles 119 and 120 provide obligations ancillary to these fundamental obligations.

3. Experience shows that, while constituting a sound framework, in a number of high seas areas these obligations are not being implemented as intended. In these areas there are problems of unregulated fishing, vessel reflagging to escape controls, harmful fishing practices such as driftnetting, overfishing, lack of surveillance, control and enforcement and, in general, lack of the required cooperation with other States. Resort to these harmful practices is increasing and may spread to other areas of the high seas.

4. It is necessary to identify and achieve international agreement on principles and measures, consistent with the Convention, to eliminate these practices and thus provide for an effective conservation regime on the high seas giving full effect to the Convention's provisions. Following is a proposed list of such principles and measures for inclusion in Agenda 21.

#### PRINCIPLES

(a) High seas fishing must be carried out only on the basis of sustainable ecologically sound practices, effectively monitored and enforced, in order to ensure conservation and promote optimum utilization of the living resources.

(b) In order to ensure sustained conservation of those resources, fisheries management regimes must effectively maintain the ecological relationship between dependent and associated populations, prevent any decrease in the size of harvested populations below those necessary to ensure their stable recruitment, and avoid adverse impacts or changes in the marine ecosystem.

(c) On the high seas, States fishing a stock which straddles the 200-mile limit of a coastal State, or highly migratory species which are found within that limit, must take all measures necessary to give effect to the special interest and responsibility of the coastal State concerning the portion of the stock outside the 200-mile limit and in the highly migratory species while outside that limit.

(d) High seas fishing must not have an adverse impact on the resources under the jurisdiction of coastal States.

MEASURES

1. States must effectively monitor and control fishing activities of their nationals, vessels and crews thereof on the high seas to ensure the conservation of the resources, compliance with applicable conservation and management rules, complete and accurate reporting of catches and effort, and avoidance of incidental catch.
2. States must make available to appropriate international organizations all data relating to catches on the high seas as well as scientific data on these catches. States fishing the same stocks must also cooperate through the exchange of such data.
3. States must ensure that vessels authorized to fly their flag comply with the conservation and management rules adopted by competent international organizations or, where no such organization exists, through other international arrangements.
4. States must establish penalties under domestic law, and take legal action against their nationals, vessels and crews thereof, for any violation of rules adopted by competent international organizations or, where no such organizations exist, through other international arrangements, whether such violations are committed directly or through resort to techniques such as the reflagging of vessels in foreign countries. States must take similar action for any violation of domestically instituted conservation and management rules.
5. States whose nationals or vessels fish in the same area of the high seas must cooperate to establish international arrangements or organizations to ensure sustainable and optimally developed fisheries through effective conservation and management regimes, including as appropriate reciprocal inspection and enforcement systems and dispute settlement mechanisms.
6. States must cooperate with competent international organizations or, where such organizations do not exist, through other international arrangements, and ensure that their nationals, vessels and crews thereof, do not violate rules adopted pursuant to such regimes.
7. In areas of the high seas where a management regime has been agreed within the framework of a competent international organization or, where such an organization does not exist, through another international arrangement, States must ensure that high seas fishing is undertaken only in accordance with the conservation and management rules adopted under that organization or arrangement.
8. With respect to a stock occurring both within the exclusive economic zone of a coastal State and in an area of the high seas adjacent to it, the management regime applied to the stock must provide for consistency of the measures applied on the high seas with those applied by the coastal State within its exclusive economic zone.

9. With respect to a highly migratory species, the management regime on the high seas must fully recognize the sovereign rights of the coastal State in its exclusive economic zone and, taking into account the special interest of the coastal State in the species while outside its zone, avoid an adverse impact on the resource within that zone.

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## DECLARATION OF THE SECOND MEETING OF PRESIDENTS OF THE AMAZONIAN COUNTRIES

The Presidents of the Amazonian States; having met in Manaus on February 10th and 11th, 1992, with the purpose of examining the issues that will be considered by the United Nations Conference on Environment and Development, hereby adopt the following:

### MANAUS DECLARATION ON THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

1. We are convinced that an environmentally sound planet should correspond to a socially and economically just world. In order to achieve this objective, it is essential to transform behavior and development models and non-sustainable patterns of consumption.
2. In our countries, the imperative of economic and social development should be related to environmental conservation and protection, through the promotion of strategies for the sustainable use of natural resources and respect for the right of citizens to a better quality of life. We affirm therefore the right of our countries to use their own resources to ensure their well-being and progress.
3. We reaffirm the importance of education and public awareness; therefore, we pledge to fully support efforts aimed at increasing public knowledge and commitment to sound environmental practices. We further commit ourselves to the strengthening of environmental education and call on the international community to support this action.
4. We reaffirm our conviction that international production, consumption, and distribution patterns are at the origin of the environmental problems being faced by developing

countries, particularly the deterioration of the ecosystems, and the poverty to which most human beings have been condemned.

5. The greater responsibility of developed countries for the progressive deterioration of the environment is recognized, which is a further reason why they cannot intend to impose ecological controls and conditionalities on developing countries.

6. Underdevelopment in its turn is both a fundamental cause and a serious effect of environmental deterioration. The solution of environmental problems is thus intimately connected to a new attitude towards international cooperation in terms of expansion of financial resources, increased access to technologies, expanded commercial flows, and measures aimed at solving the problem of the foreign debt.

7. Urgent internal actions aimed at eliminating poverty will not be sufficient if they are not supported by international cooperation based on new principles.

8. Furthermore, in order to overcome the present environmental problems, conscious and determined efforts are required on the part of States and individuals which should transcend the mere logic of market forces.

9. Since the signing of the Treaty for Amazonian Cooperation, on July 3rd, 1978, our countries accepted a profound and broad commitment to undertake actions aimed at attaining harmonious development in the region, whose features are clearly conceived and defined in the Treaty. This unique commitment enabled our countries to be provided now with a wide scope of policies and strategies through which it will be possible to attain sustainable development goals in this region.

10. We recognize the rights of indigenous populations and their contribution to conservation of the environment. We believe that a greater participation of these populations in this effort will be positive. With this aim, we are adopting significant measures, among which special mention must be made of the effort undertaken to respect the rights of indigenous

populations in relation to their lands, according to national laws. Therefore, consistently with the mandate received from the Ibero-American Summit, held in Guadalajara, we have assessed the progress that has been achieved and we reaffirm our support for the establishment of the Fund for the Development of Indigenous Populations in Latin America and the Caribbean.

11. We are intent on continuing to promote our efforts aimed at the conservation of the largest native forest in the planet and its sustainable development, dedicating the resources within our reach to these purposes.

12. In this connection, we reaffirm the principles and objectives of the Manaus Declaration, of May 6th, 1989, in which our countries have established our common interests in the Amazonian region, particularly with regard to the future cooperation towards the development and conservation of this patrimony.

13. We also reaffirm that this commitment will not be sufficient without an international cooperation in support of the efforts undertaken by our States in the discharge of their responsibilities and in the exercise of their sovereignty.

14. We reaffirm our disposition of strengthening bilateral and subregional cooperation, in order to prevent environmental damage and to manage their consequences.

15. The United Nations Conference on Environment and Development will be the historical opportunity for beginning new global relations translated into financial and technological cooperation programs, making it possible for developing countries to deepen the efforts they have been undertaking to conserve and stimulate the sustainable development of their natural resources. This is why we are intent on contributing to ensure its success together with the remaining Latin American and Caribbean countries, with which we have adopted, in March, 1991, the Platform of Tlatelolco on Environment and Development.

16. We have agreed upon a joint understanding on the main issues before the Conference. We believe that this understanding will meet the expectations of the whole

international community. This joint understanding is contained in the following position document to guide the delegations of our countries in the negotiations leading to the Conference.

## **JOINT POSITION DOCUMENT OF THE AMAZONIAN COUNTRIES FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT**

### **I. Climate Change**

1. Present trends of global climate change will bring profound implications to the environmental and economic development of our countries, including islands and low-lying coastal areas. We urge the developed countries, mainly responsible for the cumulative concentration of greenhouse gases, to adopt concrete measures to reverse those trends.

2. Negotiations centering on a Framework Convention on Climate Change constitute a unique opportunity for the international community to reach commitments to reverse the trend towards an increase in concentration of all greenhouse gases. Those commitments are necessarily differentiated with regard to developed and developing countries and should not affect the economic and commercial interests of the latter. Developing countries will only be able to join the international efforts towards climate protection if they are assured of the necessary financial and technological resources for the adoption of a new sustainable development model.

3. It is necessary that each country adopt the energy model best suited to its own as well as to global needs. Required adaptations lead to the substitution of lifestyles and consumption patterns that are unsustainable with regard to future generations.

### **II. Biological Diversity and Biotechnology**

1. Biological resources are unmistakably natural resources of each country, which therefore enjoy national sovereignty over them. Immediate action is necessary to promote the

conservation and sustainable use of biological diversity. Consequently, countries should implement these activities, with the support of international cooperation, on the basis of intergovernmental agreements.

2. The recognition of the rights of countries of origin of biological diversity, including mainly of genetic resources, is fundamental. The adoption of, and compliance with, adequate registration, regulation, and control systems is absolutely necessary.
3. Cooperation between developed countries and countries which are rich in biodiversity is necessary, particularly with the aim of strengthening local research and institutional capacity.
4. Greater emphasis should be placed on the use and sustainable development of these resources than on their mere conservation, so as to maximize and disseminate their benefits.
5. Conservation of biological diversity should have an integrated character, preferably carried out in protected areas, and areas defined by ecological and economic zoning. In this regard, regional cooperation is important. The ecological and economic zoning program conceived and developed within the scope of the Treaty for Amazonian Cooperation is a worthy example in this respect.
6. In situ and ex situ research in countries of origin should be particularly supported and encouraged. International cooperation aimed at maintaining genetic banks is necessary.
7. Biological diversity and biotechnology have a close relationship, constituting one of the clearest opportunities for sustainable development. Biotechnology depends in great measure on the conservation of genetic and biological resources, particularly in developing countries which are rich in biological diversity.
8. It is necessary to enhance and protect the traditional methods and the knowledge of indigenous populations and local communities. Their participation in the economic and

commercial benefits derived from the use of biological diversity is necessary, so as to ensure their economic and social development opportunities.

9. Our interest in the success of the negotiations on a Convention on Biological Diversity is clear. This convention should reflect the necessary relationship between access to the resources of biological diversity and particularly access to the biotechnology originating from it, as well as to the technology necessary for its conservation.

10. Access to the resources of biological diversity should necessarily include those resulting from biotechnology, as well as native and cultivated resources. International cooperation is needed to promote the endogenous development of research on biotechnology in countries of origin of the biological resources.

### III. Forests

1. The international debate on forests should take into account that these ecosystems are part of territories inside State jurisdiction, where these States fully exercise their sovereignty. It is up to States to legislate over these areas according to national priorities.

2. Any global consideration on forest resources must necessarily include all types of forests and must not discriminate against any region.

3. It is fundamental to recognize the importance of forests as an economic, cultural and social space, besides being an environmentally important one. The interaction between these elements constitute an indivisible unity, very ample and complex. Forest policies constitute an important development strategy in our countries.

4. The economic dimension of forests encompasses the natural forest patrimony. It includes mineral reserves, energy sources, tourist potential and possibilities of human occupation for productive activities. Their social and cultural dimensions consist in their function as habitat

of human populations, native or not, which depend on the forest for their survival and cultural development.

5. National efforts aimed at developing a sustainable use of forests must be supported by the international community.

6. Emphasis should be given to enhance the economic use of the native forest for its positive environmental, social and economic effects. Nevertheless, timely and sufficient market access for the different forestry products is indispensable.

7. Forest management should reconcile the imperative of its economic enhancement for the benefit of national societies, so as to secure dignified living conditions to those dependent on them for their livelihood, with adequate environmental protection. Developing countries present in this respect specific needs which should be considered in the decisions taken by the United Nations Conference on Environment and Development.

8. The economic activities taking place in forests can be made compatible with conservation and protection of the environment and natural resources. To this end, countries should develop sustainable forest utilization strategies and have access to markets for their products in order to make their sustainable development possible.

9. These strategies should seek compatibility between short-term actions and long-term perspectives, reflecting future opportunities. The cost-benefit approach should enhance social equity, improved technological efficiency of the production processes, conservation of natural resources, respect for cultural values of local communities as well as for their knowledge of traditional forest uses.

#### **IV. Soil Degradation**

1. It is increasingly important to reverse the growing trend towards soil degradation, such as erosion and desertification, and the prevention of those problems. Unsustainable

agricultural production processes, inadequate use of technologies and disorganized land occupation have been producing serious environmental impacts resulting in damage to agricultural production that undermine the food security of developing countries.

2. Combat of drought, river basin conservation, protection of forest cover, integrated use of soil and freshwater resources are fundamental.

3. It is necessary to promote the occupation of land according to its environmental configuration and its development potential, both dynamically conditioned by scientific and technological breakthrough. The importance of preventive and corrective actions in protected areas is noteworthy. It is essential, however, that these measures be also implemented in agricultural areas.

#### V. Freshwater Resources

1. The environmentally sound management of freshwater resources is a fundamental element of ecosystems conservation as well as the protection of human health and the promotion of well-being.

2. The close interaction between integrated management of freshwater resources and the protection of marine and terrestrial ecosystems, biological diversity and rational land use should be recognized. Sustainable development programs for freshwater resources should be identified at local, national, regional and global levels, as well as the effective means for their implementation.

3. In this regard, the measures taken at national and regional level for the integrated management of river basins are important. These measures are essential for the correct use of freshwater as a source of productive activities, such as irrigation, fishing, production of energy and transportation, as well as for controlling polluting agents, adopting measures to prevent and control environmental risks, and protecting the health of the populations.

4. The quality of life of populations is closely linked to the supply of potable water in quantities and quality corresponding to their needs. In this respect, States should establish precise goals for their supply requirements in the next decade following a well defined time frame.

5. Institutional capacity-building, public awareness, education, and availability of funds are necessary elements for an integrated management of freshwater resources. National efforts towards an integrated management of river basins should be recognized by the international community and receive its cooperation.

#### VI. Hazardous and Toxic Wastes

1. Hazardous and toxic waste should be disposed of or eliminated at its production site. Destination countries should have adequate technology for an environmentally sound management of such wastes.

2. In order to deal adequately with the problem, the negotiation of a protocol to the Basel Convention should be concluded as soon as possible, establishing appropriate procedures regarding liability and indemnization of damages resulting from transboundary movement and management of hazardous wastes.

3. It is also necessary to analyze, in light of the Basel Convention, the existing norms, regulations and practices regarding dumping of hazardous wastes in the sea so as to recommend any additional measure within the scope of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London, December 29th, 1972).

4. Moreover, it is indispensable that the international community should implement the mechanisms established by Resolution 44/226 of the United Nations General Assembly with regard to the illicit traffic of toxic products and waste, which are destined to monitor and to denounce such traffic.

## **VII. Institutional Strengthening**

1. Institutional strengthening, as a requirement for promoting sustainable development, should be guided by the objective of enhancing the combination of decisions of an economic nature with environmental protection strategies. Overcoming the institutional dichotomy between these two fields is a goal to be attained both by the States, domestically, and by international organizations. This should be one of the main elements of innovation in dealing with issues related to environment and development.
2. Priority should be given to strengthening national institutions in order to promote sustainable development. Likewise, we emphasize the importance of strengthening regional institutions. International cooperation represents a clear basis for the conservation and rational use of the natural patrimony.
3. On a global level, creative formulae must be sought in order to provide the United Nations with stronger and more efficient mechanisms to adopt the decisions of the United Nations Conference on Environment and Development. The planning and implementation of their actions must be defined with the full participation of developing countries, so as to meet their priorities. In this connection, these institutions should be capable of supporting, according to the specific needs of each country, measures and programs implemented by them with a view to achieving sustainable development.

## **VIII. Human Settlements**

1. The problems affecting urban life have also a global dimension inasmuch as their consequences transcend national frontiers. Over the last twenty years, industrialized countries have accomplished evident improvements of the living standards in their cities with large sums of money and new technologies. In the developing countries, on the contrary, the situation of urban agglomerations is reaching critical levels with serious unforeseeable consequences. It is up to the United Nations Conference on Environment and Development to adopt, within the scope of Agenda 21, a program of concrete actions to modify this situation in developing countries.

2. The program of Agenda 21 referring to human settlements should include access to basic services such as sanitation, housing, drinking water, security, energy supply and transportation. In this context, both urban slums and rural settlements should equally deserve attention, as well as shelter provision for the "no-income" groups of population and the critically poor.

3. It is necessary to develop the means for education, public awareness as well as training aimed at the adequate treatment of problems such as violence, homeless children, disposal and management of domestic and industrial wastes, unemployment, disorganized and unplanned occupation of land and lack of basic sanitation.

4. The implementation of necessary initiatives in developing countries requires additional resources from international cooperation.

#### **IX. Indigenous and Local Populations and Communities**

1. In the context of the improvement of the quality of life of indigenous and local populations and communities, it is necessary to recognize the value of their traditional knowledge and practices for the promotion of sustainable development. Mechanisms to protect traditional knowledge and for compensation of appropriation and commercial use of their knowledge should be created. Therefore, it is necessary to guarantee conditions for their self-development, to support the development of their own environmentally sustainable alternative means of production and to strengthen national institutional mechanisms, so as to promote their development and protect and guarantee their habitat.

2. It is equally important to guarantee respect for the rights of the indigenous population and local communities so as to preserve their cultural identity. National efforts for the promotion of sustainable development of these communities are fundamental, supported by increased international technical and financial cooperation, particularly within the context of the International Year of Indigenous People to be celebrated in 1993.

## **X. Financial Resources**

1. The attainment of the objective of integrating environment and development requires a new international cooperation spirit. This new spirit is based on the understanding that developed countries and developing countries are partners in the same cause and that the economic and environmental benefits derived from this cooperation will be common.
2. In their efforts to attain this common objective, however, the countries have available to them extremely unequal financial means and capabilities. Consequently, developing countries face many limitations in participating in the global efforts.
3. The industrialized countries have a historical responsibility for the presently unsustainable situation of the environment on a global scale. For this reason, and because of their economic and financial capacity, they should assume a proportionately greater responsibility in the sustainable development process.
4. In this connection, new and additional financial flows must be assured to developing countries under adequate conditions, so that they may fulfil the obligation to protect the environment and promote development.
5. A solution must be found for the serious issue of the foreign debt of developing countries, because it undermines their capability to adopt vital policies and measures to implement sustainable development strategies.
6. Likewise, protectionist barriers imposed on international trade must be eliminated, whether being traditional or environmentally conceived non-tariff barriers. On the other hand, it will be necessary to value natural products and to price them according to their value.
7. The new financial resources should be channelled through appropriate institutional mechanisms, on a concessional basis, without conditionalities, operating in accordance with the priorities of the recipient, and treating in a harmonious way issues related to the environment and

development. Such resources, moreover, should meet the needs of the populations of developing countries in terms of an environmentally sound socio-economic development.

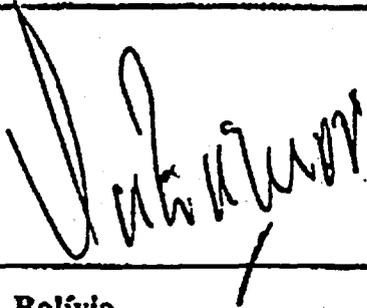
8. The representation in these mechanisms and their management should comply with the criterion of equity between developed and developing countries. For all of these reasons, it should be understood that the financial mechanism called "Global Environmental Facility" is a clearly limited and insufficient instrument. It is essential to conceive mechanisms to make it possible for the countries to implement the guidelines and action programs of Agenda 21, and thus promote sustainable development. Likewise, the multilateral legal instruments being negotiated should include financial mechanisms of their own, with the above-mentioned features.

#### **XI. Transfer of Technology**

1. Effective consolidation of new mechanisms of transfer of technology is necessary to ensure environmentally appropriate technologies to developing countries. Due to financial and institutional limitations of developing countries, access to these technologies should be on a preferential rather than on a purely commercial basis; considering the main responsibility of developed countries for the environmental deterioration as well as the common interest of the international community in the protection of the global environment. Transfer of new environmentally sound technologies to developing countries is a condition for the fulfillment of environmental and development commitments to be made during the United Nations Conference for Environment and Development, as well as in the Conventions on Biological Diversity and Climate Change now under negotiation.

2. It is also important to increase national and regional capabilities not only to absorb environmentally sound technologies, but also to carry out scientific research and develop technologies of their own. Developed countries should support such efforts on a bilateral and multilateral basis.

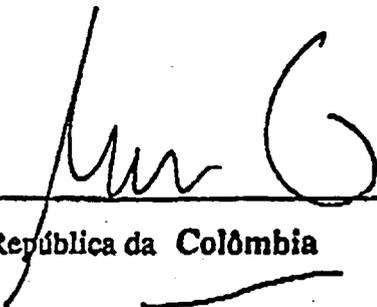
Manaus, February 10<sup>th</sup>, 1992



República da Bolívia



República Federativa do Brasil



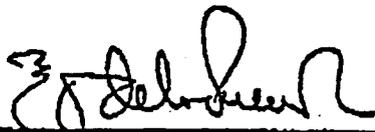
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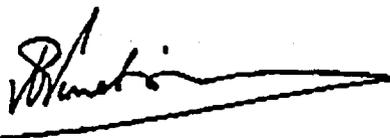
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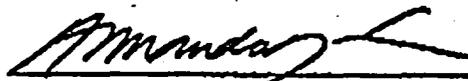
República Cooperativista da Guiana



República do Peru



República do Suriname



República da Venezuela



Paris, 3rd December 1991

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MEETING OF OECD MINISTERS ON ENVIRONMENT AND DEVELOPMENT

Paris, 2nd - 3rd December 1991

POLICY STATEMENT

### An Interdependent World Economy

3. During recent years an interdependent world economy has emerged, based increasingly on democratic political regimes and on free and open markets. This trend provides new hope and opportunities for the successful pursuit of sustainable development objectives in the 1990s and beyond. It is clear, however, that while the market economy has shown the necessary power and dynamism to promote efficiency and flexibility, market forces, if left to themselves, would not necessarily address the urgent need to combat widespread poverty and environmental problems. Government action is also needed.

### A Strengthened Partnership

4. Ministers of the OECD countries, recognising the interdependence of all nations, therefore commit their Governments to use the unique opportunity of the United Nations Conference on Environment and Development in 1992 as a catalyst to build a strengthened partnership for sustainable development with non-Member countries, particularly in the developing world. This partnership should be based on mutual commitments by all countries in the light of their relative capacities and responsibilities.

### Responsibilities of OECD Countries

5. Ministers acknowledge the responsibility that OECD countries bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command. In this regard, Ministers encourage the use of national environmental strategies to set priorities, to review policies and to monitor progress towards sustainable development. They emphasize that management of the environment requires the efficient and cost-effective integration and coherence of economic, social and environmental policies in all aspects of national and international policy-making, such as in industry, energy, transport, forestry and agriculture.
6. Ministers fully recognise in particular that OECD countries must demonstrate international leadership and continued commitment to achieve more efficient use of energy and raw materials and to work towards the elimination of human and environmental exposures to highly toxic and persistent chemicals as well as a reduction in the release of waste products into the environment. In this context, Ministers commit themselves to substantial action on the enhancement and protection of greenhouse gas sinks and limitation of emissions of greenhouse gases aiming in particular, as a first step at a stabilisation, individually or collectively, of CO<sub>2</sub> emissions and a phasing-out as soon as possible of CFCs controlled by the Montreal Protocol. Ministers further take note that most OECD countries have committed themselves to stabilise CO<sub>2</sub> emissions, individually or collectively, in general by the year 2000 at 1990 levels, taking into account the differences in their starting points and approaches, and that those countries make a strong appeal to

## Partners in Cooperation: Resources

10. For developing countries to achieve sustainable development and be in a position to address pressing problems of economic growth needed to combat poverty and to improve environmental management domestically, they must have access to the financial resources necessary to meet these challenges. While domestic resources will have to provide a major part, Ministers pledge their support to ensure that external resources available from both the public and private sectors and provided through existing bilateral and multilateral channels should be increased and used effectively and efficiently. In this context, Ministers recognise the importance of equitable burden sharing.
11. For developing countries to play their full part in coping with global environment problems, Ministers consider that appropriate additional financial resources must be made available to them as part of a strengthened partnership. In this respect, Ministers welcome the use of innovative financial mechanisms, such as debt-for-environment swaps. The commitment of OECD countries to finding the means to support world-wide co-operation in protecting the environment is manifested by the recent creation of a special fund under the Montreal Protocol and the establishment of the Global Environment Facility (GEF). Ministers underline that a modified GEF under appropriate governance should play a leading role as the multilateral mechanism to provide additional financial resources to developing countries in the resolution of environmental problems of global significance. In this regard, most OECD countries will provide new financial resources.

## Technology

12. Technological innovation and diffusion will be critical determinants of the pace and character of future economic growth and environmental management. All countries should create propitious conditions to encourage the private sector to innovate, market and use the technologies that contribute to sustainable development. Ministers note the important contribution that the private sector can make toward technology innovation, co-operation, the transfer of "clean" technology and environmental management information. Ministers thus commit their governments to expand technology co-operation with non-Member countries, to provide technology assistance and to address barriers to technology transfer, with a view to improving their access to environmentally-sound technologies, to facilitate the transfer of such technologies to developing countries and to enhance their scientific, technological and administrative capacities to use and develop technologies, by:
- assisting the development of appropriate incentive structures, policies, legislation and institutions;
  - providing information on technology availability and options;

- promote the application of the Guidelines and Recommendations on environment and aid adopted by the OECD Development Assistance Committee and endorsed by Ministers;
- make widely available the results of work on management of chemicals and wastes, biotechnology, energy, transport, cleaner technologies, and on the economics of sustainable development;
- intensify work on other issues related to sustainable development, such as the economics of natural resource use and on the relations between trade and environment;
- facilitate the exchange of experience in the appraisal of development policies and programmes and in the design and implementation of environmental management tools, including economic instruments, regulations and environmental indicators.

16. Ministers recognise the need to ensure that nuclear power generation takes place under the highest available standards of safety. Accordingly, they urge the competent international bodies, including the OECD Nuclear Energy Agency and the International Atomic Energy Agency, to provide their services, particularly to OECD non-Member countries of central and eastern Europe and to the Soviet Union and the Republics. Such assistance would be part of the efforts being undertaken by international organisations, the European Community and national governments to address the problems associated with nuclear installations in these countries.
17. Ministers regard the OECD as a major forum for discussing linkages between environmental and other policies, in particular environment and development assistance.

#### Trade

18. Improvements in the international trade system are also a vital contribution to sustainable development. Given the significance of increased international trade for sustainable development, Ministers stress the importance they attach to the successful conclusion of the Uruguay Round. All countries have a common interest in ensuring that trade and environmental policies are mutually supportive. Achieving sustainable development will require complementary actions to address trade and environment conflicts which may arise. There are still considerable divergences in views of how to increase the compatibility of trade and environmental policies at the national, regional and global levels. Ministers support the efforts by the OECD to analyse trade and environment linkages and recommend the drawing up of OECD guiding principles on trade and environment, and welcome the reconvening of the working group on trade and environment of the GATT.

regional and global levels. The Conference also offers the occasion for endorsing a consensus on principles and priorities for the 1990s and beyond, and for agreeing to Agenda 21 with commitments for concrete actions and means of implementation. Ministers reiterate their countries' support for the development of effective framework conventions on biological diversity and on climate change to be opened for signature during the 1992 UN Conference as well as for a statement of principles which should form the basis for negotiations on a Forest Convention. In conclusion, they see the Conference as a decisive stage in a new process of multilateral co-operation on environment and development.





# London Economic Summit 1991

## ECONOMIC DECLARATION

### BUILDING WORLD PARTNERSHIP

1. We, the Heads of State and Government of the seven major industrial democracies and the representatives of the European Community, met in London for our seventeenth annual Summit.
2. The spread of freedom and democracy which we celebrated at Houston has gathered pace over the last year. Together the international community has overcome a major threat to world peace in the Gulf. But new challenges and new opportunities confront us.
3. We seek to build world partnership, based on common values, and to strengthen the international order. Our aim is to underpin democracy, human rights, the rule of law and sound economic management, which together provide the key to prosperity. To achieve this aim, we will promote a truly multilateral system, which is secure and adaptable and in which responsibility is shared widely and equitably. Central to our aim is the need for a stronger, more effective UN system, and for greater attention to the proliferation and transfer of weapons.

#### Economic policy

4. Over the last year, some of our economies have maintained good growth, while most have slowed down and some gone into recession. But a global recession has been avoided. The uncertainty created by the Gulf crisis is behind us. We welcome the fact that there are now increasing signs of economic recovery. Progress has been made too in reducing the largest trade and current account imbalances.
5. Our shared objectives are a sustained recovery and price stability. To this end, we are determined to maintain, including through our economic policy coordination process, the medium-term strategy endorsed by earlier Summits. This strategy has contained inflationary expectations and created the conditions for sustainable growth and new jobs.

Monetary issues

6. We therefore commit ourselves to implement fiscal and monetary policies, which, while reflecting the different situations in our countries, provide the basis for lower real interest rates. In this connection, continued progress in reducing budget deficits is essential. This, together with the efforts being made to reduce impediments to private saving, will help generate the increase in global savings needed to meet demands for investment. We also welcome the close cooperation on exchange markets and the work to improve the functioning of the international monetary system.

7. We will also, with the help of the Organisation for Economic Co-operation and Development (OECD) and other institutions, pursue reforms to improve economic efficiency and thus the potential for growth. These include:-

Economic Efficiency

a) greater competition in our economies, including regulatory reform. This can enhance consumer choice, reduce prices and ease burdens on business.

b) greater transparency, elimination or enhanced discipline in subsidies that have distorting effects, since such subsidies lead to inefficient allocation of resources and inflate public expenditure.

c) improved education and training, to enhance the skills and improve the opportunities of those both in and out of employment, as well as policies contributing to greater flexibility in the employment system.

d) a more efficient public sector, for example through higher standards of management and including possibilities for privatisation and contracting out.

e) the wide and rapid diffusion of advances in science and technology.

f) essential investment, both private and public, in infrastructure.

Environment

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.

**International trade**

Trade

9. No issue has more far-reaching implications for the future prospects of the world economy than the successful conclusion of the Uruguay Round. It will stimulate non-inflationary growth by bolstering confidence, reversing protectionism and increasing trade flows. It will be essential to encourage the integration of developing countries and Central and East European nations into the multilateral trading system. All these benefits will be lost if we cannot conclude the Round.

10. We therefore commit ourselves to an ambitious, global and balanced package of results from the Round, with the widest possible participation by both developed and developing countries. The aim of all contracting parties should be to complete the Round before the end of 1991. We shall each remain personally involved in this process, ready to intervene with one another if differences can only be resolved at the highest level.

11. To achieve our objectives, sustained progress will be needed in the negotiations at Geneva in all areas over the rest of this year. The principal requirement is to move forward urgently in the following areas taken together:-

a) market access, where it is necessary, in particular, to cut tariff peaks for some products while moving to zero tariffs for others, as part of a substantial reduction of tariffs and parallel action against non-tariff barriers.

b) agriculture, where a framework must be decided upon to provide for specific binding commitments in domestic support, market access and export competition, so that substantial progressive reductions of support and protection may be agreed in each area, taking into account non-trade concerns.

c) services, where accord on a general agreement on trade in services should be reinforced by substantial and binding initial commitments to reduce or remove existing restrictions on services trade and not to impose new ones.

(d) intellectual property, where clear and enforceable rules and obligations to protect all property rights are necessary to encourage investment and the spread of technology.

12. Progress on these issues will encourage final agreement in areas already close to conclusion, such as textiles, tropical products, safeguards and dispute settlement. Agreement to an improved dispute settlement mechanism should lead to a commitment to operate only under the multilateral rules. Taken all together, these and the other elements of the negotiations, including GATT rule-making, should amount to the substantial, wide-ranging package which we seek.

13. We will seek to ensure that regional integration is compatible with the multilateral trading system.

14. As we noted at Houston, a successful outcome of the Uruguay Round will also call for the institutional reinforcement of the multilateral trading system. The concept of an international trade organisation should be addressed in

Environment

this context.

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.

Export Credits

16. We are convinced that OECD members must overcome in the near future and, in any case, by the end of the year, remaining obstacles to an agreement on reducing the distortions that result from the use of subsidised export credits and of tied aid credits. We welcome the initiative of the OECD in studying export credit premium systems and structures and look forward to an early report.

Energy

17. As the Gulf crisis showed, the supply and price of oil remain vulnerable to political shocks, which disturb the world economy. But these shocks have been contained by the effective operation of the market, by the welcome increase in supplies by certain oil-exporting countries and by the actions co-ordinated by the International Energy Agency (IEA), particularly the use of stocks. We are committed to strengthen the IEA's emergency preparedness and its supporting measures. Since the crisis has led to improved relations between producers and consumers, contacts among all market participants could be further developed to promote communication, transparency and the efficient working of market forces.

Energy

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. The safety situation in Central and Eastern Europe and the Soviet Union deserves particular attention. This is an urgent problem and we call upon the international community to develop an effective means of coordinating its response.

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.

21. We all intend to take a full part in the initiative of the European Community for the establishment of a European Energy Charter on the basis of equal rights and obligations of signatory countries. The aim is to promote free and undistorted energy trade, to enhance security of supply, to protect the environment and to assist economic reform in Central and East European countries and the Soviet Union, especially by creating an open, non-discriminatory regime for commercial energy investment.

#### Central and Eastern Europe

22. We salute the courage and determination of the countries of Central and Eastern Europe in building democracy and moving to market economies, despite formidable obstacles. We welcome the spread of political and economic reform throughout the region. These changes are of great historical importance. Bulgaria and Romania are now following the pioneering advances of Poland, Hungary and Czechoslovakia. Albania is emerging from its long isolation.

23. Recognising that successful reform depends principally on the continuing efforts of the countries concerned, we renew our own firm commitment to support their reform efforts, to forge closer ties with them and to encourage their integration into the international economic system. Regional initiatives reinforce our ability to co-operate.

24. All the Central and East European countries except Albania are now members of the International Monetary Fund (IMF) and the World Bank. We welcome the steps being taken by those countries that are implementing IMF-supported programmes of macro-economic stabilisation. It is crucial that these programmes are complemented by structural reforms, such as privatising and restructuring state-owned enterprises, increasing competition and strengthening property rights. We welcome the establishment of the European Bank for Reconstruction and Development (EBRD), which has a mandate to foster the transition to open, market-oriented economies and to promote private initiative in Central and East European countries committed to democracy.

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.

26. Expanding markets for their exports are vital for the Central and East European countries. We welcome the

substantial increases already made in exports to market economies and we undertake to improve further their access to our markets for their products and services, including in areas such as steel, textiles and agricultural produce. In this context, we welcome the progress made in negotiating Association Agreements between the European Community and Poland, Hungary and Czechoslovakia, as well as the Presidential Trade Enhancement Initiative announced by the United States, all of which will be in accordance with GATT principles. We will support the work of the OECD to identify restrictions to East/West trade and to facilitate their removal.

27. The Group of Twenty-four (G24) process, inaugurated by the Arch Summit and chaired by the European Commission, has mobilised \$31 billion in bilateral support for these countries, including balance of payments finance to underpin IMF-supported programmes. Such programmes are in place for Poland, Hungary and Czechoslovakia. We welcome the contributions already made for Bulgaria and Romania. We are intensifying the G24 coordination process and we reaffirm our shared willingness to play our fair part in the global assistance effort.

#### **The Soviet Union**

28. We support the moves towards political and economic transformation in the Soviet Union and are ready to assist the integration of the Soviet Union into the world economy.

29. Reform to develop the market economy is essential to create incentives for change and enable the Soviet people to mobilise their own substantial natural and human resources. A clear and agreed framework within which the centre and the republics exercise their respective responsibilities is fundamental for the success of political and economic reform.

30. We have invited President Gorbachev to meet us for a discussion of reform policies and their implementation, as well as ways in which we can encourage this process.

31. We commend the IMF, World Bank, OECD and EBRD for their study of the Soviet economy produced, in close consultation with the European Commission, in response to the request we made at Houston. This study sets out many of the elements necessary for successful economic reform, which include fiscal and monetary discipline and creating the framework of a market economy.

32. We are sensitive to the overall political context in which reforms are being conducted, including the "New Thinking" in Soviet foreign policy around the world. We are sensitive also to the importance of shifting resources from military to civilian use.

33. We are concerned about the deterioration of the Soviet economy, which creates severe hardship not only within the

Soviet Union but also for the countries of Central and Eastern Europe.

#### The Middle East

34. Many countries have suffered economically as a result of the Gulf crisis. We welcome the success of the Gulf Crisis Financial Co-ordination Group in mobilising nearly \$16 billion of assistance for those countries suffering the most direct economic impact of the Gulf crisis and urge all donors to complete disbursements rapidly. Extensive assistance is being provided by Summit participants for the Mediterranean and the Middle East, as well as by the IMF and World Bank.

35. We believe that enhanced economic co-operation in this area, on the basis of the principles of non-discrimination and open trade, could help repair the damage and reinforce political stability. We welcome the plans of major oil exporting countries for providing financial assistance to others in the region and their decision to establish a Gulf Development Fund. We support closer links between the international financial institutions and Arab and other donors. We believe this would encourage necessary economic reforms, promote efficient use of financial flows, foster private sector investment, stimulate trade liberalisation and facilitate joint projects e.g. in water management, which would draw on our technical skills and expertise.

#### Developing Countries and Debt

36. Developing countries are playing an increasingly constructive role in the international economic system, including the Uruguay Round. Many have introduced radical policy reforms and are adopting the following principles:

(a) respect for human rights and for the law, which encourages individuals to contribute to development;

(b) democratic pluralism and open systems of administration, accountable to the public;

(c) sound, market-based economic policies to sustain development and bring people out of poverty;

We commend these countries and urge others to follow their example. Good governance not only promotes development at home, but helps to attract external finance and investment from all sources.

37. Our steadfast commitment to helping developing countries, in conjunction with a durable non-inflationary recovery of our economies and the opening of our markets, will be the most effective way we have of enhancing prosperity in the developing world.

Middle East

Good Governance

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.

39. Africa deserves our special attention. Progress by African governments towards sound economic policies, democracy and accountability is improving their prospects for growth. This is being helped by our continued support, focused on stimulating development of the private sector, encouraging regional integration, providing concessional flows and reducing debt burdens. The Special Programme of Assistance for Africa, co-ordinated by the World Bank and providing support for economic reform in over 20 African countries, is proving its worth. We will provide humanitarian assistance to those parts of Africa facing severe famine and encourage the reform of United Nations structures in order to make this assistance more effective. We will also work to help the countries concerned remove the underlying causes of famine and other emergencies, whether these are natural or provoked by civil strife.

40. In the Asia-Pacific region, many economies, including members of the Association of South-East Asian Nations (ASEAN) and the Asia-Pacific Economic Co-operation (APEC), continue to achieve dynamic growth. We welcome the efforts by those economies of the region which are assuming new international responsibilities. Other Asian countries, which are strengthening their reform efforts, continue to need external assistance.

41. In Latin America we are encouraged by the progress being made in carrying out genuine economic reforms and by developments in regional integration. We welcome the continuing discussions on the Multilateral Investment Fund, under the Enterprise for the Americas Initiative which, together with other efforts, is helping to create the right climate for direct investment, freer trade and a reversal of capital flight.

42. We recognise with satisfaction the progress being made under the strengthened debt strategy. Some countries have already benefited from the combination of strong adjustment with commercial bank debt reduction or equivalent measures. We encourage other countries with heavy debts to banks to negotiate similar packages.

43. We note:

(a) the agreement reached by the Paris Club on debt reduction or equivalent measures for Poland and Egypt,

which should be treated as exceptional cases;

(b) the Paris Club's continued examination of the special situation of some lower middle-income countries on a case by case basis.

44. The poorest, most indebted countries need very special terms. We agree on the need for additional debt relief measures, on a case by case basis, for these countries, going well beyond the relief already granted under Toronto terms. We therefore call on the Paris Club to continue its discussions on how these measures can best be implemented promptly.

Debt

45. We recognise the need for appropriate new financial flows to developing countries. We believe the appropriate way to avoid unsustainable levels of debt is for developing countries to adopt strengthened policies to attract direct investment and the return of flight capital.

46. We note the key role of the IMF, whose resources should be strengthened by the early implementation of the quota increase under the Ninth General Review and the associated Third Amendment to the Articles of Agreement.

#### 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.

Environment

48. Environmental considerations should be integrated into the full range of government policies, in a way 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 Organisation (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.

#### Drugs

58. We note with satisfaction progress made in this field since our Houston meeting, notably the entry into force of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychiatric Substances. We welcome the formation of the United Nations International Drugs Control Programme (UNDCP).

59. We will increase our efforts to reduce the demand for drugs as a part of overall anti-drug action programmes. We maintain our efforts to combat the scourge of cocaine and will match these by increased attention to heroin, still the principal hard drug in Europe and Asia. Enhanced co-operation is needed both to reduce production of heroin in Asia and to check its flow into Europe. Political changes in Central and Eastern Europe and the opening of frontiers there have increased the threat of drug misuse and facilitated illicit trafficking, but have also given greater scope for concerted Europe-wide action against drugs.

60. We applaud the efforts of the "Dublin Group" of European, North American and Asian governments to focus attention and resources on the problems of narcotics production and trafficking.

61. We commend the achievements of the task-forces initiated by previous Summits and supported by an increasing number of countries:-

a) We urge all countries to take part in the international fight against money laundering and to cooperate with the activities of the Financial Action Task Force (FATF). We strongly support the agreement on a mutual evaluation process of each participating country's progress in implementing the FATF recommendations on money laundering. We endorse the recommendation of the FATF that it should operate on a continuing basis with a secretariat supplied by the OECD.

b) We welcome the report of the Chemical Action Task Force (CATF) and endorse the measures it recommends for countering chemical diversion, building on the 1988 UN Convention against drug trafficking. We look forward to the special meeting in Asia, concentrating on heroin, and the CATF meeting due in March 1992, which should consider the institutional future of this work.

62. We are concerned to improve the capacity of law

enforcement agencies to target illicit drug movements without hindering the legitimate circulation of persons and goods. We invite the Customs Cooperation Council to strengthen its cooperation with associations of international traders and carriers for this purpose and to produce a report before our next Summit.

#### Migration

63. Migration has made and can make a valuable contribution to economic and social development, under appropriate conditions, although there is a growing concern about worldwide migratory pressures, which are due to a variety of political, social and economic factors. We welcome the increased attention being given these issues by the OECD and may wish to return to them at a future Summit.

Migration

#### Next meeting

64. We have accepted an invitation from Chancellor Kohl to hold our next Summit in Munich, Germany in July 1992.

17 July 1991



**44/228. United Nations Conference on Environment and Development**

Date: 22 December 1989  
Adopted without a vote

Meeting: 85  
Report: A/44/746/Add.7

**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 161/ 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 of Economic and Social Council resolution 1989/101 of 27 July 1989 entitled "Strengthening international co-operation on environment: provision of additional financial resources to developing countries",**

**Recalling also General Assembly resolution 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, 162/**

**Taking note of the report of the Secretary-General on the question of the convening of a United Nations conference on environment and development, 163/**

**Mindful of the views expressed by Governments in the plenary 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, 164/**

**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 requires actions at all levels, including the global, regional and national levels and involving 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,**

**161/ See Official Records of the General Assembly, Forty-fourth Session, Supplement No. 25 (A/44/25), annex I.**

**162/ A/42/427.**

**163/ A/44/256-E/1989/66 and Corr.1 and Add.1 and 2.**

**164/ See Report of the United Nations Conference on the Human Environment (United Nations publication, Sales No. E.73.II.A.14 and corrigendum).**

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,

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 to take 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,

Stressing the need for effective international co-operation in the area 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, concerning 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,

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1. Decides to convene a United Nations Conference on Environment and Development of two weeks' duration and at the highest possible level of participation to coincide with World Environment Day, 5 June, in 1992;
2. Accepts with deep appreciation the generous offer of the Government of Brazil to host 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 strengthened national and international efforts to promote sustainable and environmentally sound development in all countries;
4. Affirms 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. Also affirms that the promotion of economic growth in developing countries is essential to address problems of environmental degradation;
6. Further affirms the importance of a supportive international economic environment that would result in sustained economic growth and development in all countries for protection and sound management of the environment;
7. Reaffirms that States have, in accordance with the Charter of the United Nations and the applicable principles of international law, 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 the need for States 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 for the damage to the environment and natural resources caused by activities within their jurisdiction or control through transboundary interference, in accordance with national legislation and applicable international law;

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, 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 efficiently and urgently 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 above, 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 of 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 eradicating poverty, inter alia, by 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 for strengthening 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 1972 United Nations Conference on the Human Environment and since the adoption of such international agreements as the Plan of Action to Combat Desertification, <sup>165/</sup> 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 Human Environment, <sup>166/</sup> 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, also 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 structure of the international economic environment, with a view to ensuring a more integrated approach to environment-and-development problems 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 environment that would result in 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;

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<sup>165/</sup> Report of the United Nations Conference on Desertification, Nairobi, 29 August-9 September 1977 (A/CONF.74/36), chap. I.

<sup>166/</sup> See Report of the United Nations Conference on the Human Environment (United Nations publication, Sales No. E.73.II.A.14 and corrigendum).

- (j) To identify ways and means to provide 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 establishing effective monitoring of the implementation of 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 to provide additional financial resources for measures directed towards solving major environmental problems of global concern and especially to support those countries, in particular developing countries, for whom the implementation of such measures would entail a special or abnormal burden, in particular owing 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 the carrying out, on a favourable basis, of the most effective and expeditious transfer of environmentally sound technologies to developing countries;
- (m) To examine with the view to recommending 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 for supporting all countries in their efforts to create and develop their endogenous technological capacities in 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 address 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 conclusion 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 a Preparatory Committee of the General Assembly 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, in New York, and three additional substantive sessions, the first in Nairobi and the following two in 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, the 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 of the United Nations, following the organizational session of the Preparatory Committee, to establish an appropriate ad hoc secretariat in 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 a Secretary-General of the Conference to 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 plenary 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 for the environment, and requests the other organs, organizations and programmes of the United Nations system, as well as other relevant intergovernmental organizations, to contribute fully to the preparations of the Conference on the basis of guidelines and requirements to be established by the Preparatory Committee;
10. Requests the Secretary-General of the United Nations 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 1992 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 supporting developing countries, in particular the least developed among them, in participating 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 the 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".

44/229. International co-operation in the field of the environment

Date: 22 December 1989  
Adopted without a vote

Meeting: 85  
Report: A/44/746/Add.7 (as orally amended)

The General Assembly,

Deeply concerned at the increasing degradation of the environment which, if allowed to continue, could endanger not only economic and social development but the very basis of life itself,

Noting the increased political interest in solving environmental problems and intensified international co-operation to that effect,

Welcoming that there have been encouraging developments in some important areas of environmental co-operation,

Reaffirming that there is a direct interrelationship between environment and development, and recognizing also that a favourable international economic environment that results in sustained economic growth and development, particularly in developing countries, is of major importance for sound management of the environment,

Reaffirming the importance of integrating environmental concerns and considerations into policies and programmes in all countries without introducing a new form of conditionality in aid or development financing or constituting a pretext for unjustified barriers to trade,

Noting 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 recognizing that those countries therefore have the main responsibility for combating such pollution,

Recognizing that serious environmental problems are arising for all countries and that those problems must be progressively addressed through preventive measures at their sources by national efforts and international co-operation,

Recalling decision 14/10 of the Governing Council of the United Nations Environment Programme on the environmental impact of apartheid on black agriculture in South Africa, 167/

167/ See Official Records of the General Assembly, Forty-third Session, Supplement No. 25 (A/43/25), annex I.

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Chapter I  
DECLARATION OF THE UNITED NATIONS CONFERENCE  
ON THE HUMAN ENVIRONMENT

*The United Nations Conference on the Human Environment,*

*Having met at Stockholm from 5 to 16 June 1972,*

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

I

*Proclaims that:*

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

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

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

4. In the developing countries most of the environmental problems are caused by under-development. Millions continue to live far below the minimum levels required for a decent human existence, deprived of adequate food and clothing, shelter and education, health and sanitation. Therefore, the developing coun-

tries must direct their efforts to development, bearing in mind their priorities and the need to safeguard and improve the environment. For the same purpose, the industrialized countries should make efforts to reduce the gap themselves and the developing countries. In the industrialized countries, environmental problems are generally related to industrialization and technological development.

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

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

7. To achieve this environmental goal will demand the acceptance of responsibility by citizens and communities and by enterprises and institutions at every level, all sharing equitably in common efforts. Individuals in all walks of life as well as organizations in many fields, by their values and the sum of their actions, will shape the world environment of the future. Local and national governments will bear the greatest burden for

large-scale environmental policy and action within their jurisdictions. International co-operation is also needed in order to raise resources to support the developing countries in carrying out their responsibilities in this field. A growing class of environmental problems, because they are regional or global in extent or because they affect the common international realm, will require extensive co-operation among nations and action by international organizations in the common interest. The Conference calls upon Governments and peoples to exert common efforts for the preservation and improvement of the human environment, for the benefit of all the people and for their posterity.

## II

### Principles

*States the common conviction that:*

#### *Principle 1*

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

#### *Principle 2*

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

#### *Principle 3*

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

#### *Principle 4*

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

#### *Principle 5*

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

#### *Principle 6*

The discharge of toxic substances or of other substances and the release of heat, in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order

to ensure that serious or irreversible damage is not inflicted upon ecosystems. The just struggle of the peoples of all countries against pollution should be supported.

#### *Principle 7*

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

#### *Principle 8*

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

#### *Principle 9*

Environmental deficiencies generated by the conditions of under-development and natural disasters pose grave problems and can best be remedied by accelerated development through the transfer of substantial quantities of financial and technological assistance as a supplement to the domestic effort of the developing countries and such timely assistance as may be required.

#### *Principle 10*

For the developing countries, stability of prices and adequate earnings for primary commodities and raw materials are essential to environmental management since economic factors as well as ecological processes must be taken into account.

#### *Principle 11*

The environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries, nor should they hamper the attainment of better living conditions for all, and appropriate steps should be taken by States and international organizations with a view to reaching agreement on meeting the possible national and international economic consequences resulting from the application of environmental measures.

#### *Principle 12*

Resources should be made available to preserve and improve the environment, taking into account the circumstances and particular requirements of developing countries and any costs which may emanate from their incorporating environmental safeguards into their development planning and the need for making available to them, upon their request, additional international technical and financial assistance for this purpose.

#### *Principle 13*

In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and co-ordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population.

*Principle 14*

Rational planning constitutes an essential tool for reconciling any conflict between the needs of development and the need to protect and improve the environment.

*Principle 15*

Planning must be applied to human settlements and urbanization with a view to avoiding adverse effects on the environment and obtaining maximum social, economic and environmental benefits for all. In this respect, projects which are designed for colonialist and racist domination must be abandoned.

*Principle 16*

Demographic policies which are without prejudice to basic human rights and which are deemed appropriate by Governments concerned should be applied in those regions where the rate of population growth or excessive population concentrations are likely to have adverse effects on the environment of the human environment and impede development.

*Principle 17*

Appropriate national institutions must be entrusted with the task of planning, managing or controlling the environmental resources of States with a view to enhancing environmental quality.

*Principle 18*

Science and technology, as part of their contribution to economic and social development, must be applied to the identification, avoidance and control of environmental risks and the solution of environmental problems and for the common good of mankind.

*Principle 19*

Education in environmental matters, for the younger generation as well as adults, giving due consideration to the underprivileged, is essential in order to broaden the basis for an enlightened opinion and responsible conduct by individuals, enterprises and communities in protecting and improving the environment in its full human dimension. It is also essential that mass media of communications avoid contributing to the deterioration of the environment, but, on the contrary, disseminate information of an educational nature on the need to protect and improve the environment in order to enable man to develop in every respect.

*Principle 20*

Scientific research and development in the context of environmental problems, both national and multinational, must be promoted in all countries, especially the developing countries. In this 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 may be agreed upon by the international community, or to standards which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country, and the extent of the applicability of standards which are valid for the most advanced countries but which may be inappropriate and of unwarranted social cost for the developing countries.

*Principle 24*

International matters concerning the protection and improvement of the environment should be handled in a co-operative spirit by all countries, big and small, on an equal footing. Co-operation through multilateral or bilateral arrangements or other appropriate means is essential to effectively control, prevent, reduce and eliminate adverse environmental effects resulting from activities conducted in all spheres, in such a way that due account is taken of the sovereignty and interests of all States.

*Principle 25*

States shall ensure that international organizations play a co-ordinated, efficient and dynamic role for the protection and improvement of the environment.

*Principle 26*

Man and his environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement, in the relevant international organs, on the elimination and complete destruction of such weapons.

*21st plenary meeting  
16 June 1972*



# THE NEW YORK DECLARATION

on

## HIGH SEAS OVERFISHING - PROTECTING THE COMMONS

Proposed by NGOs and Governments  
March 31, 1992

**WHEREAS** the 1982 United Nations Convention on the Law of the Sea provided for areas of extended national jurisdiction over hydrospace out to 200 nautical miles, the area previously known as the high seas in which distant water fishing nations enjoyed unfettered rights to exploit living resources was reduced to that outside the national EEZs or Fisheries Zones;

**WHEREAS** coastal states assumed the right to manage fisheries in their extended zones and the concomitant responsibility to conserve the living resources within their jurisdiction, coastal fishers were given priority to the living resources within their national jurisdiction.

### Rights of Coastal States to Fish Inside and Beyond 200 Miles

**WHEREAS** a most important issue, that of straddling stocks, i.e. stocks which occur both within the EEZ and adjacent to it outside 200 miles - was not adequately resolved in the 1982 Convention on Law of the Sea, conflicts have escalated as distant water fishing nations have increased their fishing effort, ignored scientific recommendations for catch limits and disregarded their high seas conservation obligations and duties. Article 116 of the Law of the Sea Convention clearly establishes that high seas fishing states have an obligation to conserve these stocks and to cooperate with the adjacent coastal states who were given superior rights over straddling stocks (inter alia Articles 63(2) and 67).

### Inadequate Enforcement Capability Outside 200 Miles

**WHEREAS** there are two major problems - lack of enforcement rights for coastal states outside 200 nautical miles and no compulsory dispute resolution mechanism - if distant water fishing countries fail to agree or chose not to agree on conservation measures, the coastal state has little recourse. Consequently, in several parts of the world the rights of

coastal states; particularly the rights of coastal fishing communities dependent on the living resources, have been severely compromised by the environmentally unsound fishing practices of those nations fishing on the high seas.

#### **Areas Affected**

**WHEREAS** the problematic areas where distant water fishing nations have continued to harmfully exploit the straddling stocks are:

- the North West Atlantic (cod, flatfish, shrimp and other stocks off Canada's east coast);
- the South West Atlantic (off Argentina's Patagonian shelf);
- the East Central and the South East Pacific (jack mackerel, blue whiting off Chile and Peru);
- the Central Bering Sea (pollock in the "Doughnut Hole");
- the Challenger Plateau (orange roughy off New Zealand); and,
- the North East Atlantic (off west Africa).

#### **Implications**

**WHEREAS** the radical depletion of these stocks raises a socio-economic and environmental spectre that demands immediate action;

**WHEREAS** pressures have been building within coastal states in the affected areas to take emergency action by extending their jurisdiction beyond 200 nautical miles to protect the stocks in question against the harmful fishing practices of distant water fishing nations; and

**WHEREAS** states are reluctant to do this on the basis that it may compromise the Third United Nations Convention on the Law of the Sea.

#### **WE THE UNDERSIGNED DECLARE THAT**

All states should be responsible for their flag vessels on the high seas and violations of regulations.

All nations fishing in these areas should be members of the multinational agreements and be subject to the conservation measures as agreed.

All states should work to reinforce the provisions of the United Nations Convention on the

Law of the Sea, recognizing the special rights of coastal states to straddling stocks and the concomitant obligations of distant water fishing nations to respect conservation measures on the high seas.

A mandatory dispute resolution mechanism should be instituted to ensure that conservation measures are respected on the high seas.

WE also urge all states and NGOs to give careful and serious consideration to the proposal advanced by many coastal states at the preparatory committee meetings of the United Nations Conference on Environment and Development A/Conf.151/PC/WG.II/L.16/Rev.1 regarding protection of living resources on the high seas.



# YOUTH '92 - THE WORLD YOUTH FORUM

San José, Costa Rica, March 22-29, 1992

## OVERVIEW OF YOUTH STATEMENTS AND COMMITMENTS

From March 22 to 29, 1992, some 300 young people from 97 countries gathered in San José, Costa Rica, to discuss issues related to Environment and Development. They came from Africa, Asia, South Pacific, Latin America and the Caribbean, Europe, and North America. The World Youth Preparatory Forum for the United Nations Conference on Environment and Development (UNCED) came after nearly two years of national and regional preparatory events worldwide, meant to help global youth prepare themselves for the upcoming Earth Summit in Rio.

Many factors made this gathering unique: three out of four delegates came from the South; almost half of the participants were women; Indigenous people accounted for 10 percent of the total number of delegates; participants were aged 15 to 30 years old and represented a diversity of youth organizations around the World.

Delegates focused their attention on five main themes, which embodied a number of specific issues. They agreed on a series of observations on the current situation for each of the themes, and made a series of commitments and demands. Their analysis is quite in depth and is not presented here, but a sampling of their positions are listed below. Some of their resolutions dealt directly with the process of UNCED. These have been regrouped in the last section of this overview.

### 1. External Debt

Youth believe that the North owes a colonial, moral and ecological debt to the South which is larger than the external debt of the South to the North. They also believe that Southern countries have paid their debts to the North many times over through the outflow of capitals and raw materials and through multinationals. Hence, youth propose that the external debt of Southern countries be cancelled. They further believe that sovereign states must have complete control over their own economies.

Recognizing that the unequitable trade relations between the South and North have to be addressed, youth propose that a New Global Economic Order (NGEO) be established to create a co-operative Southern trading bloc and maintain free and accessible transfer of technology, skills and knowledge between North and South. Within this NGEO a mechanism for the redistribution of wealth and resources between the rich and poor would be established and enforced. Youth condemn the objectives and programs of international financial institutions such as the International Monetary Fund (IMF) and the World Bank. They ask for a reform of GATT to redress the imbalance in commercial relations between North and South. Youth believe that transnational corporations (TNCs) must respect the sovereignty and legislation of the countries in which they operate. They call for the creation of an International Committee composed of civilians to monitor TNCs' activities, to regulate their social and environmental behaviour, and to prevent them from developing projects that foment militarism and excessive consumption.

Youth call for NGOs and individuals to boycott products manufactured by multinationals in order to pressure them to abide by the basic principles of human dignity. They offer their help to local communities to develop resources which will reduce their dependency on multinationals.

New Models of Development - Youth assert that the current development model is based on the destruction of natural resources and on social injustice, condemning much of humanity to lives of extreme poverty. They recommend the adoption of an alternative development model which includes food self-sufficiency for all countries, environmental education as part of the formal curriculum, appropriate shelter for all, incentives for industrial recycling, and a healthy environment as a human right. Youth consider that overconsumption in the North has caused great environmental damage and has forced the South to cater for the Northern markets. They propose that Northern countries reduce their consumption rate to a level comparable to that of the South and change their development model to a more ecological and less exploitive one. They consider the ways of living of indigenous peoples a good model of truly equitable development.

## **2. Poverty**

Youth believe that poverty is too often defined only in economic terms. They consider that the social, material, cultural and spiritual well-being must also be taken into account. Youth believe that unfair and unequal policies in international trade and political decision-making are in large part responsible for the growing impoverishment of developing countries as well as the spiritual, individual, and cultural poverty everywhere.

Youth observe that transnational corporations promote the over-exploitation of resources in Third World countries by extracting raw materials from the South for transformation in the North and distribution world-wide. In order to redress the imbalance between Northern and Southern use of resources, youth of the North commit themselves to reducing their levels of consumption, and youth of the South commit to combat the infiltration of western consumer values. Youth demand that the development of new technologies take into consideration the local ecological systems and the cultures of the people. They further demand that national governments protect the interests of communities living sustainably, in particular the indigenous peoples.

Youth believe that cultural diversity must be preserved. They observe that the homogenization of their cultures through the influence of the dominant Western culture leads to a homogenization of the needs and results in the over-exploitation of resources. They commit to form groups to develop and record their cultures and histories, and to lobby for government spending which counteracts the impoverishment of culture. They will also educate their peers to be critical of information provided by the media.

Youth call upon governments to develop non-sexist education programmes, and to provide free child-care services to facilitate the participation of women in the workforce and education systems. They commit themselves to initiating programmes which increase the participation of women in education and trade, and to use their own organizations to train young women in a variety of skills. Youth ask governments to direct resources specifically toward employment, education and health programmes in rural areas, and to implement labour legislation that protects workers. They also ask for sexual education programmes in schools to address the problems of

sexually transmitted disease, AIDS, teenage pregnancy and sexual abuse against women. Youth commit themselves to the eradication of illiteracy and to combat the lack of social services for rural-urban migrants. They denounce corruption and discrimination in all of their forms.

### **3. Democracy and Participation**

Social Framework - Youth denounce all false "democracies" characterized by injustice and reject "democracies" based solely on electoral representation, "democracies" run by dictators, obsessive free-market "democracies", "democracies" which oppress and marginalize indigenous peoples, the young and the women, and "democracies" which violate people's rights and the natural world. They call for the North to stop supplying arms to military governments and demand that those governments hand over power to civilian and democratic governments. Youth call for an immediate commitment by all nations to endorse, and implement the Universal Declaration of the Human Rights of the United Nations. They urge governments to adopt legislation ensuring free and easy access to all citizens to information about decisions affecting their lives. Youth call for a revision of the content of education curricula to reflect more accurately history and reality, and ask to be involved in the decision making process of the education system. They insist that governments ensure access to public health care for all. They also demand that Indigenous Peoples have full control over their traditional territories and that they be directly responsible for seeking solutions to environmental and developmental problems within their territories.

Political Framework - Noting that the UN structure is currently under review, youth demand that this structure be completely overhauled, with equal participation of member countries in the decision-making process. They demand the dissolution of the Security Council and the creation of a new, democratic executive council whose membership is regionally representative. They insist that all UN agencies, in particular the World Bank, IMF and GATT, be made democratically accountable to the population of the World. They demand that governments acknowledge all Indigenous Peoples and Nations, along with their rights of territory, culture, politics, society and economy. Youth demand that the World Court be empowered to enforce international law through use of sanctions, in agreement with the principles of sovereignty, independence and self-determination of the peoples. They insist that all countries establish an independent judiciary system which will guarantee the defence of individuals no matter what their origin. While youth believe that democracy starts at the family, community and work place levels, they also urge NGOs to lead the way in representing fair and accountable democracy.

Economy - Youth urge the Industrialized North to make available new and additional resources and appropriate technology transfers to Southern countries. They demand the immediate satisfaction of basic needs of the population worldwide. They also demand the full participation of all people affected in the design, the implementation and evaluation of projects that affect natural resources. Youth insist that media and advertising agencies be made accountable to the public through independent review bodies.

#### **4. Environment, Peace and Security**

Peace Through Justice - Youth believe that justice is a prerequisite for World peace. They uphold a series of rights which they see as an integral part of achieving justice. They uphold the rights of the individual which include: the Rights of the Child as stated in 1990, the Rights of Women as stated in 1985, the absence of fear, decent work conditions, health, social services, conscientious objection, equality of opportunity, and democratic participation. They support the following rights of society: self determination and sovereignty of all peoples, autonomy, and the participation of all sectors in the decision making process. They further support the rights of nations to self determination, self defence, freedom from an aggressive military intervention, and cultural integrity. Youth believe in the right of all to a healthy planet.

Peace Through Harmony Within Nature - Young people ask everyone to put aside their differences and their national, economic and political agendas in order to act with moral commitment to future generations and to abide by the natural laws of the Earth. They ask for policies that are sustainable and for alternative models of development which allow for the equitable distribution of control over resources. Youth abhor the damage to the environment caused by militarism. They demand that toxic wastes, hazardous chemicals and nuclear contamination produced by the military be made subject to the same controls as they are in the civilian sector. They call for disarmament and banning of weapons testing and of military bases on foreign soil.

Peace Through Security - Youth uphold individuals' right to feel safe. Given that violence is a result of social inequality, insecurity, patriarchy, racism and other prejudices, they make a personal commitment to struggle against these obstacles in order to attain peace. They demand changes in the violence advocated through mass media, language, war toys, and the formal education of histories defined by war. They demand that gun control laws be introduced as a prerequisite to universal disarmament. Recognizing that threats to nations come as much from social and environmental breakdown as external violence, youth demand alternative mechanisms of conflict resolution which allow cultural exchanges between communities in conflict, and which support political solutions to war. Youth further demand that social, political, economic and environmental instabilities be resolved in order to achieve world peace through mutual respect and co-operation based on equality between nations.

Plan of Action for World Peace - Recognizing the need to become the change they seek in the world, all youth present at Youth '92 commit to form North/South partnerships between organizations, where Northern NGOs will provide resources to their partner organizations in the South. Youth will support community groups who campaign on issues of justice, environment and security. They are committed to developing a new integrated model of education in which youth will be directly involved and empowered to take part in the decision making that affects their lives. Youth denounce all human rights abuses and commit themselves to provide security and solidarity to their friends and colleagues in their activism. Youth support international NGOs' demands for a 50 percent disarmament by the year 2000. They also demand that from this year forward, the global defence budget for World Environment Day (June 5) of each year, currently evaluated at about \$2 billion, be spent on social and environmental needs, as a symbol

of governments commitment to world peace. Dissatisfied with the current state of the United Nations, youth are committed to campaign for adding the democratic participation of all people in the UN reforms proposed for 1995.

## **5. Protection of Natural Resources**

Air and Climatic Change - Because Northern countries produce the majority of the harmful emissions into the air, youth have committed themselves to reduce overconsumption and pressure Northern governments to compensate the South for the global damage to the atmosphere, and to eliminate all CFC emissions. They condemn large-scale cutting of forests, and demand selective cutting in cooperation with local communities. Youth commit themselves to move from fossil fuels to environmentally sustainable alternatives. Youth also commit to pressuring governments to improve and promote public transport and to fund education on energy saving devices.

Biodiversity / Forests / Biotechnology - Youth commit themselves to pressure governments to preserve fragile and biologically diverse natural areas, and work towards implementing sustainable forestry and agricultural practices which respect biodiversity. They emphasize the need for working with indigenous and local communities in the management of resources. Youth demand a moratorium on driftnet fishing to preserve marine biodiversity. They commit to reduce their consumption of beef to reduce pressure to clear forests for cattle grazing. Youth demand that Northern governments and international institutions transfer appropriate technology and financial aid for restoring damaged ecosystems.

Land, Soil and Desertification - Youth support compensatory reforestation, using native species, when deforestation is absolutely essential. They condemn agricultural projects which promote monoculture and inappropriate heavy machinery. Youth recommend organic farming technologies, with the phasing out of chemical fertilizers and pesticides. They categorically condemn large dams. Youth condemn the import and export of industrial toxic material, and support legal actions and demonstrations against corporations and governments that use, transport, or dump toxic material in the environment. Youth commit themselves to have tree planting campaigns, to oppose all unplanned and irrational deforestation, and to act as watchbodies to monitor reforestation activities.

Water - Youth call for immediate enforcement of stringent laws regarding contamination of water resources by mining and manufacturing activities. They urge governments to promote organic farming systems to eliminate pollution from agrochemicals. Moreover, they condemn the export of banned agro-chemicals from Northern to Southern nations. Youth call for an immediate halt to the indiscriminate dumping of nuclear waste into their waters, and urge the UN to implement existing conventions on marine pollution, particularly oil spillage. Youth condemn the act of nuclear testing and the transport of radioactive material which have fatal effects on oceans and human kind. Youth reject overconsumption of water by the rich and the deterioration of aquatic systems by the tourist industry. Youth assume the commitment of rejecting any transnational corporations in their regions that do not protect the environment.

## **6. Resolutions regarding UNCED**

Youth insist that the Global Environment Facility (GEF) be reformed to become an accountable and representative body under the supervision of the UN before being given further finances from UNCED. While they recognize the historic potential of the UNCED process, and despite the apparent participation of non-governmental sectors in the preparatory process, youth believe that community and grassroots activists have been ignored in favour of high-profile, well-established lobbyists. They therefore demand that the final design, implementation and evaluation of output from UNCED involve the full and active participation of grassroots peoples organizations including youth, women and indigenous sectors.

Youth demand that UNCED establish a direct relationship with indigenous peoples in all discussions relating to the environment and development. They further urge governments at UNCED to commit to signing the International Labour Organization Convention 169, which deals with Indigenous and Tribal Peoples' rights, including their right to property and justice, and promotes the elimination of discrimination. Youth also ask that a portion of the funds which will be assigned to Agenda 21 be administered by the Indigenous Nations and Peoples.

## **Conclusion**

This gathering was not merely a symbolic gesture to demonstrate youth solidarity with the peoples of the World in the pursuit of environmental protection and social justice. Youth are the eyes, ears and conscience of our societies. They pledge to marshal themselves and galvanise their efforts, singly and collectively, into implementing their plans of action and ensuring democratic participation in all processes that affect their lives and the environment.

**The World Youth Forum was organized by the Youth '92 Canadian Secretariat, which works under the auspices of the Canadian Youth Foundation, and by the Comisión Preparatoria Costarricense Juventud '92. It was funded by the Canadian Department of Environment, the Canadian International Development Agency (CIDA), the United Nations Environment Program (UNEP), and the governments of Sweden and Denmark, through their National Youth Councils.**

**May 15, 1992**

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## CHARTER OF THE INDIGENOUS-TRIBAL PEOPLES OF THE TROPICAL FORESTS

### Article 1.

We, the indigenous - tribal peoples of the tropical forests, present this charter as a response to hundreds of years of continual encroachment and colonisation of our territories and the undermining of our lives, livelihoods and cultures caused by the destruction of the forests that our survival depends on.

### Article 2.

We declare that we are the original peoples, the rightful owners and the cultures that defend the tropical forests of the world.

### Article 3.

Our territories and forests are to us more than an economic resource. For us, they are life itself and have an integral and spiritual value for our communities. They are fundamental to our social, cultural, spiritual, economic and political survival as distinct peoples.

### Article 4.

The unity of people and territory is vital and must be recognised.

### Article 5.

All policies towards the forests must be based on a respect for cultural diversity, for a promotion of indigenous models of living, and an understanding that our peoples have developed ways of life closely attuned to our environment.

THEREFORE WE DECLARE THE FOLLOWING PRINCIPLES, GOALS AND DEMANDS:

### RESPECT FOR OUR RIGHTS

#### Article 6.

Respect for our human, political, social, economic and cultural rights, respect for our right to self-determination, and to pursue our own ways of life.

#### Article 7.

Respect for our autonomous forms of self-government, as differentiated political systems at the community, regional and other levels. This includes our right to control all economic activities in our territories.

#### Article 8.

Respect for our customary laws and that they be incorporated in national and international law.

#### Article 9.

Where the peoples so demand, nation states must comply with the different treaties, agreements, covenants, awards and other forms of legal recognition that have been signed with us indigenous peoples in the past, both in the colonial period and since independence, regarding our rights.

Article 10.

An end to violence, slavery, debt-peonage and land grabbing; the disbanding of all private armies and militias and their replacement by the rule of law and social justice; the means to use the law in our own defense, including the training of our people in the law.

Article 11.

The approval and application of the Universal Declaration of Indigenous Peoples, which must affirm and guarantee our right to self-determination, being developed by the United Nations, and the setting up of an effective international mechanism and tribunal to protect us against the violation of our rights and guarantee the application of the principles set out in this charter.

Article 12.

There can be no rational or sustainable development of the forests and of our peoples until our fundamental rights as peoples are respected.

TERRITORY

Article 13.

Secure control of our territories, by which we mean a whole living system of continuous and vital connection between man and nature; expressed as our right to the unity and continuity of our ancestral domains; including the parts that have been usurped, those being reclaimed and those that we use; the soil, subsoil, air and water required for our self-reliance, cultural development and future generations.

Article 14.

The recognition, definition and demarcation of our territories in accordance with our local and customary systems of ownership and use.

Article 15.

The form of land tenure will be decided by the people themselves, and the territory should be held communally, unless the people decide otherwise.

Article 16.

The right to the exclusive use and ownership of the territories which we occupy. Such territories should be inalienable, not subject to distraint and unnegotiable.

Article 17.

The right to demarcate our territories ourselves and that these areas be officially recognised and documented.

Article 18.

Legalise the ownership of lands used by non-indigenous peoples who live within and on the forests' margins in the areas that are available once title has been guaranteed to the indigenous peoples.

Article 19.

Land reforms and changes in land tenure to secure the livelihoods of those who live outside the forests and indigenous territories, because we recognise that landlessness outside the forests puts heavy pressure on our territories and forests.

DECISION-MAKING

Article 20.

Control of our territories and the resources that we depend on: all development in our areas should only go ahead with the free and informed consent of the indigenous people involved or affected.

Article 21.

Recognition of the legal personality of our representative institutions and organisations, that defend our rights, and through them the right to collectively negotiate our future.

Article 22.

The right to our own forms of social organisation; the right to elect and revoke the authorities and government functionaries who oversee the territorial areas within our jurisdiction.

DEVELOPMENT POLICY

Article 23.

The right to be informed, consulted and, above all, to participate in the making of decisions on legislation or policies: and in the formulation, implementation or evaluation of any development project, be it at local, national or international levels, whether private or of the state, that may affect our futures directly or indirectly.

Article 24.

All major development initiatives should be preceded by social, cultural and environmental impact assessments, after consultation with local communities and indigenous peoples. All such studies and projects should be open to public scrutiny and debate especially the indigenous peoples affected.

Article 25.

National or international agencies considering funding development projects which may affect us, must set up tripartite commissions - including the funding agency, government representatives and our own communities as represented through our representative organisations - to carry through the planning implementation, monitoring and evaluation of the projects.

Article 26.

The cancellation of all mining concessions in our territories imposed without the consent of our representative organisations. Mining policies must prioritise, and be carried out under, our control, to guarantee rational management and a balance with the environment. In the case of the extraction of strategic minerals (oil and radioactive minerals) in our territories, we must participate in making decisions during planning and implementation.

**Article 27.**

An end to imposed development schemes and fiscal incentives or subsidies that threaten the integrity of our forests.

**Article 28.**

A halt to all imposed programmes aimed at resettling our peoples away from their homelands.

**Article 29.**

A redirection of the development process away from large-scale projects towards the promotion of small-scale, initiatives controlled by our peoples. The priority for such initiatives is to secure our control over our territories and resources on which our survival depends. Such projects should be the cornerstone of all future development in the forests.

**Article 30.**

The problems caused in our territories by international criminal syndicates trafficking in products from plants like poppy and coca must be confronted by effective policies which involve our peoples in decision-making.

**Article 31.**

Promotion of the health systems of the indigenous peoples, including the revalidation of traditional medicine, and the promotion of programmes of modern medicine and primary health care. Such programmes should allow us to have control over them, providing suitable training to allow us to manage them ourselves.

**Article 32.**

Establishment of systems of bilingual and intercultural education. These must revalidate our beliefs, religious traditions, customs, and knowledge; allowing our control over these programmes, by the provision of suitable training, in accordance with our cultures; in order to achieve technical and scientific advances for our peoples, in tune with our own cosmovisions, and as a contribution to the world community.

**Article 33.**

Promotion of alternative financial policies that permit us to develop our community economies and develop mechanisms to establish fair prices for the products of our forests.

**Article 34.**

Our policy of development is based, first, on guaranteeing our self-sufficiency and material welfare, as well as that of our neighbours; a full social and cultural development based on the values of equity, justice, solidarity and reciprocity, and a balance with nature. Thereafter, the generation of a surplus for the market must come from a rational and creative use of natural resources developing our own traditional technologies and selecting appropriate new ones.

**FOREST POLICY**

**Article 35.**

Halt all new logging concessions and suspend existing ones, that affect our territories. The destruction of forests must be

considered a crime against humanity and a halt must be made to the various anti-social consequences, such as, roads across indigenous cultivations, cemeteries and hunting zones; the destruction of areas used for medicinal plants and crafts; the erosion and compression of soil; the pollution of our environment; the corruption and enclave economy generated by the industry; the increase of invasions and settlement in our territories.

Article 36.

Logging concessions on lands adjacent to our territories, or which have an impact on our environment, must comply with operating conditions - ecological, social, of labour, transport, health and others - laid down by the indigenous peoples, who should participate in ensuring that these are complied with. Commercial timber extraction should be prohibited in strategic and seriously degraded forests.

Article 37.

The protection of existing natural forests should take priority over reforestation.

Article 38.

Reforestation programmes should be prioritised on degraded lands, giving priority to the regeneration of native forests, including the recovery of all the functions of tropical forests, and not being restricted only to timber values..

Article 39.

Reforestation programmes on our territories should be developed under the control of our communities. Species should be selected by us in accordance with our needs.

## BIODIVERSITY AND CONSERVATION

Article 40.

Programmes related to biodiversity must respect the collective rights of our peoples to cultural and intellectual property, genetic resources, gene banks, biotechnology and knowledge of biological diversity; this should include our participation in the management of any such project in our territories, as well as control of any benefits that derive from them.

Article 41.

Conservation programmes must respect our rights to the use and ownership of the territories we depend on. No programmes to conserve biodiversity should be promoted on our territories without our free and informed consent as expressed through our representative organisations.

Article 42.

The best guarantee of the conservation of biodiversity is that those who promote it should uphold our rights to the use, administration, management and control of our territories. We assert that guardianship of the different ecosystems should be entrusted to us, indigenous peoples, given that, we have inhabited them for thousands of years and our very survival depends on them.

Article 43.

Environmental policies and legislation should recognise indigenous territories as effective 'protected areas', and give priority to their legal establishment as indigenous territories.

#### INTELLECTUAL PROPERTY

Article 44.

Since we highly value our traditional technologies and believe that our biotechnologies can make important contributions to humanity, including 'developed' countries, we demand guaranteed rights to our intellectual property, and control over the development and manipulation of this knowledge.

#### RESEARCH

Article 45.

All investigations in our territories should be carried out with our consent and under joint control and guidance according to mutual agreement; including the provision for training, publication and support for indigenous institutions necessary to achieve such control.

#### INSTITUTIONS

Article 46.

The international community, particularly the United Nations, must recognise us indigenous peoples as peoples, as distinct from other organised social movements, non-governmental organisations and independent sectors, and respect for our right to participate directly and on the basis of equality, as indigenous peoples, in all fora, mechanisms, processes and funding bodies so as to promote and safeguard the future of the tropical forests.

#### EDUCATION

Article 47.

The development of programmes to educate the general public about our rights as indigenous peoples and about the principles, goals and demands in this charter. For this we call on the international community for the necessary recognition and support.

Article 48.

We indigenous peoples will use this charter as a basis for promoting our own local strategies for action.

Penang, Malaysia  
15 February 1992

RESOLUTION OF  
THE CONFERENCE OF INDIGENOUS - TRIBAL PEOPLES  
OF THE TROPICAL FORESTS.

Considering:

1. That in this conference we have proved that the problems of the indigenous and tribal peoples are similar in Africa, Asia and the Americas; that the same ecocide and ethnocide carries on regardless; and that those responsible are united and coordinated at the international policy-making level regarding both natural resources and the denial of the right to self-determination of our peoples.
2. That it is necessary for the representative organisations brought together here to respond to this by joining in a common struggle through unity and solidarity.
3. That two important steps towards this unity are the Charter of shared Principles, Goals and Demands; and a Joint Plan of Action that we have now approved. Nonetheless both steps may be insufficient to achieve concrete results for our peoples. Therefore, in order to give life to this programme and common plan, the next step must be to establish here and now a minimum of coordination amongst us.

WE THEREFORE RESOLVE:

1. To constitute the 'THE INTERNATIONAL ALLIANCE OF THE INDIGENOUS - TRIBAL PEOPLES OF THE TROPICAL FORESTS', composed of the representatives of the people present here, but open to other sister organisations of the tropical forests of the world.
2. To call our Charter 'CHARTER OF THE INDIGENOUS - TRIBAL PEOPLES OF THE TROPICAL FORESTS' and to name this meeting the 'First Conference of the International Alliance of the Indigenous and Tribal Peoples of the Tropical Forests'.
3. To structure this alliance, so as to deepen our mutual understanding and solidarity, by means of joint action; and to organise ourselves in the following way:
  - a) The fact of establishing the Alliance reinforces the solidarity in the common objectives but does not reduce or affect the autonomy of action of each organisation.
  - b) Responsibility for each working committee (established in 4, below) will be taken on by a representative indigenous organisation, which will appoint the person responsible, who will then organise a working committee based in her/his region.
  - c) The working committees will correspond to the activities approved in the action plan. Each one will be the responsibility of an indigenous organisation. The meeting of those responsible for these working committees will compose the 'Coordinating Committee of the Alliance'.

d) The first conference of the Alliance, will elect the organisations that will make up this Coordinating Committee which will stand until the Second Conference of the Alliance; when the organisational structure will be reviewed and adjusted.

e) That the second CONFERENCE OF THE ALLIANCE will take place in an Amazonian city and within no less than 12 months. Its organisation will be the duty of the Coordinating Committee with the help of the WRM and other solidary institutions.

4. To compose the Coordinating Committee of 5 Working Committees which will assume, in addition to those contained in the Plan of Action, the following main tasks:

a) Committee of Organisation and Campaigns:

- campaigns of solidarity and joint struggle in defense of the indigenous peoples, their territories and the tropical forests of the planet.
- A special campaign in defense of our brothers from Sarawak (Asia), Batwa (Africa) and Amazonia (America).
- To support the organisation of and participation at the 'Conference of Indigenous Peoples on Territory, Environment and Development' (Rio de Janeiro, Brazil 21-31 May 1992).
- Coordinate the organization of the 2nd Conference of the Alliance.

b) Committee for Disseminating and Securing Support for the Charter

- international distribution and publicity
- dialogue with indigenous organisations to ensure it is understood and subscribed to.
- relations with the international press.

c) Committee on Relations with UNCED and the UN System.

- Promotion of the Charter and indigenous participation in the UNCED and the institutions which it gives rise to.
- Promotion of the Charter and indigenous participation in the Un Plan for 1993; the FAO, the Human Rights Commission, GATT, WIPO etc.

d) Committee on Relations with the Multilateral Agencies.

- Promotion of the Declaration and of indigenous participation in agencies like the World Bank, ADB, IDB, ITTO, TFAP, IFAD etc.

e) Committee on Relations with International Solidarity Movements.

- Relations with environmentalists, consumer groups, indigenous rights groups, third world organisations, human rights groups etc.; in order to achieve support for the Charter and the Plan of Action.

5. The election of the Coordinating Committee shall proceed as follows:

a) The indigenous peoples' organisations from the following regions shall each appoint one member to the Coordinating Committee:

- Amazonia
- Southern Cone
- Central America and Caribbean
- Africa
- Continental Asia
- Bahasa
- Maritime Asia and Pacific

b) The seven organisations so elected will form the Coordinating Committee and will meet immediately to share out the responsibilities entrusted to 5 Working Committees mentioned in Paragraph 4 and will announce the names of those persons who will provisionally take on these tasks, until ratification by the base organisations.

6. The above was approved and the seven organisations then met and took on the following responsibilities.

REGION	ORGANISATION	RESPONSIBILITY FOR WORKING COMMITTEE
Amazonia	Coordinating Body for the Indigenous Organisations of the Amazon Basin	D
Southern Cone	Mocovi Centre 'Ialek Lav'a'	C
Central America and Caribbean	Sejekto Cultural Association	D
Africa	Association for the Promotion of Batwa	A
Continental Asia	Naga Peoples Movement for Human Rights	B
Bahasa	Sahabat Alam Malaysia (Sarawak)	E
Maritime Asia and Pacific	KAMP - National Confederation of Indigenous Peoples of the Philippines	A

Penang, Malaysia  
15 February 1992

The Charter has subsequently been supported by the following organisations:

Marcus Colchester, World Rainforest Movement  
Chee Yoke Ling, Sahabat Alam Malaysia  
Martin Khor, Third World Network, Malaysia  
Bram van Ojik, Novib, Netherlands  
Chad Dobson, Bank Information Centre  
Roberto Bissio, Instituto Tercer Mundo, Uruguay  
Saskia Ozinga, Friends of the Earth (Netherlands)  
Carol Sherman, Rainforest Information Centre, Australia  
David McCoy, SOS Siberut, UK  
Tony Juniper, Friends of the Earth (England and Wales)  
Tony Juniper, Friends of the Earth (International)  
Ulf von Sydow, Swedish Society for Nature Conservation  
Heffa Schucking, World Economy Ecology and Development (WEED), Germany  
Chip Fay, Friends of the Earth (USA)  
Isagani Serrano, Green Forum - Philippines  
Carolyn Marr, Down to Earth: the International Campaign for Ecological Justice in Indonesia  
Witoon Permpongsacharoen, Project for Ecological Recovery, Thailand  
Yoichi Kuroda, Japan Tropical Forest Action Network  
Kazuko Matsue, Sarawak Campaign Committee, Japan  
Angela Gennino, Rainforest Action Network, USA  
Gus Gatmaytan, Legal Rights and Natural Resources Centre - Friends of the Earth (Philippines)  
Thomas Wallgren, Coalition for Environment and Development Concerns, Finland  
Grainne Ryder, TERRA - Towards Ecological Recovery and Regional Alliances, Thailand  
Mikael Stenberg, Friends of the Earth, Sweden  
Fiona Watson, Survival International, UK

Charter and Resolution signed and approved by:

Vicente Pessoa, Confederacion Indigena del Oriente de Bolivia  
Freddy Mathew Sitau, Sahabat Alam Malaysia (Sarawak)  
Bah Tony Williams-Hunt, Centre for Orang Asli Concerns, Malaysia  
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Jose Dualok Rojas, Asociacion Cultural Sejekto, Costa Rica

Wan Kang, Sarawak Penan Association, Malaysia

Montree Chantawong, Project for Ecological Recovery, Thailand

Raajen Singh, Asia Indigenous Peoples Pact

Luingam Luithui, Naga Peoples Movement for Human Rights, India

Marilyn Quierrez, KAMP - National Federation of the Indigenous  
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Valerio Grefa, COICA - Coordinating Body for the Indigenosu  
Organisations of the Amazon Basin

Emerita T. Marrero, Cordillera Peoples Alliance, Philippines

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Javier Armato, Asociacion Civil Indigena de Pueblos Yukpa,  
Venezuela

Thomas Jalong, Sahabat Alam Malaysia (Sarawak)

Francois Munyeshuli, Association for Promotion of Batwa, Rwanda

Antonius Napitupulu, Association of Siberut People, Indonesia

Felix Tiouka, Association des Amerindiens de Guyane Francaise,  
France

Raymond Abin, Sahabat Alam Malaysia (Sarawak)

Roberto Espinosa, COICA - Coordinating Body for the Indigenosu  
Organisations of the Amazon Basin (Asesor)

Daniel Cabixi, Comite Intertribal: 500 Anos de Resistencia,  
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Edward Nyipa, Sahabat Alam Malaysia (Sarawak)

Maximiliano Ferrer, Congreso Kuna, Panama

Bardie Sawai, SPATF/NANGO, Papua New Guinea

Penny Atkinson, Amerindian Peoples Association, Guyana



**COMMON DECLARATION  
ON BEHALF OF THE  
WORLD'S CITIES AND LOCAL AUTHORITIES**

---

**The various international organizations representing mayors, city leaders and all other types of local authorities throughout the world,**

**Having met during the past year to discuss urban problems and issues of mutual interest and concern, in preparation for the United Nations Conference on Environment and Development to be held in Rio de Janeiro in June 1992,**

**Assert that:**

- **the declarations made by the various international associations of cities and local authorities on environment and development issues display a high level of consensus with regard to prerequisites, basic principles, projects and actions required to achieve sustainable development while respecting the local environment both in urban and rural areas;**
- **these declarations emphasize the need for municipal action to concentrate on fighting poverty, reducing inequalities, improving and conserving the quality of the environment in and around cities, while structuring and managing urban growth, as well as promoting and ensuring effective citizen participation and adequate public information;**

- more than half of the world's population will live in cities by the year 2000; consequently, sustained efforts on the part of cities are essential to solve the environment and development problems on the UNCED agenda, such as reducing the quantity of waste produced, which have an impact on humanity as a whole;
- in communities of all sizes, municipal administrations and local or metropolitan authorities are the levels of government closest to the people and, as such, have specific responsibilities and are essential partners in implementing sustainable development strategies in both urban and rural areas;
- any sustainable development strategy requires increased local autonomy and democracy, as well as an extension of decentralisation processes and the possibility of establishing interauthority cooperation where environmental issues transcend municipal boundaries;
- the future of urban and rural societies is inextricably interconnected and global equilibrium between urban and rural areas is necessary to sustainable development and must therefore be a major concern for all governments;
- the contribution made by associations of cities and local authorities to the formulation of sustainable development policies must be recognized nationally and internationally, given that the issues to be discussed at the Earth Summit are deeply rooted in local realities;

- the purpose of sustainable urban development is to allow towns and cities to function as vast ecosystems that ensure proper balance between economic growth and ecology, both within their boundaries and in the surrounding areas;
- the great diversity of situations, in terms of size, development levels, cultural, geographical and environmental conditions that characterize cities and their populations, requires the utmost flexibility in solving urban problems, especially environmental problems; in spite of this great diversity, cities share the same challenges and solutions, and their action in the environment field, is not limited to applying technical measures, but also involves the formulation of coherent and concerted local policies;
- the fight against poverty, marginalisation and deterioration of social conditions, factors that contribute to putting excessive pressure on the urban environment, is essential to the quality of sustainable development and improvement of environmental conditions in urban areas;
- public participation is essential to any policy aimed at implementing a sustainable development strategy; this participation must promote ecological education and encourage cooperation between local authorities and urban partners, such as companies, universities, associations, social and community agencies;

• as part of their development process, local authorities are already contributing to the protection of the environment by implementing appropriate policies, and, through the use of existing knowledge-sharing and technological cooperation networks, to the worldwide advancement of environmental awareness, by entering into various bilateral and multilateral agreements, between northern cities, between northern and southern cities and between southern cities;

Commit themselves to:

• promote the implementation by cities, metropolitan and local authorities, of measures needed to alleviate the impact of economic development on the environment and guarantee the protection of natural areas and the harmony of the urban setting; these should include measures to rationalize the use of natural resources and energy consumption, in particular through the control of production and storage of waste, on-site treatment of all pollution generated by urban activity and, more generally, the use of renewable resources;

• implement, in cooperation with their member authorities through action programs, the recommendations which will be made by UNCED, as an essential complement to the commitments which will be made by the governments at the Earth Summit;

- develop, jointly with their member authorities, decentralized cooperation as an instrument of international policy for the environment, to show solidarity among local authorities and to enable them to take their rightful place in the action being undertaken through the United Nations;

Recommend that:

- the national governments recognize formally the autonomy of cities, metropolitan and local authorities so that they may acquire the powers and obtain the resources to implement sustainable development strategies in their areas and to take part in international cooperation agreements;
- support be given to international cooperation networks between local authorities to strengthen partnerships promoting the exchange of environmental expertise and solutions developed in the cities and countries of the southern as well as the northern hemisphere;
- machinery be established at the United Nations involving representatives of the international associations of cities and local authorities to ensure that these principles, projects and actions are followed up;
- the major international organizations establish mechanisms for consulting the associations of cities and local authorities, and the delegations of the national governments at international conferences concerned with environment and development issues include representatives of local authorities;

the United Nations create a fund, either from existing or new resources, to support innovative urban environment projects at the local level, and information-sharing on these projects; such a fund should be managed jointly by the United Nations and by the associations of cities, metropolitan and local authorities, as well as appropriate non-governmental agencies, with the possibility of recourse also to local resources.

Call the attention of the United Nations Conference on Environment and Development to the principles, projects and actions set out in the declarations appended which have been adopted by the various international associations of cities, metropolitan and local authorities.

*Common declaration adopted in Rio de Janeiro, the fifteenth of January, nineteen ninety-two, by the Association internationale des maires francophones, the Convention of Scottish Local Authorities, Eurocities, the International Council for Local Environmental Initiatives, the International Union of Local Authorities, Mega-Cities, the Organization of Islamic Capitals and Cities, the Summit of the World's Major Cities, the Union of Capital Cities of the European Community, the Union of Ibero-American Cities, the World Association of the Major Metropolises (Metropolis), the World Federation of United Towns, the cities of Belo Horizonte, Curitiba, Rio de Janeiro and Sao Paulo.*



**AGENDA YA WANANCHI**

**Citizens Action Plan for the 1990s**

*adopted at  
Roots of the Future  
A Global NGO Conference in relation to the 1992  
Earth Summit*

Paris, 17-20 December 1991

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**Agenda Ya Wananchi:  
Citizens Action Plan for the 1990s**

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**The contents of this Agenda belong to all people. The words herein are to be shared, circulated, discussed, expanded; but above all, acted on so that they can cease to be merely words.**

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**T**he Agenda Ya Wananchi: Citizen's Action Plan for the 1990s is based on the resolutions passed in various workshops and plenary sessions during the Roots of the Future Conference held in Paris. The participants at this conference first received the draft Agenda Ya Wananchi which was extracted from the Compendium of Citizens Movements Responses to Environment and Development Challenges.

The Compendium, which was the basic resource material, owes its existence to the efforts of hundreds of individuals, community groups, citizens' movements and non-governmental organisations at work around the world in the struggle for environmentally sound development from the grassroots to the international level. It includes the reports of several regional and national level consultations organised by ELCI and ENDA in several regions of the world. These were followed by three NGO Round Tables organised in March, May and August 1991 to discuss the outlines for the Compendium from the consultations.

Realising the difficulty of distributing a large document like the Compendium, a synthesis was developed. Titled "Justice between Peoples - Justice between Generations" it attempted to draw some conclusions about the essence of the NGO approach, its alternative character and shortcomings. This synthesis led to the Agenda Ya Wananchi which focuses on the challenges facing both governments and citizens; but its central theme is active involvement in building a new world - a world more socially just and ecologically sound than the world we live in today.

The NGO International Steering Committee for 1992 and the international drafting committee wish to thank all those who contributed to this effort to build the Agenda Ya Wananchi upon such a rich and diverse basis.

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**S**uddenly, it is like the birth of a new earth. People from across our planet are becoming the caretakers of their own destiny, building an expansive web of solidarity and social invention. They come through different paths of existence: city slum dwellers, urban tax payers, unsettled peasants, indigenous families, environmental activists, angry professionals, the graduates and the illiterates, women empowering themselves, alienated teenagers, inspired artists, grassroots educators, veteran pacifists, smiling prophets, mothers and fathers and children, and many other builders of human freedom at the end of a century scarred by totalitarian terrors. Their shared certainties go further than the most desirable revolution and are stronger than all the summits. Such irreversible commitments bind together the visionary and the victim, the strong and the weak, the loved and the lonely. Each one of us is looking for a place in such collective re-creation. Many tools are at hand.

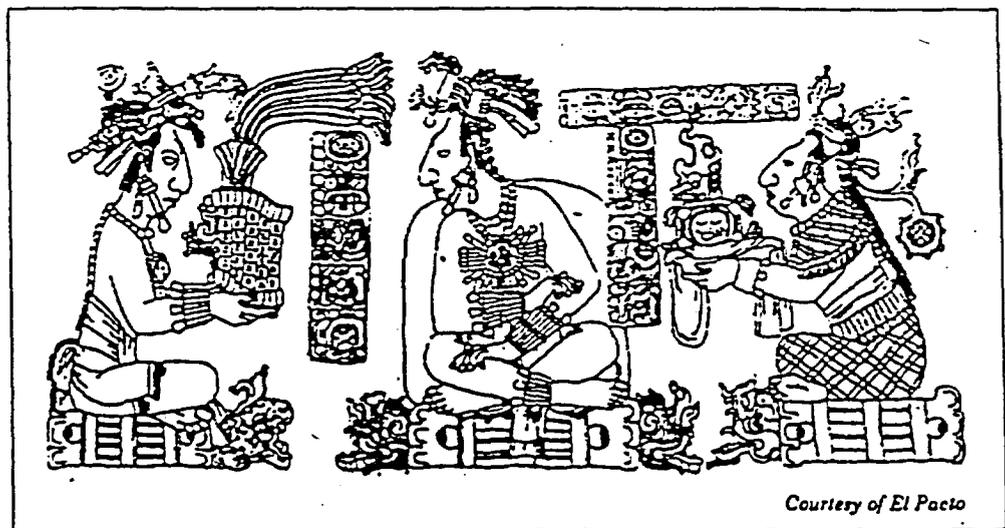
Only self-affirmation is urgently required. Beyond words and shadows. Like children facing their first rainbow. In the name of a growing planetary celebration.

We share a common crisis, the collapse of the clean air, water, soil and the biological diversity that are our requirements for mutual existence. And we share a common destiny, as yet unwritten.

Linked to us in a web of kinship, all living beings are interdependent - using, sharing, cleansing and replenishing the fundamental elements of life support, since in the nature of things the refuse of one has always been the nourishment of others.

The last two hundred years have been a very destructive period. We have polluted the soil, water and air and driven many human societies and countless wild life species to extinction. We have damned the rivers, torn down the ancient forests, poisoned the rain and ripped holes in the sky. Science has brought joy as well as pain, and the prosperity of the industrial world has been acquired at a terrible price.

Science has taught us that all creation is matter and energy interacting in an elegant dance of life, and that biological and cultural diversity are the foundations of stability. Certain ideas resonate with truth; certain convictions are inherently right; certain insights originate in the deepest heart of our lives. Just as social justice and equality of opportunity irrespective of gender, colour or race are non-negotiable goals of a healthy humane community, so certain biological principles, ecologically based and morally inspired, must become fundamental elements of a new politics of hope. And where our knowledge is so limited as to preclude a



reasonable estimate, we must err always on the side of caution. These precepts must be at the base of the new value and belief systems within which future generations must live.

In the last decade of this century, we face a world struggling to deal with critical problems, some of which, in the context of environment and development, are:

Systems of governance that sunder watersheds and ecoregions and that subjugate the individual and the local communities, their environments and their traditional practices and potentials for the sake of the highly centralized economic and political control and which destroys their self-respect, sense of identity, and ability to self-govern, and which imposes upon them external solutions that are more often ecologically destructive and socially unjust.

A world market system that is rapidly growing and integrating the use of the world's natural resources, even though it largely brings benefits only to a small minority and, even worse, fixes product prices in a way that fails to capture the ecological costs of production and, thus, discounts the future or passes the costs on to the world's poor, often living on the margins of the human habitat.

A world financial system in which the poor are today enmeshed in the proverbial moneylenders' clutches - "I can't pay but I will pay" - the result of which is that the South actually transfers about US \$50 billion to the North each year and over US \$200 billion are lost by the South in brain drain, declining terms of trade and protectionist measures in industrialized countries. The cumulative result of all this is that Southern populations get fewer investments in schools, hospitals and the environment.

A military system which is incompatible with sustainable development. Too many people in the world are still suffering the ravages of war which is at the same time the worst cause of the damage of the environment. The threat of mass destruction still hangs over humanity. The Gulf War was the evidence of the continuous acceptability of warfare as a political tool. After the dissolution of the Warsaw Pact, it would

have been logical to dissolve NATO. Instead, it has been strengthened to be used as a tool to preserve world-wide hegemony. The process of disintegration of totalitarian regimes in Central and Eastern Europe has turned into war in some countries, other countries of this region are on the brink of war. Even peacetime "normal" military activities continue to have a very negative impact on the environment.

A global culture in which the world's cultural diversity - which is itself the historical result of the world's ecological diversity - is getting subjugated and destroyed by the dominant economic and technological processes, resulting in a world-wide growth of both state and civil violence as suppressed populations reassert their cultural identity and as indigenous, subsistence-based peoples struggle to regain or retain their land base.

A global lifestyle and value system in which there is never enough, and there is such a lot that is so unnecessary; and which fails to revere the sacred earth and its myriad of home places.

A global power structure where economic strength is translated into political and military hegemony which is in contradiction to the requirements of a democratic world order. Together with the establishment of exclusive power centres, such as the G7, these structures devalue and undermine the role of the United Nations as an agent of peace and promoter of human values built around consensus and sustainability.

A global gender blindness which has consistently diminished the role, contributions and value that women, 50 % of the world's people, make to human, social and economic development and to environmental protection.

Development strategies and projects which are unsuited to the special characteristics of the ecosystems in which they are carried out, leading to degradation of mountainous regions, coastal areas, forests, deserts, semi-arid regions

and the human life environment.

The degradation of human settlements, including rampant urbanization, the decline of rural economies, and the lack of effective strategic or local planning, thus aggravating social and economic inequalities of every kind and threatening to destroy all efforts to achieve sustainable development.

Homelessness and landlessness on a global scale result from wars, disasters and the alienation of land from poor people due to commercial "development" pressures. Urbanization is accompanied by extreme poverty with a lack of urban services impinging harshly on the health and labour time of women and children in particular.

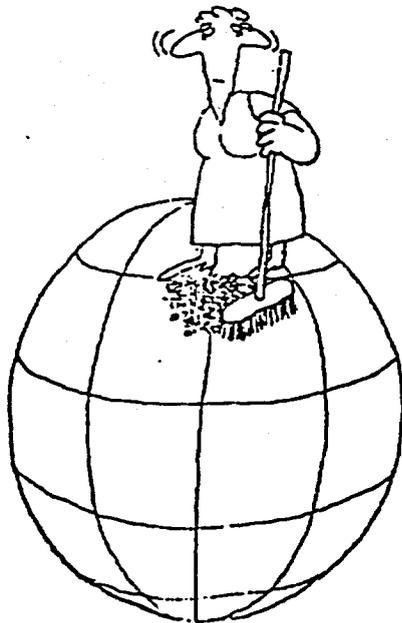
Degradation of human health is the inescapable consequence of degradation of the environment. Failure to incorporate the health of citizens and communities as a major resource when planning and evaluating development as a whole leads to an unsustainable downward resource cycle for

local, regional and global communities.

Increasing exposure to various hazardous waste and toxic chemicals has an adverse effect on human health. In addition to ecological disasters which repeat from time to time (Bhopal, Chernobyl etc.) numerous chronic changes may be especially dangerous for future generations, such as inborn errors, mental retardation, increased infant mortality, etc.

The main reason for these global threats is a voracious development process, for which the industrial civilization of the world is mainly responsible - in collusion with its outposts in the South.

A different way of development is necessary, one which is sustainable and where ecological and social concerns for all humanity and future generations are given priority. However, such sustainable development is incompatible with quantitative growth. Therefore the concept of sustainable development, as seen by the Brundtland report is inherently contradictory.



*Courtesy of FOE Link*

**W**e are today living in a world where all "development paradigms" seem to be breaking down. The industrialized countries have consistently followed a path in which every attempt has been made to externalize environmental and social costs and which has disregarded the possibility of utilizing the renewable resource flows within bioregions. Wealth accumulation in the North has often been a factor in environmental and social destruction in the South. And, in the North itself, unemployment is today a factor that affects 20 million people without much prospect of this problem being solved in the near future. "Dualism" is thus no longer a special attribute of the South. Social control over the uses of technology is also conspicuously absent in the development path followed by the industrialized countries. At the same time, both the Central and Eastern European countries and the debt-ridden countries of the developing world are also suffering from extremely predatory natural resource-use patterns. Unless this changes, these countries cannot achieve equitable and sustainable development.

In the case of many Southern countries - and the same holds more or less for the countries "in-between" the North and the South, for example, the Mediterranean countries - external factors have played a key role in their economic stagnation: the debt trap, adverse terms of trade and neo-protectionism on the part of the industrialized countries. These factors must be removed to allow future development in the South. The 1980s have been described as the "lost decade" in several parts of the world. For the countries of Central and Eastern Europe, the decade may have been one of hope and frustration, the latter because the Western consumers' paradise was not immediately reached after (formal) democracy got its chance. We strongly believe that, in order to deal with the global ecological crisis and in order not to expand a totally unsustainable consumption pattern to other parts of the world, a "structural adjustment" has to take place in the industrialized world, which has caused most of

the ecological problems through its profligate and wasteful consumption and the associated production systems. The countries in the North can be helped with their structural adjustment by missions from other parts of the world, such as the mission of four people of the South to the Netherlands, who gave a penetrating analysis of the contradictions in that society and stated the following:

"In a sense, you could say the Western civilization and its Northern peoples are living a hopeless case of drug addiction. No matter how clearly you communicate to them that their behaviour is destructive to themselves and also to others, they cannot control it. They just keep on taking more and more, unless they are forcefully restrained."

Industrial countries are morally bound to repay the "ecological debt" they have accumulated. But to get equitable and sustainable development, developing countries should also not obscure the fact that their model of "growth through inequality" is now reaching its limits, leaving behind enormous social tensions and ecological damage. Governments in the developing world must learn to trust their own people and the ability of their own communities to manage their natural resources.

In the case of the Central and Eastern European countries the present state of economy which affects their current choices has been mainly determined by internal factors, such as the huge, in many cases unrepayable debts, outdated industry, wasteful production, etc., which all exacerbate ecological crises in the region. Yet, the solution to these problems to a large extent lies in the hands of the West. This is because the severe debt problems, the lack of the capital resources and the gap in technologies reduce the autonomy of these countries in determining their own development patterns. This influence forces the Central and Eastern European countries in two opposite directions simultaneously, both unsustainable. There is a strong drive within these societies to uncritically

adopt the development model of the overconsuming North. One way of wasting human capacities and nature's resources is changed for another while the newcomers attempt a pathetic race to catch up with the North. It is also likely that they face a new kind of colonization and will follow the same track as the South. Yet, the period of transition is their biggest chance. If only these pressures could be alleviated, the Central and Eastern European countries stand a better chance to develop in a more sustainable way. The equitable cooperation between the West and the East, the mutual learning between South and the Central and Eastern European countries at all levels holds the possibility of providing for more appropriate environmental solutions to facilitate this process. The paradoxical chance of the Central and Eastern European countries is to learn from the mistakes but also good experiences of the West and the South alike. Paradoxically, the Western expansion in the Central and Eastern European countries which serve as new untapped markets is to the disadvantage to the West and in fact to the whole planet because it puts off the adoption of the sustainable solutions to the global crisis.

We acknowledge and affirm that the right of people and communities to a place to live in security and dignity is of nature: the soil, the forests, the waterways and the air. This human right is internationally recognized and codified as the right to adequate housing in many treaties of international law, including the Universal Declaration of Human Rights (art. 25) and the International Covenant on Economic Social and Cultural Rights (art. 11).

We are convinced that the only way human beings can live in harmony with each other and with nature is through a respect for women's capacities and for cultural plurality; the creation of a fairer, frugal and equal world in economic terms; the development of a technological system with a human face that is built on self-reliance and endogenous needs; and, the development of a system of both global and

national level governance that is built upon "participatory\grassroots democracy" in which all human beings have the right to information and access to appropriate mechanisms to participate in decision-making processes that affect their progress, their culture, their health and their environment, and in which respect for the evolutionary destiny of all species, and for the integrity of natural systems is a fundamental ethic.

Cultural plurality is essential. We need cultural plurality for both peace and ecological sustainability, because we humans are members of ecosystems. Earth's diverse Ecoregions have made us behave and live differently and to acquire different worldviews. At the same time, being part of the biosphere imposes upon us a sense of common oneness. It is this "diversity in oneness" and "oneness in diversity" that all of us - citizens and, most of all, governments - must learn to appreciate and respect. Peace and harmony cannot be built upon cultural arrogance arising out of economic, technological or military power. It is also essential that the profligate consumption patterns of the global elites be arrested and changed rapidly, for they are a far greater factor in and threat to global ecological damage than the growth in the numbers of the poor in the South. Ecological sustainability will demand a respect for women's contributions and capacity to contribute special expertise to environmental management, as well as equality in the degree of personal responsibility required of men and women in their contributions to sustainability. Equitable economic growth - one that focuses not just on the poor and their basic needs but also on the specific developmental needs of women in terms of food, education, health care and employment opportunities - can itself play a major role in reducing population growth, as has been found in several parts of in developing world.

**W**e are proud that the citizens' environment and development movement, which itself has flowed in great diversity and now reaches all corners of the globe, has brought these concerns to the fore of global consciousness. After nearly three decades of active struggles and mobilization, the movement has the following major achievements, amongst others, to its credit:

The movement has asserted the need for human beings to accept the constraints posed by nature and to live in harmony with each other and all other species - a need that is now widely accepted, especially by the youth and the environmentally conscious public.

The movement has challenged the technocratic vision of society and asserted the principle of "participatory democracy" - that it is not enough to have the right to elect a few leaders once every few years to a parliament and then allow them to take all decisions with the help of their bureaucrats and technocrats, but that all citizens have the right to participate in decision-making processes that affect their lives and their environment on an everyday basis. The right to one's environment is today accepted as a right of all beings.

The movement has reasserted the human and environmental rights of marginalised groups and groups without any political votes - from women and children to indigenous communities, nomads and traditional fisherfolk - and thus rekindled a respect for global cultural plurality, which was completely lost during 500 years of colonialism and which was succeeded by an extraordinary technological arrogance in the last half of the 20th century.

We are serious in our commitments to build sustainable lifeways. We are especially committed to listening to, learning from, and working with the Aboriginal and other Indigenous peoples of the world. They have the skills, knowledge, experience and spiritual learnings in sustaining the earth and her communities. From them we are learning to

change our ways of working and living, of making decisions, and of sharing and caring together.

The work of grassroots activists, both in the North and South, has repeatedly shown that it is indeed possible to develop alternative, ecologically informed environmentally-sound, highly productive and people-based energy, agriculture and natural resource management systems, based on self-respect, self-reliance and endogenous needs. In particular the movement has demonstrated through successful environmental projects which have been initiated, managed, and led by women (as presented at the Global Assembly of women and the Environment) that women, based on their skills, roles and experiences, have specific and valuable contributions to make on issues related to the environment and the development of alternative sustainable technologies.

Most of all, the movement has helped to create a global consciousness about "one world" and our basic integrity as "one humanity". Our ultimate unity is as members of the human species, part of a living biosphere. What we do in one part of the world ultimately impacts on another; what the rich in the North or the South do to the world's poor ultimately comes back to them as their own problem. We have indeed shown it is possible to build a new world - a world more ecologically sound and socially just than the world we have today. We must build upon our own past work and achievements to construct what we think is right, and fight what we think is wrong. We also appeal to the world leaders attending the UN Conference on Environment and Development that they must not go to this vital meeting - at a time when the world faces an extraordinary environment and development crisis - with petty personal and national agendas. They should go with a vision for the 21st century and a dream for a new deal. It is our future that they will be determining and we will not forgive them for their failure to move towards a greater justice and a regeneration of Earth's ecosystems.

It must be understood by everyone that the real issue is not protecting the environment per se, but how to manage environmental resources to best effect sustainable social, economic, and physical development. The principles to be applied must be understood as holistic and interdependent and should include the following:

- ecological integrity, including the reduction of social and cultural vulnerability, must be maintained;
- the satisfaction of basic needs for all is the first and unequivocal duty of humankind, locally, nationally, and globally;
- all material and non-material human needs and rights of the world's present and future generations, in particular the right of every woman, man and child, to live in peace, security and dignity, must be guaranteed and fulfilled;
- conditions which facilitate and sustain social self-determination, particularly autonomy, self-reliance, participatory democracy, and cultural integrity must be created; and
- current and inter-national equity with respect to material and over-material human needs in terms of gender, religion, and race must be achieved and sustained at all levels of human organization.

#### This we must remind ourselves

All life is sacred. Yet while consuming the fruits of the Earth, we have brought her to the brink of destruction and threatened our continued existence in our very home. Whatever we have done to the Earth we have done to ourselves and our children. Recognizing this, we set forth the following principles for living in balance on a healthy planet.

#### This we must learn and teach our children

**Integrity of Creation:** The Earth with its diverse life forms is a functioning whole. We have a pressing obligation to respect all strands in this web of life and preserve them for future generations.

**Community in Diversity:** The Peoples of the Earth form a global community whose health, peace and well-being rely on our respect for the richness of its diversity of culture, beliefs, traditions, gender and indigenous groups.

**Partnership and Responsibility:** The principles of active cooperation between peoples, respect for human rights and participatory democracy, including access to education and information, are prerequisites to an equitable, peaceful and just society.

**Sustainable Development:** All our activities must take place within the limits of the Earth's capacity to regenerate.

**New Thinking:** We recognize the need to recreate economic, social and security structures to reflect true ecological, societal and cultural costs and benefits.

#### This we must do

We are committed, by the above principles, to care for and restore the Earth's equilibrium as it is the only way we can sustain ourselves and future generations.

Keeping this in mind, we propose the following plan of action, firstly, to ourselves, and, secondly, to governments and other actors, to move towards a more socially just and environmentally secure world.

**W**hile we, citizens, citizens' groups and community groups, demand a number of urgent actions by governments, it is also our responsibility and duty to expand the scope of civil action in protecting the world's environment and moving towards equitable and sustainable development. We have, therefore, agreed in Paris that our own priority agenda will include the following:

**1** We commit ourselves to the building up of global alliances and working together in our struggle for planetary justice and sustainability and we offer our wide-ranging experience and expertise to the global community to this end.

Citizens' groups, community groups, environment, development and consumer organizations across the world - as distinct from organizations associated with profit-making institutions - are united in their single most important desire to expand the role of the civil society in governance and to reinhabit our life places in a socially just, equitable and ecologically sustainable manner. We must work together even more intensively than we have done in the past, both within our bioregions and across national boundaries, to change the behaviour of national elites and state, international and commercial organizations.

But it is important that we further democratize our own work patterns. Urban and issue-based groups must work closely with community groups and/or constituency-based citizens' groups, and carefully avoid adopting a representative role without an appropriate legitimating process. Similarly, Northern citizens' groups, howsoever well-intentioned, must work closely with and consult with Southern and Eastern citizens' groups before taking up issues of global concern on their behalf. Relations between citizens' groups from the North and South should be built on true and equal partnership and they should not mimic the dominance-dependence relationship of the governments of the North and the South. There

is a lot that we can learn from each other and it is our bounden duty to document our struggles and our successes and failures and keep each other informed.

In particular the establishment of the direct links and cooperation, mutual learning and networking between the citizens' movements in the South and in the Central and Eastern Europe could open new pathways in transformations towards sustainable development. Once a spirit of mutual trust is established, we will find that citizens' groups across the world have an enormous amount in common and that all such distinctions like North, South, East and West begin to dissolve as the cultural, economic and ecological integrity of life places become undeniable. It is our duty to work together to rebuild an understanding of our Earth as a dynamic system of life-places and bioregions, and to build a vision of "one world" even as our governments may try to carve it up into artificial units.

#### Specific Actions

*To present in one full report the true tragedy of the so-called "Peaceful Atom" before and after Chernobyl, the current effort of the International pro-Nuclear Lobby to advance its enterprises as an "alternative" to Global Warming and the Greenhouse Effect, and the evidence of the cancer/leukemia plague taking place everywhere as a global consequence.*

*To research and to produce documents on human cancer induced by environmental causes and toxic feeding practices.*

**2** We commit ourselves to a struggle for the expansion of participatory institutions and governance in all watersheds and ecosystems and at the planetary level to secure

a just, equitable and sustainable world. People's participation is the ultimate guarantee of justice and sustainability. Both corporate democracy and representative democracy - the concept that we can every few years elect a set of leaders to rule us - have proved inadequate to protect the world from the ravages of environmental destruction and increasing economic inequalities. We demand an expansion of our role in the control and management of our environment. We will claim an expansion of our role in the governance of our life places and we will work for the education and empowering of the people at large to make an informed choice of products and just and sustainable lifestyles.

We have fought and lobbied against a technocratic vision of society in the past and we intend to do so with greater vigour in the future. Our work has shown amply in the past that an open and participatory development process is not only capable of ecological wisdom and restoration but it is also more just and mutually respectful of our fellow human beings. We will struggle for charters and national and international laws that guarantee freedom of information with respect to products, projects and policies that are likely to affect our health and environment, and mechanisms to intervene in decision-making processes. We will also struggle for a clear mechanism for citizens' groups to participate in the activities of the United Nations, international conventions and international financial institutions like the World Bank and eventually to render such financial institutions superfluous.

We commit ourselves to develop participatory democracy in our own ranks. The structures in the movement for environment and development must be basically democratic, transparent and gender balanced. A broad involvement of the grassroots is necessary to ensure that sectoral interests and bureaucratic superstructures do not emerge. Participatory democracy is not only a value in itself but, in the long-term, a prerequisite for efficiency and success.

We need a political culture in the movement, where rivalry and resistance to cooperation have to be torn down. Each organization has its qualities and limitations. It is through open dialogue and cooperation where our different qualities are utilized and we have the possibility to gain political strength and qualify each other.

#### Specific Action

*To produce a full world-wide report on the Debt Crisis, which parties have been benefited by it, the true meaning of the so-called "Nature for Debt Swaps", plus the emerging concepts of "Environmental Debt" of the North with the South and of "Environmental Security".*

**3** We commit ourselves to campaign against all those national and international organizations and interests who disregard the imperatives of justice and sustainability.

National elites, commercial/industrial organizations, and government and international institutions have often disregarded the impact of their activities on the environment and the people, especially the poorer and more marginalised sections of human society. While we welcome the change in attitudes that has taken place within governments and companies towards the environment, we believe that a lot more environmental and social responsibility is still needed to arrive at a truly just and thriving planetary citizenship. We will continue to act as active watch-dogs and we will continue our campaigns, including those against unresponsive international institutions and transnational companies.

In particular the help of Northern NGOs and citizens' movements is needed to provide adequate information on the intentions of

Western companies moving or expanding to Central and Eastern Europe or the South so that the processes destructive to ecosystems and social fabric could be challenged.

#### Specific Actions

*To prepare a full report describing all the major environmental and social crimes committed IN THE NAME OF DEVELOPMENT (big dams, nuclear plants, Green Revolution, mindless urbanization, destruction of forests, etc.), plus a special section on Multilateral Banks and Foreign Aid.*

*To gather all scattered initiatives related to the preservation of the Amazonia and the Antarctica, for a constant monitoring of whatever destructive actions take place, so as to prevent further damages.*

*To organize a world-wide campaign denouncing the growing violence of death squads all over, murdering social activists, union leaders, indigenous leaders, street children and war resisters, including a generous solidarity campaign to help the radioactive victims of Chernobyl (Ukraine) and Goiania (Brazil).*

**4** We commit ourselves to expose the role of all national and local governments, developers, planners, landlords, property speculators, international financial institutions, aid agencies, or any other entities carrying out, advocating, or tolerating the practices of forced eviction or displacement, and we demand that they refrain from this practice.

**5** We commit ourselves to the development of equitable and sustainable human settlements, natural resource management systems and technologies and to

the progressive development and articulation of a reinhabitability concept of self-reliant, endogenous and appropriate development.

Citizens' groups across the world have played a major role in the past in developing alternative technologies for a wide range of human endeavours and needs, ranging from agriculture and forestry to energy and waste treatment. We have also played a major role in articulating the need for and the contents of an alternative appropriate development process. But we realize that a lot more needs to be done and we intend to work with greater commitment in the years to come to realize systems of production that are in harmony with nature and socially non-violent.

We support the concept of self-reliant, endogenous development and decry the role of bilateral and international agencies in promoting the role of external experts and undermining the development of endogenous expertise. In the name of aid and cooperation, these agencies have often promoted external concepts that have destroyed local management systems. The role of United Nations agencies, including UNDP and the World Bank, has been particularly unsalutary and disastrous in foisting harmful foreign experts on the South. We commit ourselves to oppose all external efforts to undermine local expertise and self-respect and self-reliant capacities of local communities and we decry the cynical invocation and superimposition of the term bioregion by global entities. Bioregions are naturally defined places in which free societies reciprocate nature's creativity.

**6** We commit ourselves to promote the integrity of the balance between the health of human individuals and communities and the health of their diverse local, regional and global ecosystems.

Ensuring a priority for such a balance between people and their environment will result in economic and trade developments which do not

destroy natural environments, create unmanageable wastes or destroy human potential.

**7** We commit ourselves to ensure women's equal and integral participation at all decision making levels of all policies that affect environment and development, including the UNCED process.

We recognize women's contribution to global environmental strategy; to local environmental management and development and we fully support the full Women's Action Agenda from the World Women's Congress for a Healthy Planet and Recommendations from the Global Assembly of Women and the Environment: Partners in Life, which are hereby incorporated by reference into this Agenda Ya Wananchi.

Both gatherings assured the substantive input of women to the UNCED preparatory process. The Global Assembly focused on women's success stories in the conservation of nature, the management of natural resources and in the environment and development movements. The emphasis was on how women can empower themselves, what they can do to offset the ecological crisis as intertwined with the crisis in development.

Formulated from the stand-point of diverse experiences and knowledge of women, The Women's Agenda 21 covers a wide range of social, ecological, political and cultural issues. To a large extent it corresponds with the nature and scope of this document.

Among many important action points, the Agenda includes the condemnation of militarism, and in particular of nuclear, chemical, biological weapons. The stress is on the need for immediate cuts in military spending and the immediate ban on nuclear tests as well as phasing out nuclear power production and use. As an alternative, Agenda 21 reflects women's support for the development of

environment-friendly sources of energy. There is a strong statement demanding the cancellation or reduction of debt and a call for fair terms of trade. In a number of specific provisions, living conditions of women, poverty, land rights and food security, as well as women's access to credit and housing rights are addressed.

There is also an emphasis on the health of women and children, the health of environment and on the connections between the two issues. Women reject a simple equation between population explosion and environmental crisis and demand the control over their own bodies.

Among other specifically addressed topics is the call for the direct popular regulation of research and development on biotechnologies. The larger context of ethical values in science and the need for appropriate technologies for women and environment are also addressed.

Women commit themselves to work for the adoption and further improvement of the Code of Environmental Conduct by business, industry and governments, and as one of their political tools point to women's consumer power and the power of education and information.

The affinity of position is not the only reason this conference endorses the Women's Agenda 21 as well as the findings and recommendations of the Global Assembly of Women and the Environment: Partners in Life. The transformation of the current realities, the projects to re-inhabit and regenerate our bioregional spaces would remain a desirable but a utopian goal if we do not employ the power of solidarity - the mother of all transformations. As a community of citizens' movements we will not succeed in fulfilling our goals and dreams if we do not cooperate, stand up for each other and provide mutual support.

**8** We commit ourselves to practise simple, sustainable and non-intrusive lifestyles and to educate the public at large about

its importance and the value of traditional cultures.

It was at the start of this century that Mahatma Gandhi had stated: "There is enough in this world for everybody's need but not for anybody's greed". That dictum holds more true today than ever before. For economic development to be ecologically sustainable, it must begin and end with human needs, but must recognize that human needs are co-equal with the needs of all other species as we are mutually dependent on each other. The idea that, because something can be sold in the market it is an indicator of human needs, must be treated with caution.

Public education is an area of major challenge for the consumers, environment and development movements, as is the recovery of ecological literacy among peoples who have lost their traditional understanding of nature. These movements have to make the public aware of not only safe and cost-effective products on the market, but also of environmentally caring and sharing lifestyles. Growth for the sake of growth is the ideology of the cancer cell, neither necessary nor good for us.

**9** We commit ourselves to the rebuilding of our cities in balance with nature. We support the redesign and rebuilding of the physical infrastructure of them, especially focusing on creating compact urban centres served by energy-efficient transportation systems.

We support the restoration of the natural elements in and near our cities in order to ensure their integrity, and to refresh our spirits.

**10** We commit ourselves to a truly interdisciplinary approach which is to be used to reflect the reality and complexity of life so as to include not only scientists, extension workers, and others dealing

with the biological and geophysical fields of human knowledge but also those experts in and knowledgeable of cultural history, indigenous folk ways, environmental ethics, political science and social customs vital to the maintaining of all life on this planet as a total and interdependent eco-system.

Within the objectives of this system of world-wide and bioregional monitoring and study of biodiversity and cultural diversity, there should be the practical goal of clarifying those values necessary for promoting a truly sustainable and equitable approach to development and new economic systems which are fair and sensitive to both people's rights and environmental quality.

Within the organization of this system there should be channels for conflict management which recognize that conflict is an inevitable accompaniment of coordinating different knowledge systems and/or initiating change.

#### Specific Actions

*To develop further the emerging cooperative and supportive decision-making structures in which advocacy for mutual advantage replaces adversary black-and-white competitive bargaining; and the full sum of the evidence is considered rather than the perspective of one dominant framework alone.*

*To research and to report on the degradation of Universities and Research institutions, with the consequence of tying young people to the parameters of the Establishment while social invention and new trends for cooperative living become luxuries of affluent citizens of the North.*

**11** We commit ourselves to Alternative Trade. We should explore alternative trading systems by shifting from the

present traditional government-to-government or corporation-to-corporation (TNCs) trading systems, and establish community-based cooperative or consumer, people-to-people trading of basic and essential goods. Examples of such trade include: direct linkages between producers and consumers cooperatives which number more than 20 million people in Japan. Similarly, international people's trade of banana and sugar coming from the Philippines to Japanese consumers.

**12** We politically commit ourselves to a struggle for the empowering of the socially and ecologically marginalised people - the poor, the colonized, the indigenous people, the traditional fisherfolk and the nomadic populations to maintain their subsistence lifeways.

Dominant groups have often used their economic power and technological might to appropriate the natural resource base and the habitat of the marginalised peoples. This has led to their further impoverishment and cultural brutalization. Social justice demands that these groups be empowered once again to control their resource base and use their traditional ecological prudence to manage and utilize it sustainably for their survival and growth.

In developing sustainable livelihoods, we must seek the guidance and leadership of the aboriginal indigenous peoples of the world. They are the original environmentalists who have sustained their lifeways for generations.

Aboriginal indigenous peoples of the world were appointed custodians of their land and were under an obligation to uphold the balance of the environment, the rhythm of the land as well as their obligation towards each other spiritually. But all that ceased to be when they were dispossessed of their land by colonialism and with the genocide of their people.

Aboriginal Australians say they were there for the first sunrise, when all the laws of the land

were handed down to them by their spirit ancestral beings way back in the Dreamtime. i.e. time of creation.

*The law says: We don't own the land  
The land owns us  
We must obey the law  
The law of the land*

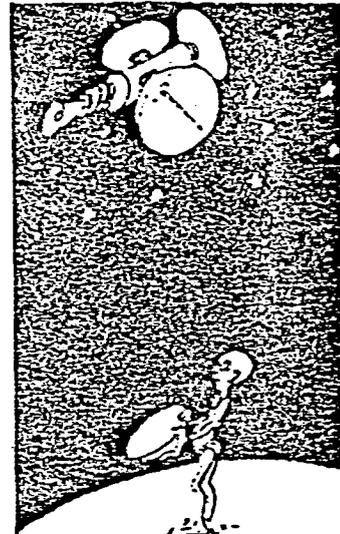
### Specific Actions

*To set up an expanding program for supporting the struggles of all endangered ethnical minorities of the planet, of which the Yanomami of Brazil and the Huaorani of Ecuador are tragic examples. Preparation of a GREEN BOOK of Social Planetary Injustice (maps, diagrams, basic facts) so as to develop an international campaign. This project can go together with the real story of 500 years of the white man's presence in the Americas.*

*To advance studies and reports on the problems posed by the new situation in Central and Eastern Europe, and the social environmental tragedy of Central America after more than 10 years of "civil war".*

**13** We commit ourselves to a major programme to educate people world-wide of the importance of cultural plurality and respect for people's traditional resource use patterns and lifestyles.

The world's cultural diversity is a direct response to the world's extraordinary ecological diversity. Each society developed its own worldview, patterns of human-nature interactions, as adaptive social behaviour to live in harmony with its environment. There was immense ecological wisdom in the traditional cultures of the world environment. The sustainability of the human civilization depends



Courtesy of ICDA

physical environment and the endogenous social processes.

The search for the lost cultural identity is resulting in social and political upheavals and has sown deep hatred amongst communities. For citizens' groups seeking a just and sustainable world, the promotion of a world-wide respect for cultural diversity is a priority concern.

### Specific Actions

*To work for the continued and increased protection of cultural goods, monuments, works of art, etc., as important elements of our "roots".*

*To develop a program of popular Green Education involving key social institutions as trade unions, scientific research centres and grassroots associations (neighbours, women, youth, consumers, etc.) including the publication of "How To..." teaching manuals centred on Social Ecology (an explanation of how modern society works and how it could be transformed).*

## An Appeal to Citizens

**W**e call for the following steps to be undertaken with a sense of urgency:

**1** We call upon all governments to enhance and promote participatory democracy in all issues and at all levels, in other words to guarantee the political rights of individuals, urban and rural communities and citizen's groups to reinhabit their home places: protecting, restoring and sustaining their environment and themselves, and enhancing their lives and cultures.

A prerequisite for ecologically sustainable and socially just development is people's participation in the decision-making on the use of environmental resources. Only when they feel that it is also 'their' decision, will these decisions and the concomitant obligations be upheld by the people. Such power cannot be left to governments and industries alone. It is the natural, and thus universal right of people to partake in decision-making that affects their lives, whether these decisions are taken inside or outside their national boundaries.

Citizen's groups, local communities and individuals ought to have the right - which in certain countries they already have - to intervene in decisions on industrial siting, transport and energy infrastructure and the use of natural resources. This is the ultimate guarantee that governments and industries observe environmental prudence and undertake ecologically sound and socially responsible production. Local communities, and especially communities of indigenous people, must have unquestionable rights to their forests, rivers and other natural resources and be allowed to harvest and manage them in their traditional and sustainable ways. Attempts by international agencies or multinational companies to control forests and other natural resources, be it in the tropics or in the temperate zones, should be resisted and rejected, as this would threaten local autonomy over the control of these resources.

Access to government information, the right to bring governments to courts, and accountability of governments are essential conditions for a meaningful exercise of the rights of participation.

### Specific Recommendations

*To incorporate environmental objectives in communication policies and to give space and time in State-owned radio and TV stations, and wherever they exist, magazines and newspapers, to environment and development NGOs, so as to let them reach citizens without filters.*

*To facilitate in provincial and/or national Parliaments a free office for the equivalent of the Argentine Permanent Assembly for the Environment, as it exists at the Buenos Aires House of Representatives. This is a Citizen's gathering place for lobbying purposes, contributions to laws being drafted, analysis of Parliament projects, and other matters related to the environment/development issues. It has been modeled by Human Rights organizations after the trend set during the dark dictatorial years and it is part of the rebuilding of democratic institutions.*

**2** We call upon all governments to ensure that citizens and citizens' groups have unrestricted access to any information about products, processes and projects that are likely to affect the environment or human health, regardless of whether the activity is controlled by the state or the private sector for civilian or military purposes, and this right should be a global right applicable also to any transnational activity or agent.

Governments should put strong restrictions on commercial advertisement promoting technologies, products, etc., leading to the destruction of the environment.

Information is power. Thus an important guarantee that the environment will be protected in the interest of local communities and also world-wide is for all relevant information to be freely and generally available. For example, governments should disseminate information about the suitability of building materials, the availability of sustainable technology for human settlement development and agriculture, and the toxicity of waste products.

All governments should enact Community Right to Know Laws requiring all business corporations to file publicly available reports on the toxic and hazardous chemicals and other substances they use and release to the environment. Such laws will help foster citizen based corporate accountability.

### Specific Recommendations

*To tell their societies which recommendations of the 1972 Stockholm Action Plan were really instrumented, and why most of those compromises remained "frozen" for almost two decades, bringing environmental tragedies to worst parameters.*

*To study and to publicize periodically the impacts of the environmental problems on public health, agriculture, air quality, wildlife, water resources and the mental welfare of the people. To set up monitoring systems in big cities, so as to establish control measures of emissions in order to protect the citizen's right to a safe environment.*

**3** We call upon all governments to develop a powerful and effective United Nations with a clear and defined role for citizen's groups.

Given the alarming rate of global environmental degradation and the need for people's participation to halt this degradation, a more democratically governed UN system has to be developed in which citizens' groups have a clear role to play. Through better representation of these and other concerned groups, a holistic perspective of development instead of the sectoral and economical view can be promoted. The moral authority of the UN, necessary for it to play an effective role in global sustainable development, is seriously hampered by the fact that its most powerful organ, the Security Council, is dominated by the five "official" nuclear powers of the world. If their veto power is not abolished, participatory democracy on the global level will never be achieved.

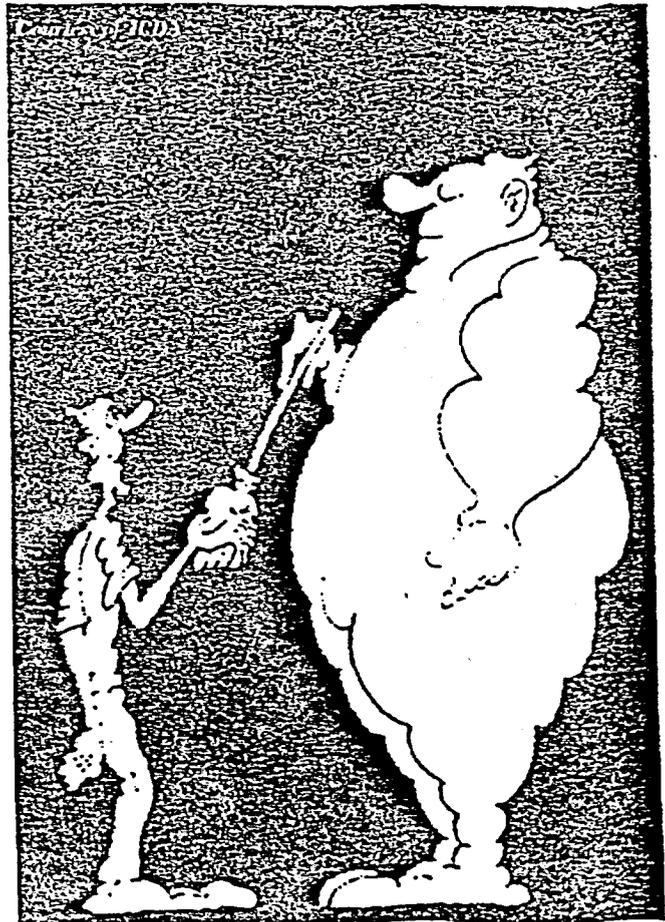
In a "new style" UN, management and monitoring of the environment by UNEP and the other relevant programmes and agencies will involve citizen's groups as a matter of principle.

How can one, for example, monitor the global biodiversity without consulting the indigenous communities? Parallel to the UN system, governments could establish an Auditor for Sustainable Livelihood, composed of independent experts and representatives from citizens' groups and NGOs, which would constantly evaluate whether sustainability is indeed being promoted and whether this is done in a just and efficient way.

Contrary to a Worldwide Authority for the Environment as proposed by some, such an auditor would not have the power of sanctions but would just rely upon the moral and publicity generating power of its reports.

To monitor the implementation of international instruments at a global level, a Commission on Sustainable Development should be established which should have a tripartite structure for governance, being composed of representatives of Southern and Northern governments, transnational corporations and NGOs. This commission should have three sub-commissions:

- 1) a sub-commission which should monitor financial and technological transfers and control these transfers on basic principles of sustainability;
- 2) a sub-commission to monitor the implementation of a U.N. - International Code of



Conduct for transnational corporations and other basic principles of sustainability; and

3) a sub-commission to monitor the implementation of binding international instruments relevant for sustainable development which should consist of 26 independent experts. The sub-commissions should have the authority to request an advisory opinion from an International Court.

Apart from this global commission, regional monitoring mechanisms must be established.

There is a need for an International Court which could adequately deal with sustainability matters. For this reason, this court should have compulsory jurisdiction on cases about sustainability and non-state actors should have legal standing and an equal opportunity to sue.

The Commission on Sustainable Development should fulfil the role of a public prosecutor.

#### Specific Recommendations

*To set up in every country an open process of public debates on the need to transform the United Nations Organization, so as to make it more representative of the peoples of the planet, considering the existent proposal for a tri-cameral constituency.*

*To prepare and distribute widely on a national basis a "Report to the People" much more explicit than the mostly technical "national reports" drafted for UNCED. Such a "state of the environment" document should constitute a very clear statement, reinforced by local reports on local environmental problems, plus the description of the measures provided for their solution.*

**4** We call upon all governments and the UN to further develop international law and systems to monitor and ensure the observance of human rights.

More than four decades ago, the human community proclaimed a bold and revolutionary vision of the future. The Universal Declaration of Human Rights asserted that every person on the face of the planet has certain fundamental rights, including a decent standard of living with adequate food and shelter, productive work - fairly compensated - , proper education and a healthy environment. The Universal Declaration also asserted fundamental rights of all to democratic participation in the workplace, community and country and the maintenance of cultural identity.

The dramatic disruption of the global ecosystem and the rate of disappearance of many species other than human make it necessary to also include a right of future generations to a healthy environment and to include the whole community of life in the definition of what constitutes the environment. Nowhere in the world are these rights enjoyed by all persons. Yet they are the normative standards against which the performance of economic, social and political institutions - both within nations and across nations - ought to be judged. They have achieved broad international acceptance as the goals towards which we must continue to strive in our efforts to build a more just and sustainable future. These rights should be the basis for the urgently needed further development of international environmental law, which can only be effective if social and economic equity exists throughout the world.

Equity now is an essential condition for the new environmental conventions and for the implementation of the existing ones. Strong and effective environmental law is an essential condition for equity towards future generations and for respect for the community of life as a whole. Broad participation by citizen's groups in the formulation, implementation and

verification of international environmental law is essential to make this law effective. Their experience should be used in the creation of a model for monitoring and compliance of national and international environmental law.

Citizens' groups should not only have standing in national courts, but also for international environmental law, if they observe that their country is violating international conventions. At the same time, they should be able to bring environmental grievances before regional and international courts, since, rather than governments caught by short-term economic compromises, they may claim to be the voice of the future and of nature.

**5** We call upon all governments to ratify and implement the Convention for Elimination of All Forms of Discrimination Against Women; and to those recommendations specified for government in the Women's Action Agenda 21 adopted at the World's Women's Congress for a Healthy Planet and the Participants Findings and Action Points adopted at the Global Assembly of Women and the Environment: Partners in Life.

**6** We call upon all governments to reduce their military spending at least by half and to transfer these funds for anti-poverty and environmental management programmes, and new educational curriculums centred in the creation of a cooperative awareness of Planet Earth and its dwellers.

Already agreed disarmament in Europe has the potential to create a considerable peace dividend - at least around \$100 billion a year, possibly rising to between \$200 and \$300 billion a year by the year 2000. Total potential savings over the 1990s can be between \$1500 and \$2000 billion. The former military confrontation in Europe still absorbs the bulk of the global military spending - at least \$600 billion out of a total \$950 billion world-wide every year.

There is a need to redefine security concerns to encompass security and sustainability and the environment. Governments must undertake programmes to stimulate and support the conversion of military industrial activities to sustainable civilian economic activities.

### Specific Recommendations

*To create a Department of Social Innovation, with an appropriate budget, so as to promote the design of new "experimental villages", using renewable energies, home waste recycling, etc., as training projects for a different future, based in human solidarity, and not suicidal competition.*

*To incorporate at all levels of the educational system not merely "environmental" studies linked to botany and zoology, but a comprehensive multidisciplinary framework for designing new social structures; instead of pushing the reproduction of the daily routines that create most environmental dramas.*

**7** We call upon all governments, and especially Northern governments, to democratize the decision-making structure of international lending institutions, and upon all governments to make their operations more accountable to the public at large, particularly through free access to information and involvement of citizens' groups.

**8** We call upon Northern governments to reduce the debt burden of the Central and Eastern European and Southern countries.

The current debt burden and the fact that this has resulted in a net transfer of financial resources from the poor to the rich is both morally shameful and financially and ecologically unsustainable. It can only drive these countries into a vicious cycle of loans following loans steadily pushing them into a financial abyss.

Debt relief is today a basic prerequisite for the South and the East to move towards sustainability but we must realize that the debt relief does not automatically lead us to a sustainable development path - it is only a first step. Ecologically sustainable development demands adequate "financial space" to secure the present and then to safeguard the future. Unless industrialized countries take strong steps to mitigate the debt crisis, such steps will not be taken in developing countries. Pollution control equipment alone will constitute a multi-billion dollar annual market in these countries. Serious efforts by the industrialized countries to deal with the debt crisis will create a sense of trust and confidence in developing countries and improve the negotiating environment at UNCED.

**9** We call upon Northern governments to reform the world's trading system.

It is absolutely vital that the world moves towards a "fair trade" system rather than a mythical "free trade" system. The Uruguay Round must not deal with issues like subsidies, intellectual property rights and agriculture without taking into account environmental concerns and the legitimate developmental aspirations of the South. Major changes in the present international economic system must be undertaken in the areas of national macro-economic policies which promote export-led growth, large debt service repayment and unjust interest rate policies, if we are to assure environmentally and socially sustainable development.

The objectives of environmental protection and sustainable development must take precedence over trade "liberalization". Improving the terms of trade for countries of the South is a prerequisite for achieving sustainability locally and internationally. Fair prices for traded products, which incorporate their full environmental, social and gender costs can provide the basis for equitable terms of trade.

The effect of a trade accord to increase or decrease a nation's or group of nations' food self-sufficiency is a critical measure of its fairness. Therefore, accords that decrease food security are undesirable.

Regarding Terms of Trade, Northern governments should:

Stop the dumping of subsidized agricultural exports which unfairly compete with Southern agricultural produce (i.e. phasing out the European Community's and the US's present systems of export subsidies).

Remove tariff and non-tariff barriers on products from the South as appropriate.

End the multi-fibre agreement and ensure no further barriers are imposed on textiles and clothing imports from the South, except those barriers based on legitimate environmental regulations.

Recognize the right of all countries to protect and stimulate agricultural production to promote food self-sufficiency.

All governments must stop subsidies and other forms of incentives to the export of environmentally hazardous and/or outdated products and technologies no longer acceptable in their country of origin. Governments should take steps to require the foreign behaviour of domestic corporations to conform to domestic policies. Eastern European and Southern countries should not be retaliated against by northern governments and economies for

protecting their markets and people against environmentally hazardous investments, technologies or products.

Regarding International Trade Mechanisms, we note with regret the late recognition by the GATT that environmental concerns merit consideration in the context of trade policy. Moreover, we note that the final text of the Uruguay Round of the GATT will likely have failed to address environmental regulation in any specific terms while continuing to broadly deregulate transnational corporate behaviour. Indeed, the Environmental Committee of the GATT is not constituted to strengthen environmental protection but instead to anticipate trade-distorting impacts in order to minimize potential regulation.

Therefore, we call upon civil society and governments to ensure that the negotiation of environmental regulations occur within fora other than the GATT. These alternative fora include regional trade agreements, UNCTAD and UNCED, among others.

We also note that the GATT appears likely to evolve into a new multilateral trade organization (MTO), an international institution with even broader powers than the GATT. We find the rapid promotion by the Northern governments of the MTO proposals to be ironic, given that during the negotiations on the agenda of UNCED the Northern countries rejected proposals for new institutions.

Our major concern with the GATT and its proposed evolution into an MTO is the lack of a participatory and democratic structure resulting in a lack of transparency, a lack of accountability and lack of equity.

We call on all governments to halt the process now under way to transform GATT into a "multilateral trade organization" and to create instead an International Trade Organization that would be democratically accountable, equitable and transparent.

Specifically, membership and control should be proportionally representative, based upon the population of participating countries. Neither GATT in its present form nor the Uruguay Round Agreement can provide such prerequisites.

Among the policies that a fair and equitable ITO would address are commodity agreements and the negotiating of terms of trade; internalization of social, gender and ecological costs; allocation of revenues from environmental taxes and tariffs to enable environmentally benign production; regulation of the restrictive business practices of transnational corporations; macro-economic policies including currency exchange rates and debt; and the role of other global institutions including the World Bank and the International Monetary Fund. Finally, a fair ITO would respect the right of national democratic decision-making and avoid the further erosion of cultures, North and South.

Regarding Transnational Corporations and Trade, any international trade regulatory organization (present or future) should adopt standards for regulating and constraining the operation of transnational corporations.

Regarding GATT and UNCED, any final agreement of the GATT should remain open to amendment by the delegates to UNCED on matters of environment and sustainable development, and the relationship between UNCED and GATT should clearly provide that the operation of international trade negotiations should be constrained by larger consensus about sustainability expressed in decisions taken by UNCED. If this is not done the contemplated GATT agreement would directly and seriously undermine the intention of the original terms of reference for UNCED as determined by the forty-fifth session of the UN General Assembly.

### Specific Recommendations

*Governments should delay implementation of the Uruguay Round until after UNCED and make the implementation of all the GATT rounds conditional on full environmental and social impact statement.*

*Raise commodity prices through bilateral arrangements, with parallel objective of internalizing environmental and social costs. Reform existing multilateral trade agreements (e.g. GATT) and trade policies to support rather than hinder these objectives. Secure interim "special and differential" treatment of developing countries in trading arrangements.*

*Renegotiate GATT or a completely new agreement on principles of accountability, transparency, equity and environmental sensitivity. This will involve new, cross sectoral institutional arrangements.*

**10** We call upon Northern governments to establish appropriate funding flows to developing countries.

Compensatory financial transfers in terms of aid or special funds for the environment are inappropriate as long as current trade and economic practices continue. Northern countries should pay polluter and user taxes and compensatory payments for ecological debt to finance natural resource restoration and sustainable livelihood in the South and East.

Northern governments should support a Global Environment Facility and other facilities that are established for the purpose of providing financial and technological resources to local community initiatives for sustainable development as well as environmental monitoring processes and communications

programmes. The source of funding should come from tax impositions on unsustainable development activities in Northern countries. Such a facility should be decentralized and involve NGOs and peoples' decision-making levels and have democratic representation and transparency. The present Global Environmental Facility set up by the World bank/UNDP/UNEP needs to conform to these criteria by the time of the Earth Summit in Rio in June 1992 to be acceptable, otherwise it should be stopped.

**11** We call upon all governments, especially Northern governments, to launch a major anti-poverty programme financed through an international consumption tax on the world's rich.

This programme should be in the nature of a major employment programme which mobilizes the labour of the world's poor to regenerate their degraded environment. Ecosystem restoration activities - reforestation, water conservation, soil conservation in the world's most degraded bioregions - are extremely labour-intensive. It is possible to employ millions of poor people in the world's most degraded bioregions in environmental restoration and permaculture development activities, thus launching major anti-desertification and anti-poverty programmes simultaneously. With ecological regeneration, this programme can create millions of sustainable livelihoods. The programme will probably not cost more than US\$40 billion annually.

It is the moral responsibility of the rich to eradicate poverty. But while the world market system is growing and integrating our use and consumption of the world's ecological resources, we are producing an ever greater number of poor people.

**12** We call upon all nations, UN, UNEP and UNDP to recognize that our cities are the nexus of human life and we

must develop strategies for creating Ecocities based on the broadly accepted principles of ecological sustainability. We must re-build our cities in balance with nature, so as to meet there all basic human needs.

**13** We call upon all governments to establish a system for reducing greenhouse gas emissions based on a principle of equitable rights to permissible emissions without destabilising Earth's atmosphere.

It is vital to prevent the destabilisation of the earth's climatic systems. The emissions of greenhouse gases should be reduced by 75% by the year 2030 to be below the critical level of affecting the climate on the globe. This reduction should be done by the industrial countries keeping in mind the principle of emission per capita.

A system should be established to allow countries which do not use their quota to trade them with those who exceed theirs. This tradeable emission system should however not develop into an easy way for the rich countries to pay their way out of the need of controlling pollution. It should therefore only be open to industrial countries which have implemented reduction goals for greenhouse gases pointing towards the critical level per capita, and which accept international surveillance.

We call especially upon the government of the U.S. to stop jeopardizing the international climate convention and endorse a national reduction goal. We also resist the nuclear lobby trying to use the climate debate to strengthen the nuclear power industry. It should form no part of the sustainable energy strategy.

The hope, however, is that a new strategy can employ state-of-the-art energy conservation technology, and renewable

sources of energy. Thus the South may leap over the North's obsolete profligacy with fossil fuels and the dangerous romance with nuclear power. Especially the North, supporting development of public transport, alternative fuel and electric/solar automobiles, state-of-art engine, motor, lighting, and building design will arrest energy waste and diminish the greenhouse effect.

The Intergovernmental Panel on Climate Change (IPCC), set up by the UN, stated in its final report in 1990 that based on current trends, we could expect an increase in global temperature between 1.5 - 4.5 degrees by the end of the next century. This would mean climatic conditions which mankind has never previously experienced. It could lead to a major rise in sea-level, salt water infiltration of groundwater reserves, changes in precipitation patterns extensive enough to negatively affect the main grain growing areas of the world, and an increase in the incidence and severity of storms. It could in fact lead to a general destabilisation of climate which would affect all human activities; particularly threatened would be agriculture, since planting and harvesting patterns would be seriously disrupted.



On the basis of the preliminary documents it does not appear that this issue will be seriously addressed at the UNCED meeting in Rio de Janeiro. Most industrialized countries are refusing to take the lead in curbing greenhouse gas emissions although there can be no doubt that they are mainly responsible for generating them. Between 1950 and 1985 the industrialized countries (including Central and Eastern European countries) contributed 82% to energy related CO<sub>2</sub> emissions. The share of the northern countries in global CFC pollution was even higher. According to UN figures it was 95% between 1931 and 1989. Relating these figures to the fact that only one quarter of the world population lives in the industrialized world, it becomes clear that the high per capita emissions of the North are the central threat to global climate which need to be overcome.

This could be achieved by Northern governments making a commitment to:

- stop the production of CFC's, rather than phasing them out over a ten year period agreed upon under the Montreal protocol or eliminate CFC's by the year 1995 at the latest;
- undertake a crash programme to reduce CO<sub>2</sub> emissions by energy conservation, increasing energy efficiency on both the supply and the demand side, and by making changes in organizational structures and lifestyle. The largest potentials for CO<sub>2</sub> reductions lie in the energy use of private households, traffic and transportation, industry and the public sector;
- help bring about as quickly as possible the ecological renewal of Central and Eastern Europe, so that a major CO<sub>2</sub> reduction can be implemented in these countries;
- develop methods of total energy accounting systems ("cradle to grave" accounting: energy production, transportation, fuel burning, storage of wastes, etc.) and to compare the total costs of conventional energies to those of alternative, renewable energies before investing in new power plants for fossil fuels or nuclear energy;

-develop and promote - North and South - decentralized, efficient, non-polluting technologies for the production and use of energy;

-reduce methane and nitrogen oxide emissions in agriculture by converting from the energy and material intensive conventional agriculture to organic agriculture and change agricultural policy to support the transition to organic farming and permaculture.

It is the task of Northern countries to:

-reduce their emissions drastically, in order to allow for at least the minimum necessary increase of emissions of the South;

-support the South in building up an environmentally friendly and culturally appropriate technological structure.

It must be emphasized that a number of the measures proposed for fighting global warming are at the same time measures which are necessary for other reasons as well; for example:

-saving energy reduces not only CO<sub>2</sub>, but reduces also those substances causing acid rain and high local ozone concentrations;

-eliminating CFC's not only helps to protect against global warming but also protects the stratospheric ozone layer;

-protecting forests in the North as well as the South is not only an important factor in binding CO<sub>2</sub>, but also a contribution to the protection of many species in comprehensive and ecological biodiversity.

A policy aimed at reducing global warming is thus also a policy to reduce "Waldsterben", the destruction of the stratospheric ozone, soil erosion and the extinction of various species.

Any climate agreements should be based on equity so that negotiations on GHG emissions

and to finally solve the problem of global warming should be based on the cumulative historical amount of GHG emissions by the North, eleven times greater than those of the South applying the principle of "who damages should pay" on a per capita basis.

Transnational corporations together with governments or in spite of governments, are engaged in industrial activities which contribute to the rapid increase of CO2 emissions. TNC's should be held accountable for this environmental damage.

Nuclear Power is not an alternative solution to global warming. Particularly, because of its numerous risks, including damages to environment and health, the unsolved problem of its waste, its enormous costs and military implications.

In relation to methane emissions (CH4), it should be noted that all its sources such as wetlands, warming permafrost lands, garbage landfill, natural gas and oil industry leakages, and coal mining have not been well evaluated. It is clear that these emissions from Northern sources provide a greater percentage of methane emissions than what can rightly be attributed to deforestations, cattle grazing or rice cultivation in the South.

We recommend in the North taxation of fossil energy, large hydroelectric power plants as well as of nuclear energy as long as this highly unacceptable and unsustainable source of energy is not phased out. These taxes should be used for efficient use and conservation of energy and renewables. Transitional help should be given to those who cannot cope with the additional costs. This can be a first step towards shifting the base of taxation from income on labour to energy.

All governments should establish laws protecting other countries against transboundary pollution and other forms of ecological aggression.

**14** We call upon all governments to assist in the development, dissemination and use of technologies, with an emphasis on traditional knowledge, for energy, agriculture, industry, transport, urban services and waste treatment sectors that result in efficient and non-polluting use of energy and materials.

Northern governments have a special responsibility to ensure that these technologies get transferred to Eastern and Southern countries on fair and preferential terms.

Many technologies needed for improved agriculture and sustainable harvesting already exist in the knowledge of indigenous people. Some of these traditional systems require the same support in terms of research and development as any other technologies to adapt them to specific regional conditions. Governments should adapt educational curriculums to recognize and emphasize traditional knowledge and technologies which are often more suited to local ecological conditions.

**15** We call upon all governments to prevent the extension of patent protection onto life forms and to establish a system of royalties and compensation for the use of traditional biological knowledge and genetic material, and preferential access of Southern nations to modern biotechnology.

Plants and animals are the basis upon which all human life depends and are therefore the most important natural resource. Control over plants, animals and their genetic material as well as over biological processes must remain in the hands of the public.

Genetic material should be preserved in the country of origin and these countries should receive proper compensation for the benefits that these genes bring to other countries.

Mechanisms other than monopoly control must be developed to reward innovators - especially indigenous peoples and local communities - for their contributions. Peasant rights must be protected in the same manner as those of plant breeders.

Present Intellectual Property Regimes favour established interests. A very comprehensive protection of intellectual property is being forced through the GATT negotiations by means of political trade-offs. It is imperative that UNCED insists that no decisions be taken in the GATT or other fora which promote further loss of biodiversity.

If genetic material is allowed to become private property, control over the diversity and quality of plants and animals will lie in the hands of a few.

While private and corporate knowledge is today patented and has a financial value, community

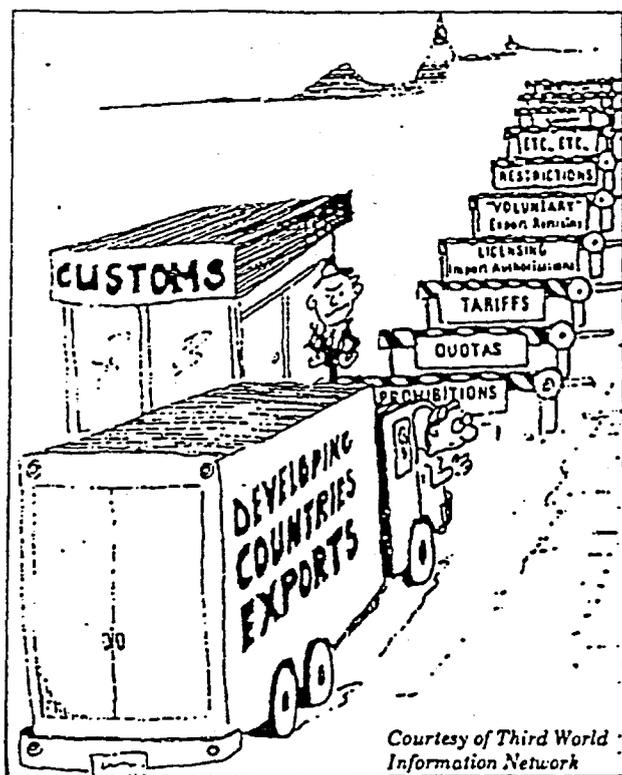
knowledge about biological products remains a free commodity. The South provides all kinds of plants, seeds, herbs and various biological resources for genetic variability, including traditional knowledge about their uses, which have transformed the world's pharmaceutical and food industry. Genes collected from the South will continue to play a major role in the North's agriculture. The North pays nothing to the South in return for these genes collected and nurtured by Southern farmers for centuries or for the knowledge provided by indigenous communities and traditional herbalists while most technical knowledge emanating from the North is protected by patents. Has any entrepreneur paid any royalties to the American Indians for the knowledge they have given the world about rubber, quinine, curare (without which modern surgery would have been impossible), potatoes, tomatoes, avocados, tobacco and corn? What royalties has Ethiopia received for its coffee and Madagascar for its vanilla? It is a matter of global justice that the use of all knowledge, not merely private and corporate knowledge, is suitably compensated. The North must learn to respect the intellectual property rights of the South. And to observe and emulate the traditional sustainable indigenous food system and to preserve their locally - adapted and diverse crop varieties.

In future, genetic material should be preserved in the country of origin and these countries should receive proper compensation for the benefits that these genes bring to other countries.

Governments should immediately recognize the true value of biodiversity, and take it into account in all decision-making.

Governments should renounce the manipulation of genes, which encompass a high degree of risk.

In all probability genetically altered organisms will fundamentally interfere with natural ecological cycle thus bearing consequences not yet foreseen. Moreover, initiatives under way to



map the human genome raise very fundamental questions about human rights, values and privacy.

We commit ourselves to fostering an evolution in human culture that will preserve Earth's biodiversity throughout the coming millenia, while at the same time fostering diversity of culture, and alliances of local communities that will permit them to regain control over their resources and their ways of life.

**16** We call upon all governments to acknowledge Aboriginal Indigenous Peoples' ownership of their lands prior to colonization and to include this recognition into all government constitutions. Governments must promote and legislate Aboriginal Indigenous Peoples' rights to self-determination.

Governments must compensate Aboriginal Indigenous peoples for the dispossession of their lands. This does not imply that governments can expropriate lands against the will of indigenous people. They must work in partnership with Aboriginal Indigenous peoples for all development projects especially mining, forestry and fishing and ensure free access to their traditional food resources. Governments must legislate to protect sacred sites and to recognize tribal traditional practices that sustain the land. Governments must ensure constitutional and legislative requirements are implemented at all levels of the governmental processes.

**17** We call upon Southern governments to undertake land reform. Equitable redistribution and appropriate use of land is a key measure for introducing equity into development programmes in the South and an important prerequisite for moving towards sustainable land use systems and reinhabitory societies.

Land distribution programs should respect

customary tenure assistance and take full account of the productive potential of different ecosystems.

Without access to land and security of tenure on it, people will not support programmes for sustainable development. For millions of people in developing countries, the concept of sustainability will seem to be a threat if it denies them the wherewithal for adequate shelter and a livelihood. Access to land is a basic necessity for everyone and if people know they have a clear right to their own plot and commons, they will more easily accept the need to look after it and not degrade or pollute it.

Resettled communities should be provided with food subsidies for six months until they harvest their first crops, be advised on sustainable agricultural practices such as permaculture, and on house-building and other activities in an ecological and sustainable fashion.

**18** We call upon all governments to actively promote sustainable agriculture.

Application of models of organic, ecological or biological agriculture and permaculture is essential for achieving sustainability in land use. Prices should include social and environmental costs of production, processing, trade and disposals.

Farmer rights need to be recognized under existing international human rights conventions.

International trade negotiations should be based on criteria of sustainability, including the precautionary principle. The precautionary principle implies that probable impacts (on environment) will be taken into account in policy and pricing decisions.

Systems such as sustainable agriculture, urban gardens, community supported agriculture and

permaculture and the family farm, all devoted to polycultural crop production, enhance local food production and sustainability.

### Specific Recommendations

*Direct support from governments through funding for production costs, education, land conservation and land use reform need to be provided to groups and individuals involved in sustainable systems.*

*Recognition of organic farming and gardening practices as part of sustainability. Organic production eliminates the dependence on external sources of fertility and pest control. Support for organic systems will also reduce the impact of the petro-chemical industry on food production.*

*Recognizing that trade and export of commodities are a result of surpluses in sustainable production, becoming the focus of production itself.*

*Governments need to drastically reduce production based subsidies, which continue to support corporate and monocultural agricultural.*

**19** We call upon all governments to integrate ecological considerations into economic planning and management of natural resources, with mandatory comprehensive environmental impact studies of all development proposals, full public participation in decision-making, and special care for maintenance of fragile ecosystems and respect for traditional land management systems.

All ecosystem types need to be cared for so that there is no further loss of biological diversity and in cases where protection of natural areas involves areas which are being sustainably used

by indigenous or traditional peoples. Any intervention should only be with the agreement of these people and with their full involvement in the management of the protected areas.

Participatory management of the local ecosystem should be the basic principle in human settlement management, contributing towards better environmental management globally. This should be the basic socio-political unit in a participatory democracy. The environment is the substratum on which all agriculture and industrial development takes place. Sustainable use of the environment demands ecological sensitivity in economic decision-making, and an appropriate mix of regulatory mechanisms and economic tools; these must provide adequate public disclosure of development plans, and incentives and disincentives to protect fragile ecosystems. All ecosystem types, including island ecosystems, high latitude ecosystems, mountains, forests, arid and semi-arid regions and coastal ecosystems have special characteristics which limit their suitability for certain types of development.

The key issues affecting forests are both internal (national) and external (international). Internally, the major issues are related to the contradiction between development projects (roads, mines, dams) and forest conservation. The dominant but faulty view regards forests as only a source of timber, ignoring their role in watershed management, biodiversity conservation and the livelihood of forest peoples. International issues include unfair terms of trade between North and South; the overconsumption of tropical resources by industrialized countries; the destructive impact of Structural Adjustment Programs dictated by the International Monetary Fund and the World Bank.

We reject the view that forest destruction is a problem primarily of the South, which ignores the dire state of forest cover in the North; which blames over-population and poverty in the South

for the destruction of tropical forests, while ignoring the pre-eminent role of state and commercial interests in opening up the forests to destruction; which seeks to increase the authority and control of states and international agencies at the expense of local communities; and which sidelines such critical issues as agrarian reform and the need to secure popular rights over land and other resources.

UNCED should resist suggestions for additional central control or global management of forests by corporations or international agencies.

Arid and semi-arid lands are often used as testing sites for nuclear devices or other armaments and dumping grounds for toxic wastes. Mountainous and hilly regions have a key role in regional and global climate; they protect biological and cultural diversity; and are often a focus for the spiritual life of nearby peoples. They, too, are threatened with inappropriate development. Coastal and marine areas are the subject of development schemes, off-shore dumping and intensive industrial fishing that are destroying once productive ecosystems and traditional livelihoods. Destructive developments in fragile ecosystems are usually supported by financial incentives and substantial research, while traditional land management systems lack any financial support. Governments should concentrate on assisting the adaptation and dissemination of traditional knowledge, while curbing the interference by outside development interests. Land use decisions should involve full participation by local people. Ecosystem conservation will depend on reduction of external debt by the highly indebted nations and implementation by governments of economic improvement programmes which incorporate agrarian reform and reduce the pressure of migration by dispossessed people.

Northern governments must take action to safeguard Northern forests and to regenerate their own forest cover. In particular, we demand a moratorium on commercial logging in the

primary forest ecosystems in the North, especially the temperate rain forests and boreal forests; the setting aside of large areas of still untouched primary forest; and greater participation of local people in forest management.

**20** We call upon all governments to stop new nuclear research, testing, development, production and proliferation of nuclear technologies, to halt uranium mining and to phase out nuclear power production, replacing it progressively by environment-friendly energy sources. Governments should also stop the dumping, siting, or placement of environmental hazardous facilities in vicinity to communities anywhere, and to halt the export of radioactive wastes to other countries. Nations responsible for generation of such wastes should be responsible for cleaning them up.

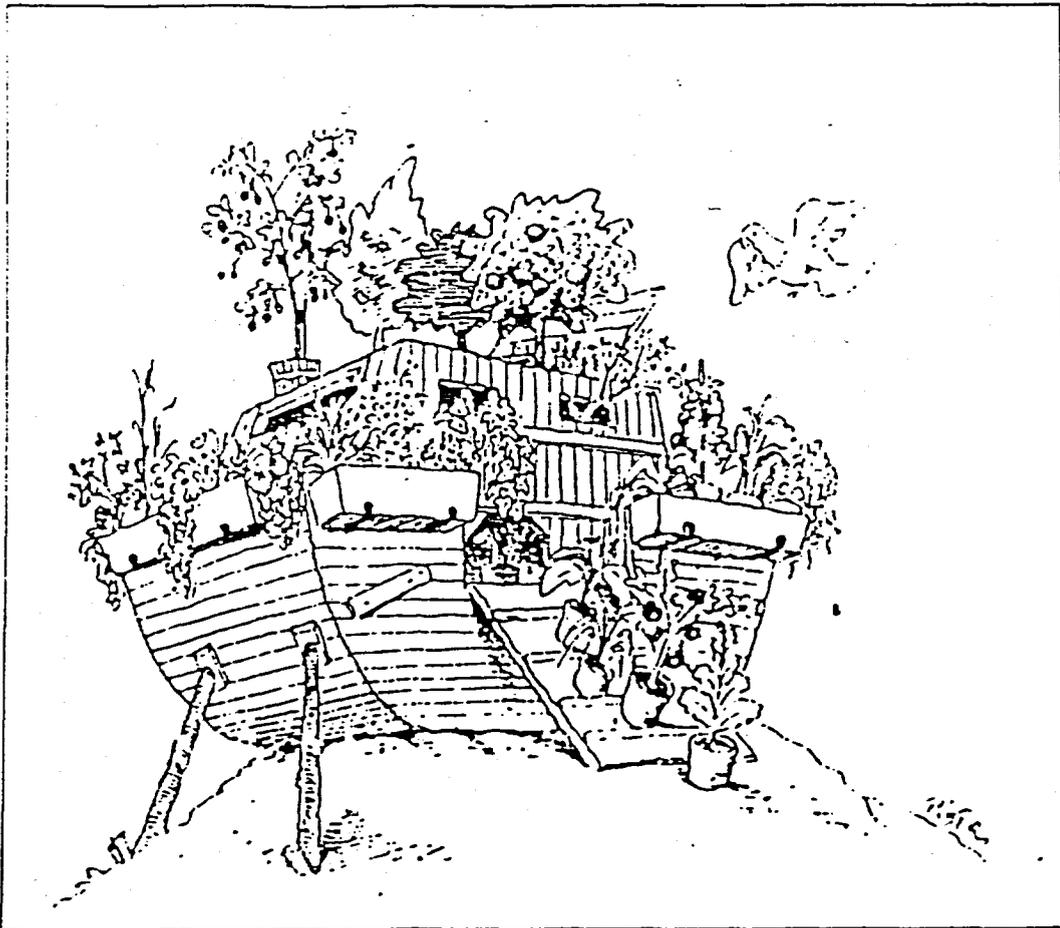
We call for a ban on food irradiation and urge support for research of alternative medical diagnosing and healing methods which do not involve the use of radiation, and for on site, above ground, storage of nuclear wastes which is safely monitored.

We demand an immediate stop to nuclear testing of any sort and for any purpose, including the French nuclear testing programme in the Pacific.

**21** We call upon all governments to recognize that conventions, treaties, programs and projects that affect the life of a society must be drawn up with prior consultations with the people who should be able to monitor the fulfilment of such agreements. The exchange of information, research and technology should be appropriate, ecologically sound and socially just. It should be basically free, and therefore not restricted by intellectual property rights or high costs; it should not cause

unemployment and it should take into account the interests, ideas and technologies of indigenous peoples, local communities and women.

The lack of implementation of international instruments is a major obstacle towards effective global policies for ecologically sound and socially just development. NGOs should have the right and commit themselves to participate in the development, monitoring and verification of international law on local, national, regional and international levels. Full, meaningful and intelligible information on environmental problems, environmental law and its implementation is essential for people's participation in sustainability policies.



## Appeal To The Private Sector

**A**ll major enterprises should refrain from further developing, manufacturing and delivering goods and services which increase the burden upon the already creaking ecosystems of the world, which alienate the individual from his/her natural surroundings and which use up natural resources for the benefit of present, unequally divided consumption, which thus will not be available for future generations.

Rather than governments, the transnational companies (TNCs) seem to have become the major power holders in the global arena. With the world market having become one, a titanic struggle is going on between the major TNCs to secure their positions on this market. Because of the grip of the private sector through the economic ministries on the governments, the negotiations on the European integration, the North American Free Trade Agreement and those within the Uruguay Round serve primarily the interests of this sector. The only remaining countervailing power, that of the consumer, is being seriously eroded by the commercial media, many of which are now broadcasting 24 hours a day. As a minimum, consumer and citizens' groups and their allies within governments and parliaments, should demand codes-of-conduct from the private sector by which it commits itself to use the best available techniques and to adopt the highest environmental and social standards, regardless of whether effective legislation is available or not. Environmental organizations, consumers' and citizens' groups should build world-wide alliances to monitor the performance of the private sector with respect to these codes (and existing legislation, of course!) and to organize boycotts in case of serious violations.

The private sector should work together more with citizens movements and governments in protecting the environment and in moving towards equitable and sustainable development.

## Agenda Ya Wananchi

The Roots of the Future Conference had more than 1200 people from 150 countries who are struggling to be the caretakers of their own destiny, building an expansive web of solidarity, citizen's groups, social invention and action.

This solidarity rejects the current systems of governance as they destroy the world's cultural and ecological diversity through highly centralised economic and political control. It is this system that is responsible for the current international financial structure in which the developing countries actually transfer about US\$50 billion to the Northern economies each year and lose over \$ 200 billion through declining terms of trade and protectionist measures to the industrialised countries. This loss cannot be compensated by the few billions of dollars of official aid that the developing countries receive each year.

It is a struggle for self-determination and affirmation through actions like peasants halting their production of export crops and moving towards subsistence farming in some countries.

Agenda Ya Wananchi advocates some recommendations for action whereby citizens and their organisations take their fate in their own hands, not relying upon governments or the private sector for solving the current ecological crisis.

It also highlights strategies to build alliances between citizen's groups, indigenous people, environment and development organisations in order to change destructive policies at national and international levels.

Agenda Ya Wananchi is a document which initiates a global process in which citizens show that it is possible to build a new world - a world more ecologically sound and socially just than the world we live in today.

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### 3 Women's Action Agenda 21

#### PREAMBLE: TOWARD A HEALTHY PLANET

People everywhere are frightened by mounting evidence of the deterioration of Earth's lifegiving systems. Human beings are part of the web of life, not above its laws. We have a special responsibility to respect all of the Earth community, including our air, water, soil and natural resources, our fauna and flora, and the atmosphere that shelters us.

We, women of many nations, cultures and creeds, of different colors and classes, have come together to voice our concern for the health of our living planet and all its interdependent life forms.

We have listened to each other speak of the ills of our societies, our families and children, our sacred Nature. We have been inspired by the courage and commitment of our sisters throughout the world who protect and repair our natural heritage.

As caring women, we speak on behalf of those who could not be with us, the millions of women who experience daily the violence of environmental degradation, poverty, and exploitation of their work and bodies. As long as Nature and women are abused by a so-called "free market" ideology and wrong concepts of "economic growth," there can be no environmental security. Rainforest dwellers, island peoples, and inhabitants of fragile arid zones are threatened with displacement and dispossession due to human disruption and pollution of vulnerable ecosystems. In a world that condones such practices, there lies little hope for long-term survival or peace among peoples.

We are deeply troubled by the increasing quality of life disparities between inhabitants of industrialized nations and those in so-called "developing" nations and by the growing numbers of poor within the rich countries. In all instances, women, children, minorities, and indigenous people are the chief victims.

We are outraged by the inequities among children the world over, with millions denied food, shelter, health care, education and opportunities for a full and productive life. We condemn the racism and disrespect of diversity on which this inequity feeds.

We equate lack of political and individual will among

world leaders with a lack of basic morality and spiritual values and an absence of responsibility towards future generations.

We will no longer tolerate the enormous role played by military establishments and industries in making the 20th century the bloodiest and most violent in all of human history. Militarism is impoverishing and maiming both the Earth and humanity. It is urgent that resources currently consumed by the military be redirected to meet the needs of people and our planet.

We believe that a healthy and sustainable environment is contingent upon world peace, respect for human rights, participatory democracy, the self-determination of peoples, respect for indigenous people and their lands, cultures, and traditions, and the protection of all species.

We believe that basic human rights include access to clean air and water, food, shelter, health, education, personal liberty, and freedom of information.

We come together to pledge our commitment to the empowerment of women, the central and powerful force in the search for equity between and among the peoples of the Earth and for a balance between them and the life-support systems that sustain us all.

Women are a powerful force for change. In the past two decades, thousands of new women's groups have been organized in every region of the world, ranging from community-based groups to international networks. Everywhere, women are catalysts and initiators of environmental activism. Yet policy-makers continue to ignore the centrality of women's roles and needs as they make Fate of the Earth decisions.

We demand our right, as half the world's population, to bring our perspectives, values, skills and experiences into policy-making, on an equal basis with men, not only at the United Nations Conference on Environment and Development (UNCED) in June 1992 but on into the 21st century.

We pledge to undertake our Action Agenda 21 on behalf of ourselves, our families, and future generations. We appeal to all women and men to join in this call for profound and immediate transformation in human values and activities.

*The World Women's Congress Action Agenda is a compilation of the work, ideas, and values of 1500 women from around the world, North and South, East and West. It represents the essence of four days of expert testimony, jury panels, and workshop discussions that are distilled in this document. It does not necessarily represent the views of each and every individual who participated in the process. It is meant as a challenge to women and men to work together to create a safe and sustainable future.*

## ACTIONS

### Democratic Rights, Diversity and Solidarity

Recognizing that Nature is not limited by national sovereignty or boundaries and that environmental degradation is global,

Observing the worldwide social and environmental consequences of development based solely on economic growth measurements,

Recognizing the creative diversity of our culture, class, race, and the ecosystems and political structures within which we live,

Believing that the world's indigenous peoples have long been denied basic human rights or acknowledgment of their contributions to world culture,

Recognizing the interconnectedness of women, the environment, economic policies, development strategies, social justice and the survival of all species,

We will promote the principles of this Action Agenda and encourage people everywhere to use political and economic means to make its recommendations a reality.

We will seek to protect all those who uphold these principles from forces that would silence their voices or stand in the way of environmental and social justice.

We will demand full and equal participation for women and men in public policy analyses, at senior levels in government and non-government organizations, in decision-making, implementation, administration, and funding at international, national, and community levels.

We recommend that the democracy-strengthening principle observed in some nations — that no more than 60% or no less than 40% of either sex be included in government bodies — should be applied universally to all public policy-making groups. The guide to women's empowerment is achieving a critical mass of representation in decision-making, not mere tokenism. Gender balance must be observed in the national delegations to the UN Conference on Environment and Development (UNCED); in the permanent missions of UN member states; in the UN Secretariat's professional staff; in the World Court, World Bank, International Monetary Fund, and UN specialized agencies and programs.

We demand that all governments comply with requirements of the Nairobi Forward-Looking Strategies for the Advancement of Women and that they ratify and implement the UN Convention on the Elimination of All Forms of Discrimination Against Women, the UN Convention on Human Rights, and the UN Convention on the Rights of the Child.

We will organize groups to publicize, coordinate and assist women's action in issuing report cards on progress toward a healthy community, village, region, or nation.

### Code of Environmental Ethics and Accountability

Recognizing the current moral and ethical double standards that are applied to environment and development activities, women's participation and social justice throughout the world,

Recognizing that, in contrast, the women's global environmental model is cooperative rather than competitive, values women's roles, work, and participation, and acknowledges the responsibility that accompanies power and is owed to future generations,

Believing that a universal code of ethics and international law should be based on equity, respect for humans and other species, and biologic and cultural diversity,

Distressed that policy planners and political representatives use barren instruments (systems of national accounts) on which to make all major economic and environmental decisions,

Insisting that national boundaries should not impede the development of global concepts of the environment and responsibility on a global level,

We will work for adoption of an International Code of Environmental Conduct by business and industry, governments, UN agencies, and non-governmental organizations that includes precautionary and preventive approaches, considering the true value of the environment and the effect on women when planning activities that may affect the Earth,

We support new principles of international environmental law, including: strict liability for environmental harms (the polluter pays), the intrinsic value of biodiversity, and non-adversarial dispute resolution mechanisms to include the public in decision-making about compensation for victims.

We call for non-governmental monitoring systems that will hold institutions, corporations, states, organizations, and individuals accountable for their actions, products, and policies.

We demand time-use studies of women's work (household, cottage industries, subsistence agriculture, child care, elder care, volunteer community service).

We demand that qualitative indicators be used for environmental and natural resource measurements.

We urge governments to agree to a timetable for implementation of full cost accounting that includes environmental and social costs — and assigns full value to women's labor — in national accounting systems and in calculation of subsidies and incentives in international trade.

We require governments, the World Bank, International Monetary Fund, and lending agencies to establish environmental audits with which every funding proposal must comply before implementation of loans.

## Women, Militarism and the Environment

Knowing that military expenditures, the international arms trade, and armed conflict deprive billions of human beings of basic security and well-being,

Realizing the disastrous environmental impact of all military activity, including research, development, production of weaponry, testing, maneuvers, presence of military bases, disposal of toxic materials, transport, and resource use,

Aware that research on and use of military weaponry, including nuclear, chemical, and biological weapons, contribute significantly to environmental degradation, genetic mutation, illness, and death,

Recognizing that militarism often leads to the occupation of lands and the denial of human and environmental rights,

We call on UNCED to include in its Agenda 21 and final documents statements on the impact of militarism on the environment, development, and humanity and to support measures that will transfer the world's vast military resources to positive, life-enforcing programs.

*We call on UNCED to include in its Agenda 21 and final documents statements on the impact of militarism on the environment, development, and humanity and to support measures that will transfer the world's vast military resources to positive, life-enforcing programs.*

We urge an immediate 50% reduction in military spending, with the money saved reallocated to socially useful and environmentally friendly purposes.

We demand creation of gender-balanced national civilian commissions that would open to public scrutiny all military activities, expenditures, and research and development.

We demand that nuclear weapons be dismantled, that nuclear testing cease immediately, and a global nuclear test ban treaty be negotiated, signed, and enforced.

We demand the cessation of space activities and supersonic flights that release carbon dioxide into the atmosphere and threaten the ozone layer.

We demand that more decisive actions be taken to ban international traffic in nuclear, chemical, biological, and poison gas weapons or constituents of such weapons. Mechanisms should be developed for enforcement of this ban, whether against governments, businesses, or individuals.

We support a UN commission report that recommended re-assigning military-related satellites and other information-gathering systems to monitor and share global environmental data.

We demand that armies be used as environmental protection corps to monitor and repair damage to natural sys-

tems, including clean-up of war zones, military bases and surrounding areas, and to be available to assist citizens in times of natural and man-made disasters.

We condemn governments that turn their armies against their citizens, causing millions of individuals to become refugees and displaced persons.

We will educate our daughters and sons to shun military service if it is in the service of governments that use military power to exploit the resources and people of other nations.

## Foreign Debt and Trade

In full knowledge that the industrialized nations have been the net beneficiaries of exploitation of the abundant natural resources of poor nations,

Observing the disastrous social, environmental, and economic consequences of international lending practices and current terms of trade between industrialized and non-industrialized nations,

Concerned about the negative impact on the poor, especially women and children, of the International Monetary Fund and World Bank structural adjustment policies,

Appalled by the flow of capital from poor nations to the banking systems of rich nations, depriving them of funds for needed domestic, social, economic, health, and education programs,

Recognizing the grievous consequences of this practice for poor families in the developing countries and for the natural resources upon which we all depend,

We demand immediate official foreign debt cancellation.

We will work for reduction of commercial debt via mechanisms equivalent to corporate bankruptcy law.

We will cease to do business with banks that refuse to reduce the total owed and/or the interest rate on the whole debt owed by each of the poor nations.

We will oppose those debt for nature exchanges (swaps) that are not subject to wide public debate and that threaten sovereignty and indigenous people's rights to land and self-determination.

We will hold personally accountable corrupt officials, who borrow in the name of their people, for the social and environmental consequences of those loans and for personal misuse of such funds.

We call for the rejection of structural adjustments policies (SAPs) that shift the responsibilities of basic social services from governments to women without compensation or assistance.

We call for renegotiation of trade agreements to ensure an equitable relationship between the prices of raw materials and prices of manufactured goods.

We call for the dismantling of all unfair protective trade measures used by the industrialized nations.

We demand a total ban on the export of goods rejected for local consumption in or by the country of origin.

We suggest that historic audits of nation states (from 1945 onward) be conducted to determine the net beneficiaries of natural resource exploitation, an assessment that would serve as the basis to cancel current foreign debt.

#### **Women, Poverty, Land Rights, Food Security and Credit**

Recognizing that while their living conditions deteriorate, women in many regions bear major responsibility for domestic food production (Africa, 80%; Asia, 60%; Latin America, over 40%) as well as for protection of soils and other natural resources,

Noting that no one knows the realities of the over-exploitation of the land more intimately than the women who till it, draw and carry its water, use its trees for fuel, harvest forests for healing herbs and medicinal plants, and use their traditional knowledge for the benefit of the community, preserving species and ecosystems,

Recognizing that in many communities the nutrition of the family depends upon women's ability to produce family and market food products,

Aware that growing inequities in land tenure and ownership are the primary causes of women's poverty, emigration to urban slums, homelessness, environmental degradation, and the dispossession of indigenous people,

Recognizing that current agricultural policies in the industrialized and developing nations are uprooting and displacing land-based communities and diverting land from food production to cash crops for export,

We declare that because women and children are a majority of the one billion people in the world who go hungry every day, women's access to food, land inheritance, tenure, and ownership must be regarded as a basic human right.

We call on the UN, governments and non-governmental organizations to cease discriminatory practices that limit women's access to land and other resources, to increase allocation of resources that enhance food security, and to provide appropriate technologies to reduce women's work.

We will strive to create awareness of the environmental impact of land-use technologies guided by immediate profit at the cost of long-term sustainability and productivity.

Policies should encourage use of indigenous foods and invest more resources to develop local expertise in traditional production, storage, and seed protection for future crops.

We urge women everywhere to join an international campaign to support the women, men, and children dependent on tropical forests for their livelihood and to help them protect and restore the forests, maintaining their communal rights to land and forest products. We recommend the World Rainforest Movement's statement on forests and forest peoples as a guide to action by UNCED at its meeting in Rio de Janeiro.

We call on multilateral and bilateral development funds and programs and NGOs to promote women's access to credit. They should increase their support for microenterprise lending through women-run financial institutions as well as central banks in developing countries.

We demand that women be given greater access to water and fuel supplies and to food processing technologies (e.g., grinding mills; processing and packaging; oil extraction) and be assisted in setting up food cooperatives, community kitchens, women-owned seed companies, and farmers' markets. To protect trees from being used as fuel, alternative energy sources should be developed, such as inexpensive, durable, heat-storing solar or photovoltaic household cooking stoves, or at minimum, fuel-saving biomass (woodfuel, charcoal, or waste) stoves.

We reject as unacceptable the use of hormones, contaminants, additives, and irradiation in food production.

We call for special attention to the needs of women and children in urban centers experiencing phenomenal population growth. In refugee camps and hostile urban environments, the majority are denied land titles, low-cost decent permanent housing, use of basic amenities, such as water, sanitation, energy, and transportation, and access to building materials and credit.

We will campaign for the rights of urban populations not to be forcibly evicted from their homes and for their rights to use urban land for subsistence production of crops and livestock as well as small-scale trade and production, without harassment and with support from governments and international agencies.

We urge UN member states to adopt and implement the UN Conference on Settlements (Habitat) Global Strategy for Shelter to the Year 2000, by strengthening women's involvement in the human settlements delivery process. Central government planning and implementation must involve local government and communities in these decisions, with non-governmental organizations functioning as a bridge between the official male-dominated policy-making mechanism and the practical approach of local communities and women's groups.

We call for the transformation of development strategies and development cooperation agencies. In every new or already established aid-giving mechanism or program, policy that specifies the involvement of women on an equal basis with men in determining the allocation of funds should be enforced.

We seek immediate enforcement of directives specifying that every funding proposal be examined for participation of women, including grass-roots women, in design and management, and for its impact on the economic, social, health and educational status of women as well as community-level and indigenous people.

We demand that, to compensate for 46 years of underfunding the needs of women and their families, half of international development resources should be reaching women through broad-scale projects such as access to drinking water, upgrading technologies, and researching ways to reduce women's workloads.

### Women's Rights, Population Policies and Health

Knowing that the major causes of environmental degradation are industrial and military pollutants, toxic wastes, and economic systems that exploit and misuse nature and people, we are outraged by suggestions that women's fertility rates (euphemistically called population pressures) are to blame,

Recognizing that this analysis, if unchallenged, lays the groundwork for the re-emergence of top-down, demographically-driven population policies and programs that are deeply disrespectful of the basic human rights of women as guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),

Knowing that it is the number of people plus their consumption of resources plus their wastes that determine their environmental impact, we note that a person in the industrialized world has a far greater negative impact on the environment than a person living in a poor country,

Aware that the right to reproductive health and choice is a basic human right of all individuals, we point out that the World Fertility Survey estimates that there are 500 million couples who wish to plan their family size but have no access to the means to do so,

Fearful of the threat to women's lives by the HIV pandemic and recognizing that women's ability to protect themselves from AIDS and other sexually transmitted diseases and to determine when-and-if to have children is a prerequisite for women's health, self-determination, and empowerment,

We condemn any attempt to deprive women of reproductive freedom or the knowledge to exercise that freedom.

We demand women-centered, women-managed comprehensive reproductive health care and family planning, including the right to prenatal care, safe and legal voluntary contraceptives and abortion, sex education, and information.

We urge governments, multilateral and donor agencies to increase investments in comprehensive reproductive health services and to include men as beneficiaries of family planning education and services. Family support services should include child care and parental leave.

We call on policy-makers to recognize that raising the economic, health, education, and social status of women are essential to ending environmental degradation.

We call for recognition of the existence of a global, environmentally induced cancer epidemic and demand removal from the environment of carcinogenic substances, which have particularly adverse effects on women and children. Particular attention in medical research and treatment should be paid to women's cancers: breast, ovarian, cervical, uterine, and vaginal. Research and remedial action should also focus on the effects on health of toxic chemicals, nuclear wastes, radiation, pesticides and fertilizers.

We demand that all governments systematically alert their citizens to the danger of AIDS

and provide them with the information on how to avoid contamination.

We ask the World Health Organization, International Labour Organisation, the Food and Agriculture Organization, national governments, public health groups, corporations and unions to increase efforts to eliminate environmental occupational hazards in factories, offices, and on the land.



*Elizabeth May of Canada introduces baby Victoria to Vandana Shiva of India, a Congress co-chair and witness*

## Biodiversity and Biotechnology

Concerned by the deterioration of habitats and ecosystems that are home to the millions of species with which we share the Earth,

Realizing the tragic loss of species upon which our interdependent ecosystems depend,

Recognizing the treasure of plant and animal knowledge that is tended and passed on by the indigenous people of the world,

Knowing the attempt of commercial interests of the industrialized nations and multinationals to control the natural heritage of species in the nations of the South through patenting life forms and attempting to control gene banks,

Aware that genetically engineered organisms released into the environment pose a threat to natural biologic diversity,

We insist that the UNCED Convention on Biological Diversity address the risks of biotechnology as well as the conservation of species.

We are concerned about genetic engineering in agriculture and oppose the release of genetically manipulated organisms into the environment. Since research and development of genetic engineering in plants, bacteria and viruses, and animals is proceeding and in some cases products have been commercialized.

We call for immediate and direct regulation of research and development in biotechnology, and ask that a citizens' board with independent science advisers be included in the review and approval process of all biotechnologies by governments.

We recommend that new biotechnologies be evaluated for whether or not they are appropriate and sustainable for humans and the environment. This means the approval process must include not only the examination of their efficacy, safety, and quality, but also an evaluation of their social and economic impacts on those who use and are affected by the technologies.

We demand that the testing and release of organisms be done only in the country of origin and that biotechnology products that are not yet approved or are restricted in the country of origin be prohibited from use or sale elsewhere.

We recommend that there be no patenting of life forms or life form technology, including non-regenerating seeds, to protect against the commercial exploitation of local farmers and the genetic resources of developing nations.

We will work for a ban on bovine growth hormone, for a boycott of dairy products with BGH, and for labeling requirements in the interim.

We insist that information on the risks of biotechnology be made widely available in clear layperson's language.

We recommend that every country and international development agency seek to reroute agriculture onto a sus-

tainable path by supporting and educating farmers in organic and integrated pest management methods and by changing national and aid policies that subsidize chemical and genetic engineering-based agriculture.

We will support indigenous people in their efforts to protect their natural environments. Aboriginal and indigenous peoples, and specifically women, must be recognized as providing vital wisdom and leadership in resisting the destruction of the Earth and its creatures, and in creating a new, life-affirming global reality.

We call for a redefinition of biology, one that gives priority to conservation biology and ecology and stops the trend in reductionist methods at the gene and molecular level, a trend that negates the primacy of the organism and ecosystem.

## Nuclear Power and Alternative Energy

Noting alarming increases in levels of radiation from man-made sources in our air, water, soil, and space,

Concerned at the rising death toll from nuclear power accidents, exposure to nuclear wastes and other radiation emissions,

Aware that women's breast and uterine tissue, fetuses, and children are particularly vulnerable to radiation-induced cancers and disease,

We urge that new nuclear research, development, production, and use be stopped, that uranium mining be halted, and that nuclear power production and use be phased out and replaced by environment-friendly energy sources.

We deplore the environmental racism responsible for the dumping, siting, or placement of environmentally hazardous facilities in the communities of color around the world, including those in North America.

We demand that export of radioactive and other toxic wastes to countries of the South and communities of color be stopped and that the nations responsible for such wastes be responsible for cleaning them up.

We call for a ban on food irradiation and urge support for research into alternative medical diagnostic and healing methods that do not involve the use of radiation.

We propose that energy efficiency, conservation, and self-renewing sources such as sun, wind, and water be implemented globally as an alternative to nuclear power and fossil fuels. Available technology for these alternatives should be refined and implemented and retraining programs provided for workers displaced by this transition.

We call for promotion of mass transportation systems, including accommodations for bicycles, reducing reliance on fossil-fuel cars, and development of more energy-efficient motor vehicles.

We propose that a curriculum be developed and taught in every language in all schools throughout the world to

educate and protect present and future generations from the risks of radiation exposure and contamination.

### Science and Technology Transfer

Believing that science and technology should be at the service of the many rather than for the benefit of the few,

Observing that, on the contrary, they are used to "harness" Nature, contributing to the degradation of ecosystems for short-term profit,

Aware that a very small proportion of the world's research and development resources are devoted to meeting basic needs of the rural poor,

Witnessing the disempowerment of women through lack of access to appropriate and sustainable technology and the disregard for women's wealth of experiential knowledge,

Observing that all too often women have been the victims of the misuse of scientific discoveries and inappropriate technologies,

We urge the marriage of ethical values with scientific investigation and use, and the development of people-friendly, non-violent criteria for all technologies, including their appropriateness for both women and the environment.

We demand that all technology transfer be appropriate and sustainable, with special attention paid to longterm costs and benefits for people and the environment. Resources must be made available for research and development of technologies appropriate for women.

We urge that developing nations, and particularly women, be provided with immediate access to appropriate technologies that lead to provision of safe water for drinking and farming; transport; renewable energy sources; sustainable agriculture practices; and basic health care, such as sanitation and vaccinations for children. Benign technology transfer should include public transportation and computer technology and training, with guarantees that computer data and other information technologies not be used to violate rights to privacy and security.

We will support and promote communications strategies for disseminating information on appropriate and inap-

propriate technologies to women worldwide. The flow of information should be South-South, as well as North-South and South-North.

We call for more education and training of women and girls in the sciences and technology worldwide and emphasize the need for training women in the developing countries at college and university levels.

We urge the UN, governments and non-governmental organizations to create rural and urban training centers of excellence, North and South, that will serve to disseminate environment-friendly technologies to women.

### Women's Consumer Power

Recognizing that women are powerful catalysts, as individuals and in groups, in creating a healthier planet for ourselves, our families, our communities, and nations,

Believing that our spending choices should express concern for environmental protection,

Aware that the power of the consumer is decisive in industrial planning and production,

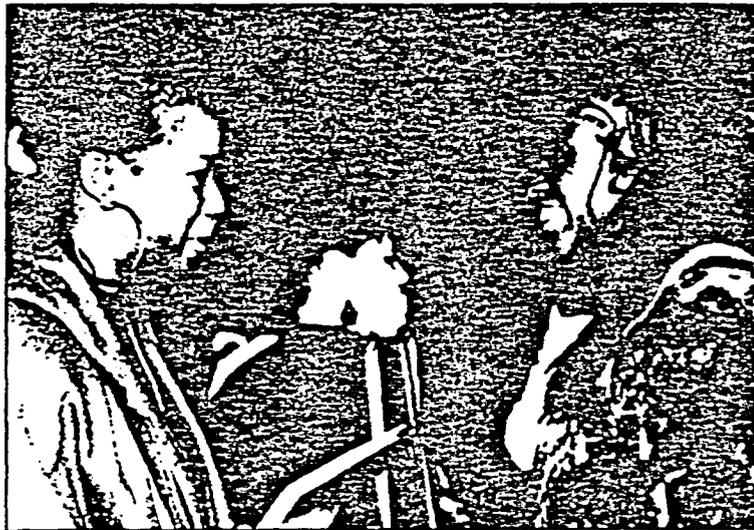
Believing that women can use their consumer power to enforce environmentally and socially friendly industrial development,

Noting that many products bought by women in industrialized nations are based on low wages and hazardous working conditions of women in poor countries and communities,

We pledge to act in solidarity with women around the world to change policies responsible for economic, social, and political inequities and restore our planet to health.

We will form and strengthen existing networks among women globally to facilitate the analysis of consumer goods, from the extraction of raw materials through production processes to use and disposal — to measure holistically the environmental, socio-economic, and health impacts of a product.

We will engage in campaigns supporting investment in environmentally sound productive activities and encourage initiatives to reduce fossil fuel energy use, overconsumption, and wastes.



*Wangari Maathai of Kenya, right, Congress co-chair and witness, talks with a friend*

We pledge to use women's enormous consumer power to boycott businesses and institutions that are not eco-conscious and to support and commend those that are.

We pledge to reduce paper consumption and to promote precycling — not just recycling used products but developing reusable products.

We will organize campaigns against siting sewage treatment plants and incinerators in poor urban communities and seek non-polluting solid waste management planning and restrictions on mercury emission restrictions.

We will seek to reduce the use of cars and encourage the use of public transport systems, redesigning them to reduce energy consumption, and focus on safety and accessibility to those who experience difficulty in using mass transportation.

We will choose natural products, avoiding those based on animal testing or toxic chemicals, and seek safer food products.

We advocate development of retraining programs and creation of new socially useful job opportunities for those displaced by the transition to more eco-friendly societies.

#### Information and Education

Believing it is a basic human right to have access to unbiased information about the quality of the environment in which we live,

Recognizing the risk that the media may become dominated by forces which perpetuate a world view that ignores cultural diversity and integrity,

Believing that only through wide dissemination of information on environmental and developmental issues will we be able to confront the challenges of environmental decline,

Aware that information concerning the environmental and health impact of military and industrial by-products is often classified as secret for national security or proprietary reasons,

We invite the media to join with us in promoting the principles of this Action Agenda.

We demand that the UN monitor all activities of governments that threaten the environment, including space and ocean probing, and make information about such activities known to the world community.

We will work to create and strengthen formal and informal information systems and exchanges that adhere to the principles of openness and inclusiveness, giving voice to the majority of citizens, of reporting on violations of human and environmental rights.

We recommend that all countries offer environmental education at the primary and secondary levels, including ecology and consumer education.

We will promote environmental ethics education in our schools and in informal learning settings with the purpose

of promoting harmony between all living systems and solidarity among peoples.

We strongly support the establishment of a non-governmental organization whose mandate and cooperation on environmental emergencies and environmental rights would be similar to those of Amnesty International.

#### RECOMMENDATIONS TO THE UNITED NATIONS

Realizing that there may be an attempt to create new institutions to manage the world's ecosystem based on the current "economic growth" model,

Believing that such institutions might not have as their primary objective the long-term sustainability of the Earth's species and ecosystems,

We call instead for the creation of a permanent gender-balanced UN Commission on Environment and Development (analogous to the UN Commission on Human Rights) to promote environmental awareness and to station ombudspersons in every region of the world, to receive and investigate NGO, group, and individual complaints about environmental hazards, maldevelopment, government, and private misuse of UN and international aid funds and violations of UN conventions, treaties, and international law. Its duties should include monitoring compliance and enforcing principles of an International Code of Environmental Conduct.

We call for improvement of prevailing staff gender ratios in the UN system, noting that only some 4% of policy-making positions are currently held by women. Equitable gender representation must be of equal importance with equitable geographic representation until gender parity is achieved.

We urge governments to increase their contributions to and support of the UN Environment Programme (UNEP), which assists governments in environmental assessment, undertakes studies, training, and major environmental management tasks, and negotiates and facilitates international environmental law. Its budget should be increased, to triple its current \$40 million a year.

We recommend that UNEP expand its efforts to benefit from the knowledge and experience of female staff members, consultants and its Senior Women's Advisory Group by actively pursuing a policy of gender balance in policy-making. It should require a women's focal point in every regional and outposted office of UNEP to provide information and funding and help empower women in environmental management.

We appeal to donor countries to increase their contributions to UNIFEM, the only multilateral fund established specifically to increase the flow of development resources to women in low income countries, so as to reach a level of

5150 million annually by the year 2000. These funds are essential if UNIFEM is to enhance its catalytic role in providing resources and empowerment to poor women.

We urge all UN agencies to increase their commitment to integrating women's perspectives at all levels and in all programs and policies.

We support the recommendations of a "swords into ploughshares" report by a UN study group on "Charting Potential Uses of Military Resources for Civilian Endeavors to Protect the Environment." It proposes developing mechanisms for transferring to environmental protection and development programs some of the world's vast military resources.

#### THE UN CONFERENCE ON ENVIRONMENT AND DEVELOPMENT (UNCED)

We pledge to lobby our national governments to include equal numbers of women, as well as representatives of indigenous peoples and grassroots organizations, in their delegations to UNCED Preparatory Committee meetings and to the June 1992 UN conference in Rio de Janeiro.

We will conduct briefings for UNCED participants and press them to incorporate our Women's Action Agenda 21 into UNCED's Earth Charter, Rio Declaration, Agenda 21 and other UNCED documents.

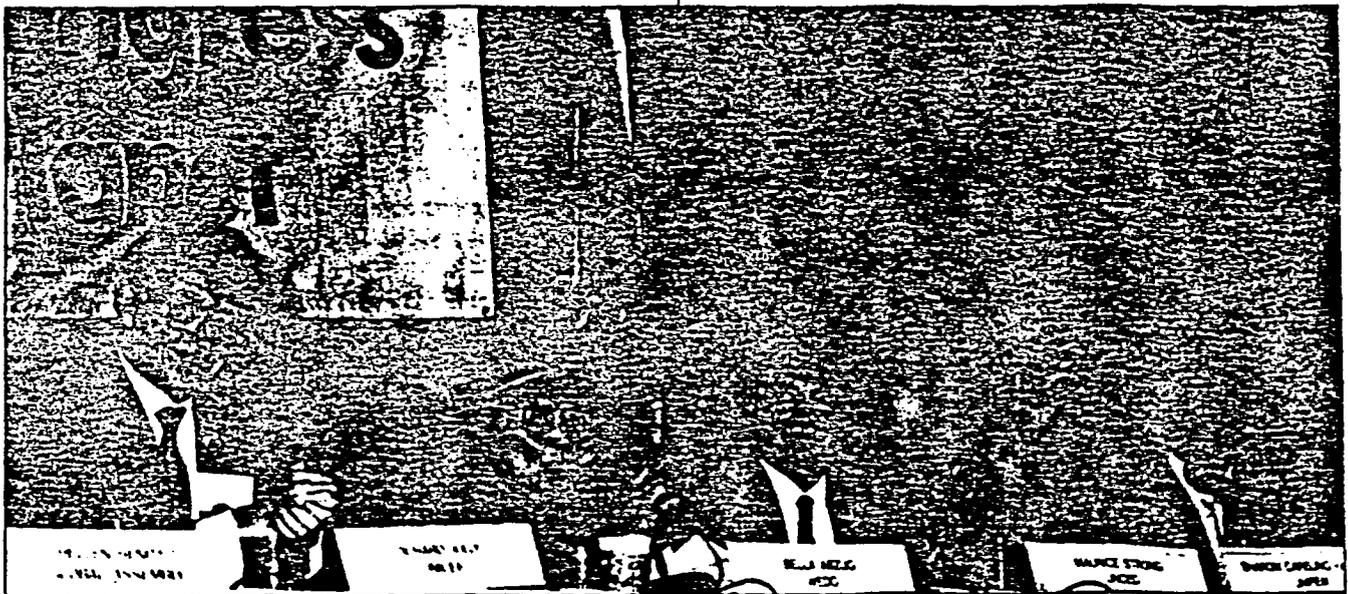
We will distribute our Action Agenda widely to our governments, to non-governmental organizations, to multi-lateral agencies, business and industrial leaders, and to the formal and informal networks we maintain.

We will make subsequent recommendations regarding governmental and non-governmental contributions to the UNCED process, including implementation and monitoring of its decisions.

We call on world leaders attending the 1992 Earth Summit to sign a Global Climate Change Convention (with industrialized countries making a minimum commitment to a 20% reduction of carbon dioxide by the year 2000 and a Convention on Biological Diversity). New agreements are also needed on the safeguarding of forests and the conservation of Antarctica.

We pledge to be present in large numbers at the Earth Summit and Global Forum in Rio de Janeiro. We remind the policy-makers that the women of the world intend to participate in decisions made at UNCED and afterward about the fate of our Earth.

We submit these recommendations as a basic guide to our efforts to promote environmental and economic security now and on into the 21st century.



*Bella Abzug, a Congress organizer, presenting the Women's Action Agenda 21 to (left to right) Richard Jolly of the United Nations Children's Fund (UNICEF), Maurice Strong, Secretary-General of the UN Conference on Environment and Development (UNCED), Sharon Capeling-Alekija of the UN Development Fund for Women (UNIFEM), and Joseph Van Arendonk of the UN Population Fund (UNFPA).*



# **The Business Charter for Sustainable Development**

Principles for Environmental  
Management



**International Chamber of Commerce**



# The Business Charter for Principles for Environment

## 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 Nigel Blackburn at ICC Headquarters, Paris

**The Business Charter for Sustainable Development was prepared by the ICC in 1990 for launching at the Second World Industry Conference on Environmental Management (WICEM II) in April 1991. It provides a basic framework of reference for action by individual corporations and business organizations throughout the world.**

**The Business Charter is also published in over 20 other languages, including all the official languages of the United Nations.**

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**Publication 210/356 A**



## STOCKHOLM NGO DECLARATION

We, who are Members of the Non-Governmental Organizations attending the United Nations Conference on the Human Environment at Stockholm, are honoured to address the Plenary Session of the Conference and to express to it the support and dedications of the bodies we represent. We have signed the statement which follows in our individual capacities. It does not necessarily reflect specific policies of the organizations whose representatives have signed it. But it does encompass their general areas of agreement.

We accept the principle that our planet's resources are limited, that its life support systems are vulnerable, that the combined effect to modern technology, consumption and populations growth can place our whole planetary life at risk.

We accept the need for economic systems which do not exceed renewable resources and the carrying capacity of the environment. We accept social systems which are based upon the fair and equal sharing of material goods and of services and upon the pursuit of exponential growth were it alone is possible - in the goods of the mind and the spirit. We accept political systems which see the planet itself as a center of loyalty and renounce exploitation and the final environmental insult of war.

We believe that the Stockholm Conference marks the beginning of a new international understanding of our planetary life. Men have thought of the planet as a place with unlimited resources to exploit, unlimited energies to manipulate, unlimited lands to develop and settle, and unlimited air and water to cleanse the world of the wastes produced by man. Now we realize that not one of these propositions is true. So great has been the technological thrust of our science and energy, so rapacious our consumption of non-renewable resources, so rapid our growth in numbers, so heavy the load we place on our life-supporting systems, that we begin to perceive the finite qualities of the biosphere of soil, air and water which make up the environment of all living things in our planetary home.

This is a revolution in thought fully comparable to the Copernican revolution by which, four centuries ago, men were compelled to revise their whole sense of the earth's place in the cosmos. Today we are challenged to recognize as great a change in our concept of man's place in the biosphere. Our survival in a world that continues to be worth inhabiting depends upon translating this new perception into relevant principles and concrete ideas.

The following principles seem to us to flow from our new perception of the vulnerability of planet earth:

1. The main focus of the master force of the modern world - science and its applications in technology - must be shifted to a new and sensitive appreciation of the delicate interdependences between all forms of planetary existence and to scientifically sound management of the habitats and ecosystems upon which all life depends.

2. We must accept new economic perspectives. Developed economies which have tended increasingly to stress the highest production and consumption of material goods as the chief index of prosperity, must be redirected towards a more careful recycling of materials, use of energy and disposal of wastes and towards greater emphasis on non-material satisfactions - services, recreation, art, knowledge, civic amenity and, above all, altruism in the pursuit of the common good. At the same time the fundamental material needs of developing lands must take priority over high consumption standards in developed economies and among the elites in developing lands. Both in production and physical consumption, the world economy must come to be in balance with environmental carrying capacity. Exponential growth is possible only in the realm of mind and spirit. Equally, by means conforming to differing cultures, traditions and levels of population pressure, the world's peoples need to accept the sum of achieving levels of populations which do not surpass the dependable productivity of natural resources.

3. Such a balance can be achieved only if we face honestly the problem of social justice and redistribution. Since endless economic growth for rapidly rising populations is not conceivable, resources which are basically limited have to be submitted to some principle of sharing and quality. In the planet at large, it is unacceptable that the third of the people who are technologically developed should continue to command three-quarters of the world's wealth. It is equally unacceptable within each society that a rich minority should enjoy a very large percentage of the society's material resources.

4. In our political systems, inescapable interdependence in our shared biosphere has to be matched by a new dimension of planetary loyalty. Nations, races and cultures give the world its much-prized richness and diversity. but they can no longer be sources of aggression and destructive competition. We pledge ourselves to the support and improvement of the international institutions already established in the United Nations system. We look to further development of powerful and representative institutions to express our common political life at the regional and global levels. We reject all forms of racial oppression or political enslavement. Above all, we see in war the ultimate misuse of science, the baleful destroyer of all economic and social benefit and the final betrayal of our common humanity.

#### **THE STOCKHOLM AGENDA: POLICY AND ACTION**

##### **1. Planning and Management of Human Settlements.**

We wish to place special emphasis on the need for new research and action under

the following headings:

a) General land use policies should secure the rational development and allocation of a scarce resource - the land itself- between a variety of different human needs - work, settlement and recreation - and preserve and maintain outstanding architectural monuments, archaeological sites and areas of open space and natural beauty.

b) Urban and rural planning should secure public control of urban land uses and abolish the disparities between rural and urban settlements. It should create or restore true neighbourhoods and reduce or circumvent urban sprawls. It should also bring the use of the automobile under control by devising orderly transport systems.

c) Policies should be introduced to reduce the human stress and physical deterioration which occur as a result of inadequate diets (particularly in infancy), the lack of decent housing, intolerable noise and the absence of any adequate assistance for responsible parenthood.

## 2. Environment Aspects of Natural Resource Management

National land use planning should account responsibly for the regional and global impacts of national actions and should conform to the following principles and procedures:

a) Renewable natural resources must be subjected to ecologically sound sustained-yield management.

b) Rare or endangered animal and plant species, as well as unique natural sites and habitats, should be given complete protection.

c) The mining of fresh water, minerals and petroleum reserves must be regulated. The recycling of materials should become standard practice. Those who extract must be responsible for the restoration of mined and scarred landscapes to acceptable environmental standards.

d) Decisions on natural resource development should be preceded by examination of their environmental and social impacts. Where technical resources are not yet available for such evaluations, they should be developed as speedily as possible. The findings of such examinations should be made public prior to conclusive decision-making.

e) Nations should pool substantial funds and capabilities in research in a major international effort to develop clean and abundant energy sources as rapidly as possible.

f) Increased financial, technical and educational assistance should be made available to less developed nations to enable them to manage natural resources for sustained productivity.

3. Identification and Control of Pollutants of Broad International Character.

a) Governments must accept responsibility for any international pollution caused by the activities of their nations.

b) A United Nations world-wide Earthwatch to monitor the distribution, movement and disposal of pollutants will enable governments to regulate pollution and enforce compliance to the regulations. The United Nations must also accept responsibilities for enforcement.

c) Appropriate control and inducements must be introduced to secure industry's cooperation in the invention and introduction of non-pollutive technologies.

d) Since radioactive substances are the most dangerous and long-lasting pollutants, all testing of nuclear weapons should cease at once. The development of nuclear energy should proceed with the utmost caution and safeguards.

e) The use of biocides in war should be prohibited by international regulation.

f) The phasing out of such long-lasting pest control substances as the chlorinated hydrocarbons should be achieved with all possible speed on a worldwide basis. The process should be accompanied by intensive research into and production of effective and acceptable alternatives. Where their use is more expensive, developing lands should receive additional funds to cover the cost of abandoning cheaper but more damaging substances.

g) Since eroding soil is still mankind's most common pollutant, the greatest emphasis must be placed on sound practices of soil conservation. New efforts are also needed to return land and animal wastes to the soil.

h) Regional institutions should begin at once to supervise the health or the recovery of surface and underground water systems. Where such agencies exist, regular progress reports should be made available to governments and citizens.

4. Educational, Informational and Cultural Aspects of the Environment.

a) The United Nations should be responsible for a centralized exchange of environmental information. In planning such exchanges, account should be taken of existing collections and services and the advice of librarians and information specialists should be sought.

b) The United Nations should encourage the training and use of scientists in environmental sciences in all countries. It has a particular responsibility to assist their training and use in developing countries so that they can effectively participate in monitoring and managing the changing environment.

c) The essentially interdisciplinary, humanistic and ethical aspects of environmental education - the science of ecology, planetary loyalty, respect for life, care for others and a lack of all rapacity - should be stressed at every level of education and mass communication so that all people develop a primary love for their fellow human beings and for their native planet.

5. Environment and Development

a) We recognize that many of the worst environmental problems of the world - in particular the most dangerous impacts of disease and premature mortality - have their roots in destitution.

b) We affirm the over-riding necessity of moving at once to a significant redistribution of the world's resources in favour of the developing countries. The 0.7 per cent of GNP in grants and low-interest, long-term loans for concessionary substance proposed in the Pearson Report should be seen as the beginning of a planetary tax system.

c) Environmental regulations introduced in developed lands should be so designed as to place no unjustifiable barriers to the exports of developing countries.

d) Extra costs incurred by developing lands in order to protect or enhance environmental quality should be covered by additional flows of capital assistance from the developed states. The introduction of non-polluting technology is one aspect of a wider effort to see that developing nations avoid the environmental mistakes made by the already developed states. This need is particularly clear in the siting and planning of human settlements.

6. International Organizational Implications of Action Proposals.

a) We affirm our support for the proposal of a separate United Nations Secretariat for the Human Environment under an intergovernmental governing council.

b) We support the proposal for a special fund for the environment but regard the provision of \$100 million over five years as quite inadequate in relation to the magnitude and complexity of the task.

c) We request close cooperation between the Secretariat and the Non-Governmental Organizations, between citizen bodies and commercial and industrial interests concerned with quality of the environment. In order to secure a better balance of world representation, we request finances and other facilities for developing nations of enable them to take a more effective part in the proposed United Nations Secretariat for the Human Environment. The means of providing this support should be discussed by the Non-Governmental Organizations.

7. The Role of the NGO

a) We reaffirm the concept of organized citizen support for the work of the United Nations and believe that the Stockholm conference and the ongoing work of the United Nations in the area of the environment can encourage all those who have long worked in this field and draw on the enthusiasm of new recruits. We therefore intend to urge our organizations to mobilize and expand their membership in support of the work of the United Nations in general and the Environmental Secretariat in particular.

b) In consultation with the existing conference Secretariat, we will seek the most appropriate ways in which our separate bodies can mobilize citizen support for the Stockholm conference and this year's General Assembly. Thereafter we wish to establish permanent forms of liaison with the Secretariat, with each other and other interested bodies.

c) We will consult with each other to work out the most appropriate means of strengthening our various efforts, mobilizing joint pressure for environmental change and avoiding, where possible, overlapping activities. We will also seek to secure the support of various organizations for special fund-raising for specific environmental programs.

d) At the national level, all environmental organizations should seek to participate in governmental decisions affecting the environment and insist on advance information concerning projects of environmental impact.

e) A particular year for reassessment, say, "The Planet in 1980", should be made the focus for official non-governmental and citizen programs and action in understanding and protecting the planetary environment.

We pledge ourselves, in our work, our loyalties, our contacts and our won styles of life, to try to live as citizens of a loved yet endangered planet and to share our common heritage with respect for all living things and in justice and amity with the people of planet Earth.



## Preface

This Revised Pre-Publication Edition of **Alternative Treaty-Making: A Process in Support of Sustainable Societies and Global Responsibility** has been prepared for distribution at Eco Ed: World Congress of Environmental Education and Communication held in Toronto, Ontario during October 17-21, 1992. This revised edition incorporates a small, yet significant reorganization of the initial version that was prepared for the **Citizens Respond** conference held from September 25-27, 1992 and sponsored by the **U.S. Citizens Network on UNCED** and the **Center for Advanced Studies in International Development, Michigan State University**.

The principal change in this edition – prompted by a number of considerations – has been the placement of the **Treaty on Environmental Education for Sustainable Societies and Global Responsibility** at the beginning of the first set of treaties presented in the book, and a change in the title of the publication from **Alternative Treaty-Making Process** to **Alternative Treaty-Making: A Process in Support of Sustainable Societies and Global Responsibility**.

The decision to bring the education treaty to the forefront in a presentation of the alternative treaties has emerged from a steadily growing recognition that the alternative treaty-making process – invented in the lengthy course of preparation by non-government organizations for the Earth Summit at Rio – represents a critical shift in the assumption of responsibility by individuals and organizations for the global challenges that we face today. This requires that we embark on a comprehensive learning process in order to undertake the task of translating the vision underlying the treaty-making process into a reality, and to come to terms with the commitments embodied in these treaties.

In the Treaty on Education, the Plan of Action begins with a commitment to implement policies to:

*Turn the declarations of this Treaty and of other Treaties produced by the Conference of Citizens' Groups during the Rio 92 process into documents for use in formal education systems and in education programmes of social movements and social organizations.*

As the tenor of the rest of the education treaty makes clear, that commitment by no means suggests that these treaties should just become the topic of classroom study; we need to learn how to make the commitments in the treaties into a dynamic active process through which each of us can play our role in a critical global transformation.

Please note that this publication remains an **unofficial working draft** that is being disseminated to help move the Alternative Treaty-Making Process forward. To my knowledge, this contains a complete set of the English language versions of the treaty. However, there remain some unresolved questions as to whether there may be versions of the treaty with minor differences in language, and if there are, what process exists to establish a "definitive" texts of each treaty.

Ultimately, such questions can only be resolved by a commitment to maintaining and building the Alternative Treaty-Making Process. In so doing, we always need to keep in mind that, collectively, we are creating the rules of this process. In that respect, it is surely important that we keep in mind the [evolving] language of the Framework Treaty on Global NGO Decision-Making in addition to the recognition that in engaging in this process we need to take on the roles of teachers learners and teachers.

In addition to the compilation and dissemination of the alternative treaties, there are several processes currently underway that are vital to the task of nurturing the alternative treaty-making process. Not least of these is a compilation of the names and addresses of organizations that have taken responsibility as regional or national coordinators of each treaty

If you have any comments or responses to the way in which edition of the **Alternative Treaty-Making Process** has been produced, please direct them to the offices of the **International Synergy Institute** listed below.

Copies of this document are also available on diskette -- in DOS or Macintosh format -- to complement the availability of the texts of the treaties on the **unced.treaties** conference of the networks of the **Association for Progressive Communications**.

Substantive comments on the treaty-making process should be directed to the secretariat of the **International NGO Forum**, or to the appropriate regional focal point for the **International NGO Forum**. The addresses for the secretariat and the regional focal points can be found at the end of the introductory section.

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# *Alternative Treaty-Making Process*

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CONVENTION ON BIOLOGICAL DIVERSITY

*Preamble*

*The Contracting Parties,*

*Conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components,*

*Conscious also of the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere,*

*Affirming that the conservation of biological diversity is a common concern of humankind,*

*Reaffirming that States have sovereign rights over their own biological resources,*

*Reaffirming also that States are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner,*

*Concerned that biological diversity is being significantly reduced by certain human activities,*

*Aware of the general lack of information and knowledge regarding biological diversity and of the urgent need to develop scientific, technical and institutional capacities to provide the basic understanding upon which to plan and implement appropriate measures,*

*Noting that it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source,*

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*Reaffirming also* that States are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner,

*Concerned* that biological diversity is being significantly reduced by certain human activities,

*Aware* of the general lack of information and knowledge regarding biological diversity and of the urgent need to develop scientific, technical and institutional capacities to provide the basic understanding upon which to plan and implement appropriate measures,

*Noting* that it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source,

*Noting also* that where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat,

*Noting further* that the fundamental requirement for the conservation of biological diversity is the *in-situ* conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings,

*Noting further* that *ex-situ* measures, preferably in the country of origin, also have an important role to play,

*Recognizing* the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components,

*Recognizing also* the vital role that women play in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation,

*Stressing the importance of, and the need to promote, international, regional and global cooperation among States and intergovernmental organizations and the non-governmental sector for the conservation of biological diversity and the sustainable use of its components,*

*Acknowledging that the provision of new and additional financial resources and appropriate access to relevant technologies can be expected to make a substantial difference in the world's ability to address the loss of biological diversity,*

*Acknowledging further that special provision is required to meet the needs of developing countries, including the provision of new and additional financial resources and appropriate access to relevant technologies,*

*Noting in this regard the special conditions of the least developed countries and small island States,*

*Acknowledging that substantial investments are required to conserve biological diversity and that there is the expectation of a broad range of environmental, economic and social benefits from those investments,*

*Recognizing that economic and social development and poverty eradication are the first and overriding priorities of developing countries,*

*Aware that conservation and sustainable use of biological diversity is of critical importance for meeting the food, health and other needs of the growing world population, for which purpose access to and sharing of both genetic resources and technologies are essential,*

*Noting that, ultimately, the conservation and sustainable use of biological diversity will strengthen friendly relations among States and contribute to peace for humankind,*

*Desiring to enhance and complement existing international arrangements for the conservation of biological diversity and sustainable use of its components, and*

*Determined to conserve and sustainably use biological diversity for the benefit of present and future generations,*

Have agreed as follows:

#### *Article 1. Objectives*

The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

*Article 2. Use of Terms*

For the purposes of this Convention:

"*Biological diversity*" means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

"*Biological resources*" includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity.

"*Biotechnology*" means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.

"*Country of origin of genetic resources*" means the country which possesses those genetic resources in *in-situ* conditions.

"*Country providing genetic resources*" means the country supplying genetic resources collected from *in-situ* sources, including populations of both wild and domesticated species, or taken from *ex-situ* sources, which may or may not have originated in that country.

"*Domesticated or cultivated species*" means species in which the evolutionary process has been influenced by humans to meet their needs.

"*Ecosystem*" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

"*Ex-situ conservation*" means the conservation of components of biological diversity outside their natural habitats.

"*Genetic material*" means any material of plant, animal, microbial or other origin containing functional units of heredity.

"*Genetic resources*" means genetic material of actual or potential value.

"*Habitat*" means the place or type of site where an organism or population naturally occurs.

"*In-situ conditions*" means conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"*In-situ conservation*" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

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"*Protected area*" means a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives.

"*Regional economic integration organization*" means an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it.

"*Sustainable use*" means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations.

"*Technology*" includes biotechnology.

#### *Article 3. Principle*

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

#### *Article 4. Jurisdictional Scope*

Subject to the rights of other States, and except as otherwise expressly provided in this Convention, the provisions of this Convention apply, in relation to each Contracting Party:

(a) In the case of components of biological diversity, in areas within the limits of its national jurisdiction; and

(b) In the case of processes and activities, regardless of where their effects occur, carried out under its jurisdiction or control, within the area of its national jurisdiction or beyond the limits of national jurisdiction.

#### *Article 5. Cooperation*

Each Contracting Party shall, as far as possible and as appropriate, cooperate with other Contracting Parties, directly or, where appropriate, through competent international organizations, in respect of areas beyond national jurisdiction and on other matters of mutual interest, for the conservation and sustainable use of biological diversity.

#### *Article 6. General Measures for Conservation and Sustainable Use*

Each Contracting Party shall, in accordance with its particular conditions and capabilities:

(a) Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, *inter alia*, the measures set out in this Convention relevant to the Contracting Party concerned; and

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(b) Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

*Article 7. Identification and Monitoring*

Each Contracting Party shall, as far as possible and as appropriate, in particular for the purposes of Articles 8 to 10:

(a) Identify components of biological diversity important for its conservation and sustainable use having regard to the indicative list of categories set down in Annex I;

(b) Monitor, through sampling and other techniques, the components of biological diversity identified pursuant to subparagraph (a) above, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;

(c) Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques; and

(d) Maintain and organize, by any mechanism data, derived from identification and monitoring activities pursuant to subparagraphs (a), (b) and (c) above.

*Article 8. In-situ Conservation*

Each Contracting Party shall, as far as possible and as appropriate:

(a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;

(b) Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;

(c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;

(d) Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;

(e) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;

(f) Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, *inter alia*, through the development and implementation of plans or other management strategies;

(g) Establish or maintain means to regulate, manage or control the risks associated with the use and release of living modified organisms resulting

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from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health;

(h) Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species;

(i) Endeavour to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components;

(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;

(k) Develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations;

(l) Where a significant adverse effect on biological diversity has been determined pursuant to Article 7, regulate or manage the relevant processes and categories of activities; and

(m) Cooperate in providing financial and other support for *in-situ* conservation outlined in subparagraphs (a) to (l) above, particularly to developing countries.

#### Article 9. *Ex-situ* Conservation

Each Contracting Party shall, as far as possible and as appropriate, and predominantly for the purpose of complementing *in-situ* measures:

(a) Adopt measures for the *ex-situ* conservation of components of biological diversity, preferably in the country of origin of such components;

(b) Establish and maintain facilities for *ex-situ* conservation of and research on plants, animals and micro-organisms, preferably in the country of origin of genetic resources;

(c) Adopt measures for the recovery and rehabilitation of threatened species and for their reintroduction into their natural habitats under appropriate conditions;

(d) Regulate and manage collection of biological resources from natural habitats for *ex-situ* conservation purposes so as not to threaten ecosystems and *in-situ* populations of species, except where special temporary *ex-situ* measures are required under subparagraph (c) above; and

(e) Cooperate in providing financial and other support for *ex-situ* conservation outlined in subparagraphs (a) to (d) above and in the establishment and maintenance of *ex-situ* conservation facilities in developing countries.

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*Article 10. Sustainable Use of Components of Biological Diversity*

Each Contracting Party shall, as far as possible and as appropriate:

- (a) Integrate consideration of the conservation and sustainable use of biological resources into national decision-making;
- (b) Adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity;
- (c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;
- (d) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced; and
- (e) Encourage cooperation between its governmental authorities and its private sector in developing methods for sustainable use of biological resources.

*Article 11. Incentive Measures*

Each Contracting Party shall, as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.

*Article 12. Research and Training*

The Contracting Parties, taking into account the special needs of developing countries, shall:

- (a) Establish and maintain programmes for scientific and technical education and training in measures for the identification, conservation and sustainable use of biological diversity and its components and provide support for such education and training for the specific needs of developing countries;
- (b) Promote and encourage research which contributes to the conservation and sustainable use of biological diversity, particularly in developing countries, *inter alia*, in accordance with decisions of the Conference of the Parties taken in consequence of recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice; and
- (c) In keeping with the provisions of Articles 16, 18 and 20, promote and cooperate in the use of scientific advances in biological diversity research in developing methods for conservation and sustainable use of biological resources.

*Article 13. Public Education and Awareness*

The Contracting Parties shall:

- (a) Promote and encourage understanding of the importance of, and the measures required for, the conservation of biological diversity, as well as

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its propagation through media, and the inclusion of these topics in educational programmes; and

(b) Cooperate, as appropriate, with other States and international organizations in developing educational and public awareness programmes, with respect to conservation and sustainable use of biological diversity.

*Article 14. Impact Assessment and Minimizing Adverse Impacts*

1. Each Contracting Party, as far as possible and as appropriate, shall:

(a) Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures;

(b) Introduce appropriate arrangements to ensure that the environmental consequences of its programmes and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account;

(c) Promote, on the basis of reciprocity, notification, exchange of information and consultation on activities under their jurisdiction or control which are likely to significantly affect adversely the biological diversity of other States or areas beyond the limits of national jurisdiction, by encouraging the conclusion of bilateral, regional or multilateral arrangements, as appropriate;

(d) In the case of imminent or grave danger or damage, originating under its jurisdiction or control, to biological diversity within the area under jurisdiction of other States or in areas beyond the limits of national jurisdiction, notify immediately the potentially affected States of such danger or damage, as well as initiate action to prevent or minimize such danger or damage; and

(e) Promote national arrangements for emergency responses to activities or events, whether caused naturally or otherwise, which present a grave and imminent danger to biological diversity and encourage international cooperation to supplement such national efforts and, where appropriate and agreed by the States or regional economic integration organizations concerned, to establish joint contingency plans.

2. The Conference of the Parties shall examine, on the basis of studies to be carried out, the issue of liability and redress, including restoration and compensation, for damage to biological diversity, except where such liability is a purely internal matter.

*Article 15. Access to Genetic Resources*

1. Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.

2. Each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other

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Contracting Parties and not to impose restrictions that run counter to the objectives of this Convention.

3. For the purpose of this Convention, the genetic resources being provided by a Contracting Party, as referred to in this Article and Articles 16 and 19, are only those that are provided by Contracting Parties that are countries of origin of such resources or by the Parties that have acquired the genetic resources in accordance with this Convention.

4. Access, where granted, shall be on mutually agreed terms and subject to the provisions of this Article.

5. Access to genetic resources shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party.

6. Each Contracting Party shall endeavour to develop and carry out scientific research based on genetic resources provided by other Contracting Parties with the full participation of, and where possible in, such Contracting Parties.

7. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, and in accordance with Articles 16 and 19 and, where necessary, through the financial mechanism established by Articles 20 and 21 with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the Contracting Party providing such resources. Such sharing shall be upon mutually agreed terms.

#### *Article 16. Access to and Transfer of Technology*

1. Each Contracting Party, recognizing that technology includes biotechnology, and that both access to and transfer of technology among Contracting Parties are essential elements for the attainment of the objectives of this Convention, undertakes subject to the provisions of this Article to provide and/or facilitate access for and transfer to other Contracting Parties of technologies that are relevant to the conservation and sustainable use of biological diversity or make use of genetic resources and do not cause significant damage to the environment.

2. Access to and transfer of technology referred to in paragraph 1 above to developing countries shall be provided and/or facilitated under fair and most favourable terms, including on concessional and preferential terms where mutually agreed, and, where necessary, in accordance with the financial mechanism established by Articles 20 and 21. In the case of technology subject to patents and other intellectual property rights, such

access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights. The application of this paragraph shall be consistent with paragraphs 3, 4 and 5 below.

3. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that Contracting Parties, in particular those that are developing countries, which provide genetic resources are provided access to and transfer of technology which makes use of those

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resources, on mutually agreed terms, including technology protected by patents and other intellectual property rights, where necessary, through the provisions of Articles 20 and 21 and in accordance with international law and consistent with paragraphs 4 and 5 below.

4. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that the private sector facilitates access to, joint development and transfer of technology referred to in paragraph 1 above for the benefit of both governmental institutions and the private sector of developing countries and in this regard shall abide by the obligations included in paragraphs 1, 2 and 3 above.

5. The Contracting Parties, recognizing that patents and other intellectual property rights may have an influence on the implementation of this Convention, shall cooperate in this regard subject to national legislation and international law in order to ensure that such rights are supportive of and do not run counter to its objectives.

*Article 17. Exchange of Information*

1. The Contracting Parties shall facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries.

2. Such exchange of information shall include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.

*Article 18. Technical and Scientific Cooperation*

1. The Contracting Parties shall promote international technical and scientific cooperation in the field of conservation and sustainable use of biological diversity, where necessary, through the appropriate international and national institutions.

2. Each Contracting Party shall promote technical and scientific cooperation with other Contracting Parties, in particular developing countries, in implementing this Convention, *inter alia*, through the development and implementation of national policies. In promoting such cooperation, special attention should be given to the development and strengthening of national capabilities, by means of human resources development and institution building.

3. The Conference of the Parties, at its first meeting, shall determine how to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation.

4. The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the

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Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts.

5. The Contracting Parties shall, subject to mutual agreement, promote the establishment of joint research programmes and joint ventures for the development of technologies relevant to the objectives of this Convention.

*Article 19. Handling of Biotechnology and Distribution of its Benefits*

1. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, to provide for the effective participation in biotechnological research activities by those Contracting Parties, especially developing countries, which provide the genetic resources for such research, and where feasible in such Contracting Parties.

2. Each Contracting Party shall take all practicable measures to promote and advance priority access on a fair and equitable basis by Contracting Parties, especially developing countries, to the results and benefits arising from biotechnologies based upon genetic resources provided by those Contracting Parties. Such access shall be on mutually agreed terms.

3. The Parties shall consider the need for and modalities of a protocol setting out appropriate procedures, including, in particular, advance informed agreement, in the field of the safe transfer, handling and use of any living modified organism resulting from biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity.

4. Each Contracting Party shall, directly or by requiring any natural or legal person under its jurisdiction providing the organisms referred to in paragraph 3 above, provide any available information about the use and safety regulations required by that Contracting Party in handling such organisms, as well as any available information on the potential adverse impact of the specific organisms concerned to the Contracting Party into which those organisms are to be introduced.

*Article 20. Financial Resources*

1. Each Contracting Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of those national activities which are intended to achieve the objectives of this Convention, in accordance with its national plans, priorities and programmes.

2. The developed country Parties shall provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures which fulfil the obligations of this Convention and to benefit from its provisions and which costs are agreed between a developing country Party and the institutional structure referred to in Article 21, in accordance with policy, strategy, programme priorities and eligibility criteria and an indicative list of incremental costs established by the Conference of the Parties. Other Parties, including countries undergoing the process of transition to a market economy, may voluntarily assume the obligations of the developed country Parties. For the purpose of this Article, the Conference of the Parties, shall at its first meeting establish a list of developed country Parties and other Parties which voluntarily assume the obligations of the developed country Parties. The Conference of the Parties shall periodically review and

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if necessary amend the list. Contributions from other countries and sources on a voluntary basis would also be encouraged. The implementation of these commitments shall take into account the need for adequacy, predictability and timely flow of funds and the importance of burden-sharing among the contributing Parties included in the list.

3. The developed country Parties may also provide, and developing country Parties avail themselves of, financial resources related to the implementation of this Convention through bilateral, regional and other multilateral channels.

4. The extent to which developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention related to financial resources and transfer of technology and will take fully into account the fact that economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties.

5. The Parties shall take full account of the specific needs and special situation of least developed countries in their actions with regard to funding and transfer of technology.

6. The Contracting Parties shall also take into consideration the special conditions resulting from the dependence on, distribution and location of, biological diversity within developing country Parties, in particular small island States.

7. Consideration shall also be given to the special situation of developing countries, including those that are most environmentally vulnerable, such as those with arid and semi-arid zones, coastal and mountainous areas.

#### *Article 21. Financial Mechanism*

1. There shall be a mechanism for the provision of financial resources to developing country Parties for purposes of this Convention on a grant or concessional basis the essential elements of which are described in this Article. The mechanism shall function under the authority and guidance of, and be accountable to, the Conference of the Parties for purposes of this Convention. The operations of the mechanism shall be carried out by such institutional structure as may be decided upon by the Conference of the Parties at its first meeting. For purposes of this Convention, the Conference of the Parties shall determine the policy, strategy, programme priorities and eligibility criteria relating to the access to and utilization of such resources. The contributions shall be such as to take into account the need for predictability, adequacy and timely flow of funds referred to in Article 20 in accordance with the amount of resources needed to be decided periodically by the Conference of the Parties and the importance of burden-sharing among the contributing Parties included in the list referred to in Article 20, paragraph 2. Voluntary contributions may also be made by the developed country Parties and by other countries and sources. The mechanism shall operate within a democratic and transparent system of governance.

2. Pursuant to the objectives of this Convention, the Conference of the Parties shall at its first meeting determine the policy, strategy and programme priorities, as well as detailed criteria and guidelines for

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eligibility for access to and utilization of the financial resources including monitoring and evaluation on a regular basis of such utilization. The Conference of the Parties shall decide on the arrangements to give effect to paragraph 1 above after consultation with the institutional structure entrusted with the operation of the financial mechanism.

3. The Conference of the Parties shall review the effectiveness of the mechanism established under this Article, including the criteria and guidelines referred to in paragraph 2 above, not less than two years after the entry into force of this Convention and thereafter on a regular basis. Based on such review, it shall take appropriate action to improve the effectiveness of the mechanism if necessary.

4. The Contracting Parties shall consider strengthening existing financial institutions to provide financial resources for the conservation and sustainable use of biological diversity.

*Article 22. Relationship with Other International Conventions*

1. The provisions of this Convention shall not affect the rights and obligations of any Contracting Party deriving from any existing international agreement, except where the exercise of those rights and obligations would cause a serious damage or threat to biological diversity.

2. Contracting Parties shall implement this Convention with respect to the marine environment consistently with the rights and obligations of States under the law of the sea.

*Article 23. Conference of the Parties*

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules governing the funding of the Secretariat. At each ordinary meeting, it shall adopt a budget for the financial period until the next ordinary meeting.

4. The Conference of the Parties shall keep under review the implementation of this Convention, and, for this purpose, shall:

(a) Establish the form and the intervals for transmitting the information to be submitted in accordance with Article 26 and consider such information as well as reports submitted by any subsidiary body;

(b) Review scientific, technical and technological advice on biological diversity provided in accordance with Article 25;

(c) Consider and adopt, as required, protocols in accordance with Article 28;

(d) Consider and adopt, as required, in accordance with Articles 29 and 30, amendments to this Convention and its annexes;

(e) Consider amendments to any protocol, as well as to any annexes thereto, and, if so decided, recommend their adoption to the parties to the protocol concerned;

(f) Consider and adopt, as required, in accordance with Article 30, additional annexes to this Convention;

(g) Establish such subsidiary bodies, particularly to provide scientific and technical advice, as are deemed necessary for the implementation of this Convention;

(h) Contact, through the Secretariat, the executive bodies of conventions dealing with matters covered by this Convention with a view to establishing appropriate forms of cooperation with them; and

(i) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether governmental or non-governmental, qualified in fields relating to conservation and sustainable use of biological diversity, which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of the Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

#### Article 24. Secretariat

1. A secretariat is hereby established. Its functions shall be:

(a) To arrange for and service meetings of the Conference of the Parties provided for in Article 23;

(b) To perform the functions assigned to it by any protocol;

(c) To prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties;

(d) To coordinate with other relevant international bodies and, in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(e) To perform such other functions as may be determined by the Conference of the Parties.

2. At its first ordinary meeting, the Conference of the Parties shall designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.

*Article 25. Subsidiary Body on Scientific, Technical and Technological Advice*

1. A subsidiary body for the provision of scientific, technical and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely advice relating to the implementation of this Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the authority of and in accordance with guidelines laid down by the Conference of the Parties, and upon its request, this body shall:

(a) Provide scientific and technical assessments of the status of biological diversity;

(b) Prepare scientific and technical assessments of the effects of types of measures taken in accordance with the provisions of this Convention;

(c) Identify innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and advise on the ways and means of promoting development and/or transferring such technologies;

(d) Provide advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity; and

(e) Respond to scientific, technical, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.

3. The functions, terms of reference, organization and operation of this body may be further elaborated by the Conference of the Parties.

*Article 26. Reports*

Each Contracting Party shall, at intervals to be determined by the Conference of the Parties, present to the Conference of the Parties, reports on measures which it has taken for the implementation of the provisions of this Convention and their effectiveness in meeting the objectives of this Convention.

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*Article 27. Settlement of Disputes*

1. In the event of a dispute between Contracting Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.
2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.
3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:
  - (a) Arbitration in accordance with the procedure laid down in Part 1 of Annex II;
  - (b) Submission of the dispute to the International Court of Justice.
4. If the parties to the dispute have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with Part 2 of Annex II unless the parties otherwise agree.
5. The provisions of this Article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.

*Article 28. Adoption of Protocols*

1. The Contracting Parties shall cooperate in the formulation and adoption of protocols to this Convention.
2. Protocols shall be adopted at a meeting of the Conference of the Parties.
3. The text of any proposed protocol shall be communicated to the Contracting Parties by the Secretariat at least six months before such a meeting.

*Article 29. Amendment of the Convention or Protocols*

1. Amendments to this Convention may be proposed by any Contracting Party. Amendments to any protocol may be proposed by any Party to that protocol.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the Protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to this Convention for information.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention or to any protocol by consensus. If all efforts

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at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-third majority vote of the Parties to the instrument in question present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, acceptance or approval.

4. Ratification, acceptance or approval of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph 3 above shall enter into force among Parties having accepted them on the ninetieth day after the deposit of instruments of ratification, acceptance or approval by at least two thirds of the Contracting Parties to this Convention or of the Parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of the amendments.

5. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

*Article 30. Adoption and Amendment of Annexes*

1. The annexes to this Convention or to any protocol shall form an integral part of the Convention or 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 procedural, scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to any protocol:

(a) Annexes to this Convention or to any protocol shall be proposed and adopted according to the procedure laid down in Article 29;

(b) Any Party that is unable to approve an additional annex to this Convention or an annex to any protocol to which it is Party shall so notify the Depositary, in writing, within one year from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous declaration of objection and the annexes shall thereupon enter into force for that Party subject to subparagraph (c) below;

(c) On the expiry of one year from the date of the communication of the adoption by the Depositary, the annex shall enter into force for all Parties to this Convention or to any protocol concerned which have not submitted a notification in accordance with the provisions of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to any protocol.

4. If an additional annex or an amendment to an annex is related to an amendment to this Convention or to any protocol, the additional annex or

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amendment shall not enter into force until such time as the amendment to the Convention or to the protocol concerned enters into force.

*Article 31. Right to Vote*

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention or to any protocol shall have one vote.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

*Article 32. Relationship between this Convention and Its Protocols*

1. A State or a regional economic integration organization may not become a Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.
2. Decisions under any protocol shall be taken only by the Parties to the protocol concerned. Any Contracting Party that has not ratified, accepted or approved a protocol may participate as an observer in any meeting of the parties to that protocol.

*Article 33. Signature*

This Convention shall be open for signature at Rio de Janeiro by all States and any regional economic integration organization from 5 June 1992 until 14 June 1992, and at the United Nations Headquarters in New York from 15 June 1992 to 4 June 1993.

*Article 34. Ratification, Acceptance or Approval*

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. Any organization referred to in paragraph 1 above which becomes a Contracting Party to this Convention or any protocol without any of its member States being a Contracting Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Contracting Party to this Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.
3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any relevant modification in the extent of their competence.

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*Article 35. Accession.*

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.
2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any relevant modification in the extent of their competence.
3. The provisions of Article 34, paragraph 2, shall apply to regional economic integration organizations which accede to this Convention or any protocol.

*Article 36. Entry Into Force*

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.
2. Any protocol shall enter into force on the ninetieth day after the date of deposit of the number of instruments of ratification, acceptance, approval or accession, specified in that protocol, has been deposited.
3. For each Contracting Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Contracting Party of its instrument of ratification, acceptance, approval or accession.
4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a Contracting Party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that Contracting Party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which this Convention enters into force for that Contracting Party, whichever shall be the later.
5. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

*Article 37. Reservations*

No reservations may be made to this Convention.

*Article 38. Withdrawals*

1. At any time after two years from the date on which this Convention has entered into force for a Contracting Party, that Contracting Party may withdraw from the Convention by giving written notification to the Depositary.

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2. Any such withdrawal shall take place upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

3. Any Contracting Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is party.

*Article 39. Financial Interim Arrangements*

Provided that it has been fully restructured in accordance with the requirements of Article 21, the Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development shall be the institutional structure referred to in Article 21 on an interim basis, for the period between the entry into force of this Convention and the first meeting of the Conference of the Parties or until the Conference of the Parties decides which institutional structure will be designated in accordance with Article 21.

*Article 40. Secretariat Interim Arrangements*

The secretariat to be provided by the Executive Director of the United Nations Environment Programme shall be the secretariat referred to in Article 24, paragraph 2, on an interim basis for the period between the entry into force of this Convention and the first meeting of the Conference of the Parties.

*Article 41. Depositary*

The Secretary-General of the United Nations shall assume the functions of Depositary of this Convention and any protocols.

*Article 42. Authentic Texts*

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

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Rio de Janeiro on this fifth day of June, one thousand nine hundred and ninety-two.

Annex I

IDENTIFICATION AND MONITORING

1. Ecosystems and habitats: containing high diversity, large numbers of endemic or threatened species, or wilderness; required by migratory species; of social, economic, cultural or scientific importance; or, which are representative, unique or associated with key evolutionary or other biological processes;
2. Species and communities which are: threatened; wild relatives of domesticated or cultivated species; of medicinal, agricultural or other economic value; or social, scientific or cultural importance; or importance for research into the conservation and sustainable use of biological diversity, such as indicator species; and
3. Described genomes and genes of social, scientific or economic importance.

Annex II  
Part 1

ARBITRATION

Article 1

The claimant party shall notify the secretariat that the parties are referring a dispute to arbitration pursuant to Article 27. The notification shall state the subject-matter of arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which are at issue. If the parties do not agree on the subject matter of the dispute before the President of the tribunal is designated, the arbitral tribunal shall determine the subject matter. The secretariat shall forward the information thus received to all Contracting Parties to this Convention or to the protocol concerned.

Article 2

1. In disputes between two parties, the arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the President of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.
2. In disputes between more than two parties, parties in the same interest shall appoint one arbitrator jointly by agreement.
3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 3

1. If the President of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a party, designate the President within a further two-month period.
2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary-General who shall make the designation within a further two-month period.

Article 4

The arbitral tribunal shall render its decisions in accordance with the provisions of this Convention, any protocols concerned, and international law.

Article 5

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own rules of procedure.

Article 6

The arbitral tribunal may, at the request of one of the parties, recommend essential interim measures of protection.

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Article 7

The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

- (a) Provide it with all relevant documents, information and facilities; and
- (b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 8

The parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

Article 9

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its costs, and shall furnish a final statement thereof to the parties.

Article 10

Any Contracting Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 11

The tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

Article 12

Decisions both on procedure and substance of the arbitral tribunal shall be taken by a majority vote of its members.

Article 13

If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or a failure of a party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

The tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time-limit for a period which should not exceed five more months.

Article 15

The final decision of the arbitral tribunal shall be confined to the subject-matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

Article 16

The award shall be binding on the parties to the dispute. It shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

Article 17

Any controversy which may arise between the parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either party for decision to the arbitral tribunal which rendered it.

Part 2

CONCILIATION

Article 1

A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall, unless the parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

Article 2

In disputes between more than two parties, parties in the same interest shall appoint their members of the commission jointly by agreement. Where two or more parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

Article 3

If any appointments by the parties are not made within two months of the date of the request to create a conciliation commission, the Secretary-General of the United Nations shall, if asked to do so by the party that made the request, make those appointments within a further two-month period.

Article 4

If a President of the conciliation commission has not been chosen within two months of the last of the members of the commission being appointed, the Secretary-General of the United Nations shall, if asked to do so by a party, designate a President within a further two-month period.

Article 5

The conciliation commission shall take its decisions by majority vote of its members. It shall, unless the parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the dispute, which the parties shall consider in good faith.

Article 6

A disagreement as to whether the conciliation commission has competence shall be decided by the commission.



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INTERGOVERNMENTAL NEGOTIATING COMMITTEE  
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE  
Fifth session, second part  
New York, 30 April - 9 May 1992

REPORT OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE  
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE ON THE  
WORK OF THE SECOND PART OF ITS FIFTH SESSION, HELD  
AT NEW YORK FROM 30 APRIL TO 9 MAY 1992

Addendum

The report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the second part of its fifth session will be issued as document A/AC.237/18 (Part II). This addendum contains the text of the United Nations Framework Convention on Climate Change, as agreed upon and adopted by the Committee on 9 May 1992, in annex I. Resolution INC/1992/1 on interim arrangements, adopted by the Committee on 9 May 1992, is contained in annex II.

ANNEX I TO THE REPORT OF THE COMMITTEE

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

The Parties to this Convention,

Acknowledging that change in the Earth's climate and its adverse effects are a common concern of humankind,

Concerned that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind,

Noting that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs,

Aware of the role and importance in terrestrial and marine ecosystems of sinks and reservoirs of greenhouse gases,

Noting that there are many uncertainties in predictions of climate change, particularly with regard to the timing, magnitude and regional patterns thereof,

Acknowledging that the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions,

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972,

Recalling also that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Reaffirming the principle of sovereignty of States in international cooperation to address climate change,

Recognizing that States should enact effective environmental legislation, that environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply, and that standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries,

Recalling the provisions of General Assembly resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development, and resolutions 43/53 of 6 December 1988, 44/207 of 22 December 1989, 45/212 of 21 December 1990 and 46/169 of 19 December 1991 on protection of global climate for present and future generations of mankind,

Recalling also the provisions of General Assembly resolution 44/206 of 22 December 1989 on the possible adverse effects of sea level rise on islands and coastal areas, particularly low-lying coastal areas and the pertinent provisions of General Assembly resolution 44/172 of 19 December 1989 on the implementation of the Plan of Action to Combat Desertification,

Recalling further the Vienna Convention for the Protection of the Ozone Layer, 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, as adjusted and amended on 29 June 1990,

Noting the Ministerial Declaration of the Second World Climate Conference adopted on 7 November 1990,

Conscious of the valuable analytical work being conducted by many States on climate change and of the important contributions of the World Meteorological Organization, the United Nations Environment Programme and other organs, organizations and bodies of the United Nations system, as well as other international and intergovernmental bodies, to the exchange of results of scientific research and the coordination of research,

Recognizing that steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas,

Recognizing that various actions to address climate change can be justified economically in their own right and can also help in solving other environmental problems,

Recognizing also the need for developed countries to take immediate action in a flexible manner on the basis of clear priorities, as a first step towards comprehensive response strategies at the global, national and, where agreed, regional levels that take into account all greenhouse gases, with due consideration of their relative contributions to the enhancement of the greenhouse effect,

Recognizing further that low-lying and other small island countries, countries with low-lying coastal, arid and semi-arid areas or areas liable to floods, drought and desertification, and developing countries with fragile mountainous ecosystems are particularly vulnerable to the adverse effects of climate change,

Recognizing the special difficulties of those countries, especially developing countries, whose economies are particularly dependent on fossil fuel production, use and exportation, as a consequence of action taken on limiting greenhouse gas emissions,

Affirming that responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Recognizing that all countries, especially developing countries, need access to resources required to achieve sustainable social and economic development and that, in order for developing countries to progress

towards that goal, their energy consumption will need to grow taking into account the possibilities for achieving greater energy efficiency and for controlling greenhouse gas emissions in general, including through the application of new technologies on terms which make such an application economically and socially beneficial,

Determined to protect the climate system for present and future generations,

Have agreed as follows:

## ARTICLE 1

### DEFINITIONS \*

For the purposes of this Convention:

1. "Adverse effects of climate change" means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare.
2. "Climate change" means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.
3. "Climate system" means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions.
4. "Emissions" means the release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time.
5. "Greenhouse gases" means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.
6. "Regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.

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\* Titles of articles are included solely to assist the reader.

7. "Reservoir" means a component or components of the climate system where a greenhouse gas or a precursor of a greenhouse gas is stored.
8. "Sink" means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere.
9. "Source" means any process or activity which releases a greenhouse gas, an aerosol or a precursor of a greenhouse gas into the atmosphere.

## ARTICLE 2

### OBJECTIVE

The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

## ARTICLE 3

### PRINCIPLES

In their actions to achieve the objective of the Convention and to implement its provisions, the Parties shall be guided, *inter alia*, by the following:

1. The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.
2. The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and of those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration.
3. The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties.
4. The Parties have a right to, and should, promote sustainable development. Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change.

5. The Parties should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, thus enabling them better to address the problems of climate change. Measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

## ARTICLE 4

### COMMITMENTS

1. All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall:

- (a) Develop, periodically update, publish and make available to the Conference of the Parties, in accordance with Article 12, national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies to be agreed upon by the Conference of the Parties;
- (b) Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change by addressing anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, and measures to facilitate adequate adaptation to climate change;
- (c) Promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors;
- (d) Promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems;
- (e) Cooperate in preparing for adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, and for the protection and rehabilitation of areas, particularly in Africa, affected by drought and desertification, as well as floods;
- (f) Take climate change considerations into account, to the extent feasible, in their relevant social, economic and environmental policies and actions, and employ appropriate methods, for example impact assessments, formulated and determined nationally, with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment, of projects or measures undertaken by them to mitigate or adapt to climate change;
- (g) Promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system and intended to further the understanding and to reduce or eliminate the remaining

uncertainties regarding the causes, effects, magnitude and timing of climate change and the economic and social consequences of various response strategies;

- (h) Promote and cooperate in the full, open and prompt exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of various response strategies;
- (i) Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations; and
- (j) Communicate to the Conference of the Parties information related to implementation, in accordance with Article 12.

2. The developed country Parties and other Parties included in annex I commit themselves specifically as provided for in the following:

- (a) Each of these Parties shall adopt national <sup>1/</sup> policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs. These policies and measures will demonstrate that developed countries are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention, recognizing that the return by the end of the present decade to earlier levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol would contribute to such modification, and taking into account the differences in these Parties' starting points and approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, available technologies and other individual circumstances, as well as the need for equitable and appropriate contributions by each of these Parties to the global effort regarding that objective. These Parties may implement such policies and measures jointly with other Parties and may assist other Parties in contributing to the achievement of the objective of the Convention and, in particular, that of this subparagraph;
- (b) In order to promote progress to this end, each of these Parties shall communicate, within six months of the entry into force of the Convention for it and periodically thereafter, and in accordance with Article 12, detailed information on its policies and measures referred to in

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<sup>1/</sup> This includes policies and measures adopted by regional economic integration organizations.

subparagraph (a) above, as well as on its resulting projected anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol for the period referred to in subparagraph (a), with the aim of returning individually or jointly to their 1990 levels these anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol. This information will be reviewed by the Conference of the Parties, at its first session and periodically thereafter, in accordance with Article 7;

- (c) Calculations of emissions by sources and removals by sinks of greenhouse gases for the purposes of subparagraph (b) above should take into account the best available scientific knowledge, including of the effective capacity of sinks and the respective contributions of such gases to climate change. The Conference of the Parties shall consider and agree on methodologies for these calculations at its first session and review them regularly thereafter;
- (d) The Conference of the Parties shall, at its first session, review the adequacy of subparagraphs (a) and (b) above. Such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information. Based on this review, the Conference of the Parties shall take appropriate action, which may include the adoption of amendments to the commitments in subparagraphs (a) and (b) above. The Conference of the Parties, at its first session, shall also take decisions regarding criteria for joint implementation as indicated in subparagraph (a) above. A second review of subparagraphs (a) and (b) shall take place not later than 31 December 1998, and thereafter at regular intervals determined by the Conference of the Parties, until the objective of the Convention is met;
- (e) Each of these Parties shall :
  - (i) coordinate as appropriate with other such Parties, relevant economic and administrative instruments developed to achieve the objective of the Convention; and
  - (ii) identify and periodically review its own policies and practices which encourage activities that lead to greater levels of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol than would otherwise occur;
- (f) The Conference of the Parties shall review, not later than 31 December 1998, available information with a view to taking decisions regarding such amendments to the lists in annexes I and II as may be appropriate, with the approval of the Party concerned;
- (g) Any Party not included in annex I may, in its instrument of ratification, acceptance, approval or accession, or at any time thereafter, notify the Depositary that it intends to be bound by subparagraphs (a) and (b) above. The Depositary shall inform the other signatories and Parties of any such notification.

3. The developed country Parties and other developed Parties included in annex II shall provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations under Article 12, paragraph 1. They shall also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of implementing measures that are covered by paragraph 1 of this Article and that are agreed between a developing country Party and the international entity or entities referred to in Article 11, in accordance with that

Article. The implementation of these commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among the developed country Parties.

4. The developed country Parties and other developed Parties included in annex II shall also assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects.
5. The developed country Parties and other developed Parties included in annex II shall take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other Parties, particularly developing country Parties, to enable them to implement the provisions of the Convention. In this process, the developed country Parties shall support the development and enhancement of endogenous capacities and technologies of developing country Parties. Other Parties and organizations in a position to do so may also assist in facilitating the transfer of such technologies.
6. In the implementation of their commitments under paragraph 2 above, a certain degree of flexibility shall be allowed by the Conference of the Parties to the Parties included in annex I undergoing the process of transition to a market economy, in order to enhance the ability of these Parties to address climate change, including with regard to the historical level of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol chosen as a reference.
7. The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties.
8. In the implementation of the commitments in this Article, the Parties shall give full consideration to what actions are necessary under the Convention, including actions related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the adverse effects of climate change and/or the impact of the implementation of response measures, especially on:
  - (a) Small island countries;
  - (b) Countries with low-lying coastal areas;
  - (c) Countries with arid and semi-arid areas, forested areas and areas liable to forest decay;
  - (d) Countries with areas prone to natural disasters;
  - (e) Countries with areas liable to drought and desertification;
  - (f) Countries with areas of high urban atmospheric pollution;
  - (g) Countries with areas with fragile ecosystems, including mountainous ecosystems;

- (h) Countries whose economies are highly dependent on income generated from the production, processing and export, and/or on consumption of fossil fuels and associated energy-intensive products; and
- (i) Land-locked and transit countries.

Further, the Conference of the Parties may take actions, as appropriate, with respect to this paragraph.

9. The Parties shall take full account of the specific needs and special situations of the least developed countries in their actions with regard to funding and transfer of technology.

10. The Parties shall, in accordance with Article 10, take into consideration in the implementation of the commitments of the Convention the situation of Parties, particularly developing country Parties, with economies that are vulnerable to the adverse effects of the implementation of measures to respond to climate change. This applies notably to Parties with economies that are highly dependent on income generated from the production, processing and export, and/or consumption of fossil fuels and associated energy-intensive products and/or the use of fossil fuels for which such Parties have serious difficulties in switching to alternatives.

## ARTICLE 5

### RESEARCH AND SYSTEMATIC OBSERVATION

In carrying out their commitments under Article 4, paragraph 1(g), the Parties shall:

- (a) Support and further develop, as appropriate, international and intergovernmental programmes and networks or organizations aimed at defining, conducting, assessing and financing research, data collection and systematic observation, taking into account the need to minimize duplication of effort;
- (b) Support international and intergovernmental efforts to strengthen systematic observation and national scientific and technical research capacities and capabilities, particularly in developing countries, and to promote access to, and the exchange of, data and analyses thereof obtained from areas beyond national jurisdiction; and
- (c) Take into account the particular concerns and needs of developing countries and cooperate in improving their endogenous capacities and capabilities to participate in the efforts referred to in subparagraphs (a) and (b) above.



## ARTICLE 6

### EDUCATION, TRAINING AND PUBLIC AWARENESS

In carrying out their commitments under Article 4, paragraph 1(i), the Parties shall:

- (a) Promote and facilitate at the national and, as appropriate, subregional and regional levels, and in accordance with national laws and regulations, and within their respective capacities:
  - (i) the development and implementation of educational and public awareness programmes on climate change and its effects;
  - (ii) public access to information on climate change and its effects;
  - (iii) public participation in addressing climate change and its effects and developing adequate responses; and
  - (iv) training of scientific, technical and managerial personnel.
- (b) Cooperate in and promote, at the international level, and, where appropriate, using existing bodies:
  - (i) the development and exchange of educational and public awareness material on climate change and its effects; and
  - (ii) the development and implementation of education and training programmes, including the strengthening of national institutions and the exchange or secondment of personnel to train experts in this field, in particular for developing countries.

## ARTICLE 7

### CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established.
2. The Conference of the Parties, as the supreme body of this Convention, shall keep under regular review the implementation of the Convention and any related legal instruments that the Conference of the Parties may adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To this end, it shall:

- (a) Periodically examine the obligations of the Parties and the institutional arrangements under the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge;
- (b) Promote and facilitate the exchange of information on measures adopted by the Parties to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;
- (c) Facilitate, at the request of two or more Parties, the coordination of measures adopted by them to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention.
- (d) Promote and guide, in accordance with the objective and provisions of the Convention, the development and periodic refinement of comparable methodologies, to be agreed on by the Conference of the Parties, *inter alia*, for preparing inventories of greenhouse gas emissions by sources and removals by sinks, and for evaluating the effectiveness of measures to limit the emissions and enhance the removals of these gases;
- (e) Assess, on the basis of all information made available to it in accordance with the provisions of the Convention, the implementation of the Convention by the Parties, the overall effects of the measures taken pursuant to the Convention, in particular environmental, economic and social effects as well as their cumulative impacts and the extent to which progress towards the objective of the Convention is being achieved;
- (f) Consider and adopt regular reports on the implementation of the Convention and ensure their publication;
- (g) Make recommendations on any matters necessary for the implementation of the Convention;
- (h) Seek to mobilize financial resources in accordance with Article 4, paragraphs 3, 4 and 5, and Article 11;
- (i) Establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;
- (j) Review reports submitted by its subsidiary bodies and provide guidance to them;
- (k) Agree upon and adopt, by consensus, rules of procedure and financial rules for itself and for any subsidiary bodies;
- (l) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies; and
- (m) Exercise such other functions as are required for the achievement of the objective of the Convention as well as all other functions assigned to it under the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure as well as those of the subsidiary bodies established by the Convention, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim secretariat referred to in Article 21 and shall take place not later than one year after the date of entry into force of the Convention. Thereafter, ordinary sessions of the Conference of the Parties shall be held every year unless otherwise decided by the Conference of the Parties.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one-third of the Parties.

6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

## ARTICLE 8

### SECRETARIAT

1. A secretariat is hereby established.
2. The functions of the secretariat shall be:
  - (a) To make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;
  - (b) To compile and transmit reports submitted to it;
  - (c) To facilitate assistance to the Parties, particularly developing country Parties, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;
  - (d) To prepare reports on its activities and present them to the Conference of the Parties;
  - (e) To ensure the necessary coordination with the secretariats of other relevant international bodies;

- (f) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
  - (g) To perform the other secretariat functions specified in the Convention and in any of its protocols and such other functions as may be determined by the Conference of the Parties.
3. The Conference of the Parties, at its first session, shall designate a permanent secretariat and make arrangements for its functioning.

## ARTICLE 9

### SUBSIDIARY BODY FOR SCIENTIFIC AND TECHNOLOGICAL ADVICE

1. A subsidiary body for scientific and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely information and advice on scientific and technological matters relating to the Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.
2. Under the guidance of the Conference of the Parties, and drawing upon existing competent international bodies, this body shall:
  - (a) Provide assessments of the state of scientific knowledge relating to climate change and its effects;
  - (b) Prepare scientific assessments on the effects of measures taken in the implementation of the Convention;
  - (c) Identify innovative, efficient and state-of-the-art technologies and know-how and advise on the ways and means of promoting development and/or transferring such technologies;
  - (d) Provide advice on scientific programmes, international cooperation in research and development related to climate change, as well as on ways and means of supporting endogenous capacity-building in developing countries; and
  - (e) Respond to scientific, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.
3. The functions and terms of reference of this body may be further elaborated by the Conference of the Parties.

## ARTICLE 10

### SUBSIDIARY BODY FOR IMPLEMENTATION

1. A subsidiary body for implementation is hereby established to assist the Conference of the Parties in the assessment and review of the effective implementation of the Convention. This body shall be open to participation by all Parties and comprise government representatives who are experts on matters related to climate change. It shall report regularly to the Conference of the Parties on all aspects of its work.
2. Under the guidance of the Conference of the Parties, this body shall:
  - (a) Consider the information communicated in accordance with Article 12, paragraph 1, to assess the overall aggregated effect of the steps taken by the Parties in the light of the latest scientific assessments concerning climate change;
  - (b) Consider the information communicated in accordance with Article 12, paragraph 2, in order to assist the Conference of the Parties in carrying out the reviews required by Article 4, paragraph 2(d); and
  - (c) Assist the Conference of the Parties, as appropriate, in the preparation and implementation of its decisions.

## ARTICLE 11

### FINANCIAL MECHANISM

1. A mechanism for the provision of financial resources on a grant or concessional basis, including for the transfer of technology, is hereby defined. It shall function under the guidance of and be accountable to the Conference of the Parties, which shall decide on its policies, programme priorities and eligibility criteria related to this Convention. Its operation shall be entrusted to one or more existing international entities.
2. The financial mechanism shall have an equitable and balanced representation of all Parties within a transparent system of governance.
3. The Conference of the Parties and the entity or entities entrusted with the operation of the financial mechanism shall agree upon arrangements to give effect to the above paragraphs, which shall include the following:
  - (a) Modalities to ensure that the funded projects to address climate change are in conformity with the policies, programme priorities and eligibility criteria established by the Conference of the Parties;

- (b) Modalities by which a particular funding decision may be reconsidered in light of these policies, programme priorities and eligibility criteria;
  - (c) Provision by the entity or entities of regular reports to the Conference of the Parties on its funding operations, which is consistent with the requirement for accountability set out in paragraph 1 above; and
  - (d) Determination in a predictable and identifiable manner of the amount of funding necessary and available for the implementation of this Convention and the conditions under which that amount shall be periodically reviewed.
4. The Conference of the Parties shall make arrangements to implement the above mentioned provisions at its first session, reviewing and taking into account the interim arrangements referred to in Article 21, paragraph 3, and shall decide whether these interim arrangements shall be maintained. Within four years thereafter, the Conference of the Parties shall review the financial mechanism and take appropriate measures.
5. The developed country Parties may also provide and developing country Parties avail themselves of, financial resources related to the implementation of the Convention through bilateral, regional and other multilateral channels.

## ARTICLE 12

### COMMUNICATION OF INFORMATION RELATED TO IMPLEMENTATION

1. In accordance with Article 4, paragraph 1, each Party shall communicate to the Conference of the Parties, through the secretariat, the following elements of information:
- (a) A national inventory of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, to the extent its capacities permit, using comparable methodologies to be promoted and agreed upon by the Conference of the Parties;
  - (b) A general description of steps taken or envisaged by the Party to implement the Convention; and
  - (c) Any other information that the Party considers relevant to the achievement of the objective of the Convention and suitable for inclusion in its communication, including, if feasible, material relevant for calculations of global emission trends.
2. Each developed country Party and each other Party included in annex I shall incorporate in its communication the following elements of information:

- (a) A detailed description of the policies and measures that it has adopted to implement its commitment under Article 4, paragraphs 2(a) and 2(b); and
- (b) A specific estimate of the effects that the policies and measures referred to in subparagraph (a) immediately above will have on anthropogenic emissions by its sources and removals by its sinks of greenhouse gases during the period referred to in Article 4, paragraph 2(a).

3. In addition, each developed country Party and each other developed Party included in annex II shall incorporate details of measures taken in accordance with Article 4, paragraphs 3, 4 and 5.

4. Developing country Parties may, on a voluntary basis, propose projects for financing, including specific technologies, materials, equipment, techniques or practices that would be needed to implement such projects, along with, if possible, an estimate of all incremental costs, of the reductions of emissions and increments of removals of greenhouse gases, as well as an estimate of the consequent benefits.

5. Each developed country Party and each other Party included in annex I shall make its initial communication within six months of the entry into force of the Convention for that Party. Each Party not so listed shall make its initial communication within three years of the entry into force of the Convention for that Party, or of the availability of financial resources in accordance with Article 4, paragraph 3. Parties that are least developed countries may make their initial communication at their discretion. The frequency of subsequent communications by all Parties shall be determined by the Conference of the Parties, taking into account the differentiated timetable set by this paragraph.

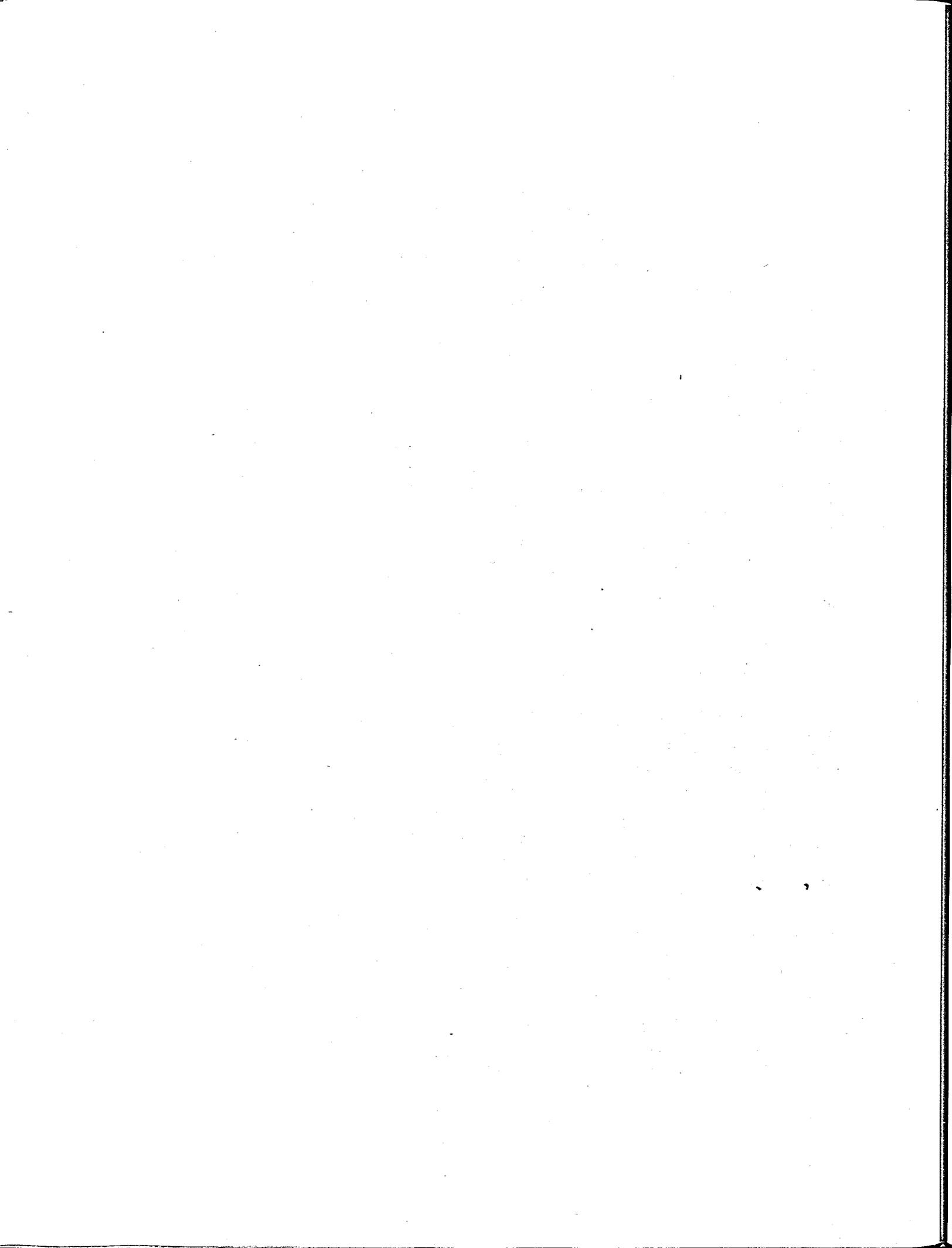
6. Information communicated by Parties under this Article shall be transmitted by the secretariat as soon as possible to the Conference of the Parties and to any subsidiary bodies concerned. If necessary, the procedures for the communication of information may be further considered by the Conference of the Parties.

7. From its first session, the Conference of the Parties shall arrange for the provision to developing country Parties of technical and financial support, on request, in compiling and communicating information under this Article, as well as in identifying the technical and financial needs associated with proposed projects and response measures under Article 4. Such support may be provided by other Parties, by competent international organizations and by the secretariat, as appropriate.

8. Any group of Parties may, subject to guidelines adopted by the Conference of the Parties, and to prior notification to the Conference of the Parties, make a joint communication in fulfilment of their obligations under this Article, provided that such a communication includes information on the fulfilment by each of these Parties of its individual obligations under the Convention.

9. Information received by the secretariat that is designated by a Party as confidential, in accordance with criteria to be established by the Conference of the Parties, shall be aggregated by the secretariat to protect its confidentiality before being made available to any of the bodies involved in the communication and review of information.

10. Subject to paragraph 9 above, and without prejudice to the ability of any Party to make public its communication at any time, the secretariat shall make communications by Parties under this Article publicly available at the time they are submitted to the Conference of the Parties.



## ARTICLE 13

### RESOLUTION OF QUESTIONS REGARDING IMPLEMENTATION

The Conference of the Parties shall, at its first session, consider the establishment of a multilateral consultative process, available to Parties on their request, for the resolution of questions regarding the implementation of the Convention.

## ARTICLE 14

### SETTLEMENT OF DISPUTES

1. In the event of a dispute between any two or more Parties concerning the interpretation or application of the Convention, the Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

- (a) Submission of the dispute to the International Court of Justice, and/or
- (b) Arbitration in accordance with procedures to be adopted by the Conference of the Parties as soon as practicable, in an annex on arbitration.

A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedures referred to in subparagraph (b) above.

3. A declaration made under paragraph 2 above shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

4. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the arbitral tribunal, unless the parties to the dispute otherwise agree.

5. Subject to the operation of paragraph 2 above, if after twelve months following notification by one Party to another that a dispute exists between them, the Parties concerned have not been able to settle their dispute

through the means mentioned in paragraph 1 above, the dispute shall be submitted, at the request of any of the parties to the dispute, to conciliation.

6. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a recommendatory award, which the parties shall consider in good faith.
7. Additional procedures relating to conciliation shall be adopted by the Conference of the Parties, as soon as practicable, in an annex on conciliation.
8. The provisions of this Article shall apply to any related legal instrument which the Conference of the Parties may adopt, unless the instrument provides otherwise.

## ARTICLE 15

### AMENDMENTS TO THE CONVENTION

1. Any Party may propose amendments to the Convention.
2. Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to the Convention and, for information, to the Depositary.
3. The Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.
4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 above shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three-fourths of the Parties to the Convention.
5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.
6. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

## ARTICLE 16

### ADOPTION AND AMENDMENT OF ANNEXES TO THE CONVENTION

1. Annexes to the Convention shall form an integral part thereof and, unless otherwise expressly provided, a reference to the Convention constitutes at the same time a reference to any annexes thereto. Without prejudice to the provisions of Article 14, paragraphs 2(b) and 7, such annexes shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.
2. Annexes to the Convention shall be proposed and adopted in accordance with the procedure set forth in Article 15, paragraphs 2, 3, and 4.
3. An annex that has been adopted in accordance with paragraph 2 above shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary to such Parties of the adoption of the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex. The annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.
4. The proposal, adoption and entry into force of amendments to annexes to the Convention shall be subject to the same procedure as that for the proposal, adoption and entry into force of annexes to the Convention in accordance with paragraphs 2 and 3 above.
5. If the adoption of an annex or an amendment to an annex involves an amendment to the Convention, that annex or amendment to an annex shall not enter into force until such time as the amendment to the Convention enters into force.

## ARTICLE 17

### PROTOCOLS

1. The Conference of the Parties may, at any ordinary session, adopt protocols to the Convention.
2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a session.
3. The requirements for the entry into force of any protocol shall be established by that instrument.
4. Only Parties to the Convention may be Parties to a protocol.

5. Decisions under any protocol shall be taken only by the Parties to the protocol concerned.

## ARTICLE 18

### RIGHT TO VOTE

1. Each Party to the Convention shall have one vote, except as provided for in paragraph 2 below.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

## ARTICLE 19

### DEPOSITARY

The Secretary-General of the United Nations shall be the Depositary of the Convention and of protocols adopted in accordance with Article 17.

## ARTICLE 20

### SIGNATURE

This Convention shall be open for signature by States Members of the United Nations or of any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations at Rio de Janeiro, during the United Nations Conference on Environment and Development, and thereafter at United Nations Headquarters in New York from 20 June 1992 to 19 June 1993.

## ARTICLE 21

### INTERIM ARRANGEMENTS

1. The secretariat functions referred to in Article 8 will be carried out on an interim basis by the secretariat established by the General Assembly of the United Nations in its resolution 45/212 of 21 December 1990, until the completion of the first session of the Conference of the Parties.
2. The head of the interim secretariat referred to in paragraph 1 above will cooperate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the need for objective scientific and technical advice. Other relevant scientific bodies could also be consulted.
3. The Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development shall be the international entity entrusted with the operation of the financial mechanism referred to in Article 11 on an interim basis. In this connection, the Global Environment Facility should be appropriately restructured and its membership made universal to enable it to fulfil the requirements of Article 11.

## ARTICLE 22

### RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.



2. Any regional economic integration organization which becomes a Party to the Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

## ARTICLE 23

### ENTRY INTO FORCE

1. The Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.
2. For each State or regional economic integration organization that ratifies, accepts or approves the Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.
3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

## ARTICLE 24

### RESERVATIONS

No reservations may be made to the Convention.

## ARTICLE 25

### WITHDRAWAL

1. At any time after three years from the date on which the Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.
3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

## ARTICLE 26

### AUTHENTIC TEXTS

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

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at New York this ninth day of May one thousand nine hundred and ninety-two.

ANNEX I

Australia  
Austria  
Belarus<sup>2/</sup>  
Belgium  
Bulgaria<sup>2/</sup>  
Canada  
Czechoslovakia<sup>2/</sup>  
Denmark  
European Community  
Estonia<sup>2/</sup>  
Finland  
France  
Germany  
Greece  
Hungary<sup>2/</sup>  
Iceland  
Ireland  
Italy  
Japan  
Latvia<sup>2/</sup>  
Lithuania<sup>2/</sup>  
Luxembourg  
Netherlands  
New Zealand  
Norway  
Poland<sup>2/</sup>  
Portugal  
Romania<sup>2/</sup>  
Russian Federation<sup>2/</sup>  
Spain  
Sweden  
Switzerland  
Turkey  
Ukraine<sup>2/</sup>  
United Kingdom of Great  
Britain and Northern Ireland  
United States of America

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<sup>2/</sup> Countries that are undergoing the process of transition to a market economy.

ANNEX II

Australia  
Austria  
Belgium  
Canada  
Denmark  
European Community  
Finland  
France  
Germany  
Greece  
Iceland  
Ireland  
Italy  
Japan  
Luxembourg  
Netherlands  
New Zealand  
Norway  
Portugal  
Spain  
Sweden  
Switzerland  
Turkey  
United Kingdom of Great  
Britain and Northern Ireland  
United States of America

ANNEX II TO THE REPORT OF THE COMMITTEE

RESOLUTION ADOPTED BY THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE  
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE

INC/1992/1. Interim arrangements

The Intergovernmental Negotiating Committee for a Framework Convention on Climate Change,

Having agreed upon and adopted the text of the United Nations Framework Convention on Climate Change,

Considering that preparations are required for an early and effective operation of the Convention once it has entered into force,

Further considering that, in the interim arrangements, involvement in the negotiations of all participants in the Committee is essential,

Recalling General Assembly resolutions 45/212 of 21 December 1990 and 46/169 of 19 December 1991,

1. Calls upon all States and regional economic integration organizations entitled to do so to sign the Convention during the United Nations Conference on Environment and Development in Rio de Janeiro or at the earliest subsequent opportunity and thereafter to ratify, accept, approve or accede to the Convention;
2. Requests the Secretary-General to make the necessary arrangements for convening a session of the Committee, in accordance with paragraph 4 of General Assembly resolution 46/169, to prepare for the first session of the Conference of the Parties as specified in the Convention;
3. Requests further the Secretary-General to make recommendations to the General Assembly at its forty-seventh session regarding arrangements for further sessions of the Committee until the entry into force of the Convention;
4. Invites the Secretary-General to include in his report to the General Assembly, as required in paragraphs 4 and 9 of resolution 46/169, proposals that would enable the secretariat established under resolution 45/212 to continue its activities until the designation of the secretariat of the Convention by the Conference of the Parties;
5. Appeals to Governments and organizations to make voluntary contributions to the extrabudgetary funds established under General Assembly resolution 45/212 in order to contribute to the costs of the interim arrangements, and to ensure full and effective participation of developing countries, in particular the least developed countries and small island developing countries, as well as developing countries stricken by drought and desertification, in all the sessions of the Committee;

6. Invites States and regional economic integration organizations entitled to sign the Convention to communicate as soon as feasible to the head of the secretariat information regarding measures consistent with the provisions of the Convention pending its entry into force.

9 May 1992



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**CONVENTION ON THE PROTECTION AND USE OF  
TRANSBOUNDARY WATERCOURSES AND  
INTERNATIONAL LAKES**

done at Helsinki, on 17 March 1992



**UNITED NATIONS**  
1992

CONVENTION ON THE PROTECTION AND USE  
OF TRANSBOUNDARY WATERCOURSES AND INTERNATIONAL LAKES

PREAMBLE

The Parties to this Convention,

Mindful that the protection and use of transboundary watercourses and international lakes are important and urgent tasks, the effective accomplishment of which can only be ensured by enhanced cooperation,

Concerned over the existence and threats of adverse effects, in the short or long term, of changes in the conditions of transboundary watercourses and international lakes on the environment, economies and well-being of the member countries of the Economic Commission for Europe (ECE),

Emphasizing the need for strengthened national and international measures to prevent, control and reduce the release of hazardous substances into the aquatic environment and to abate eutrophication and acidification, as well as pollution of the marine environment, in particular coastal areas, from land-based sources,

Commending the efforts already undertaken by the ECE Governments to strengthen cooperation, on bilateral and multilateral levels, for the prevention, control and reduction of transboundary pollution, sustainable water management, conservation of water resources and environmental protection,

Recalling the pertinent provisions and principles of the Declaration of the Stockholm Conference on the Human Environment, the Final Act of the Conference on Security and Cooperation in Europe (CSCE), the Concluding Documents of the Madrid and Vienna Meetings of Representatives of the Participating States of the CSCE, and the Regional Strategy for Environmental Protection and Rational Use of Natural Resources in ECE Member Countries covering the period up to the Year 2000 and Beyond,

Conscious of the role of the United Nations Economic Commission for Europe in promoting international cooperation for the prevention, control and reduction of transboundary water pollution and sustainable use of transboundary waters, and in this regard recalling the ECE Declaration of Policy on Prevention and Control of Water Pollution, including Transboundary Pollution; the ECE Declaration of Policy on the Rational Use of Water; the ECE Principles Regarding Cooperation in the Field of Transboundary Waters; the ECE Charter on Groundwater Management; and the Code of Conduct on Accidental Pollution of Transboundary Inland Waters,

Referring to decisions I (42) and I (44) adopted by the Economic Commission for Europe at its forty-second and forty-fourth sessions, respectively, and the outcome of the CSCE Meeting on the Protection of the Environment (Sofia, Bulgaria, 16 October - 3 November 1989),

Emphasizing that cooperation between member countries in regard to the protection and use of transboundary waters shall be implemented primarily through the elaboration of agreements between countries bordering the same waters, especially where no such agreements have yet been reached,

Have agreed as follows:

## Article 1

### DEFINITIONS

For the purposes of this Convention,

1. "Transboundary waters" means surface or ground waters which mark, cross or are located on boundaries between two or more States; wherever transboundary waters flow directly into the sea, these transboundary waters end at a straight line across their respective mouths between points on the low-water line of their banks;
2. "Transboundary impact" means any significant adverse effect on the environment resulting from a change in the conditions of transboundary waters caused by a human activity, the physical origin of which is situated wholly or in part within an area under the jurisdiction of a Party, within an area under the jurisdiction of another Party. Such effects on the environment include effects on human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interaction among these factors; they also include effects on the cultural heritage or socio-economic conditions resulting from alterations to those factors;
3. "Party" means, unless the text otherwise indicates, a Contracting Party to this Convention;
4. "Riparian Parties" means the Parties bordering the same transboundary waters;
5. "Joint body" means any bilateral or multilateral commission or other appropriate institutional arrangements for cooperation between the Riparian Parties;
6. "Hazardous substances" means substances which are toxic, carcinogenic, mutagenic, teratogenic or bio-accumulative, especially when they are persistent;
7. "Best available technology" (the definition is contained in annex I to this Convention).

## PART I

### PROVISIONS RELATING TO ALL PARTIES

## Article 2

### GENERAL PROVISIONS

1. The Parties shall take all appropriate measures to prevent, control and reduce any transboundary impact.
2. The Parties shall, in particular, take all appropriate measures:
  - (a) To prevent, control and reduce pollution of waters causing or likely to cause transboundary impact;

(b) To ensure that transboundary waters are used with the aim of ecologically sound and rational water management, conservation of water resources and environmental protection;

(c) To ensure that transboundary waters are used in a reasonable and equitable way, taking into particular account their transboundary character, in the case of activities which cause or are likely to cause transboundary impact;

(d) To ensure conservation and, where necessary, restoration of ecosystems.

3. Measures for the prevention, control and reduction of water pollution shall be taken, where possible, at source.

4. These measures shall not directly or indirectly result in a transfer of pollution to other parts of the environment.

5. In taking the measures referred to in paragraphs 1 and 2 of this article, the Parties shall be guided by the following principles:

(a) The precautionary principle, by virtue of which action to avoid the potential transboundary impact of the release of hazardous substances shall not be postponed on the ground that scientific research has not fully proved a causal link between those substances, on the one hand, and the potential transboundary impact, on the other hand;

(b) The polluter-pays principle, by virtue of which costs of pollution prevention, control and reduction measures shall be borne by the polluter;

(c) Water resources shall be managed so that the needs of the present generation are met without compromising the ability of future generations to meet their own needs.

6. The Riparian Parties shall cooperate on the basis of equality and reciprocity, in particular through bilateral and multilateral agreements, in order to develop harmonized policies, programmes and strategies covering the relevant catchment areas, or parts thereof, aimed at the prevention, control and reduction of transboundary impact and aimed at the protection of the environment of transboundary waters or the environment influenced by such waters, including the marine environment.

7. The application of this Convention shall not lead to the deterioration of environmental conditions nor lead to increased transboundary impact.

8. The provisions of this Convention shall not affect the right of Parties individually or jointly to adopt and implement more stringent measures than those set down in this Convention.

### Article 3

#### PREVENTION, CONTROL AND REDUCTION

1. To prevent, control and reduce transboundary impact, the Parties shall develop, adopt, implement and, as far as possible, render compatible relevant legal, administrative, economic, financial and technical measures, in order to ensure, inter alia, that:

(a) The emission of pollutants is prevented, controlled and reduced at source through the application of, inter alia, low and non waste technology;

(b) Transboundary waters are protected against pollution from point sources through the prior licensing of waste-water discharges by the competent national authorities, and that the authorized discharges are monitored and controlled;

(c) Limits for waste-water discharges stated in permits are based on the best available technology for discharges of hazardous substances;

(d) Stricter requirements, even leading to prohibition in individual cases, are imposed when the quality of the receiving water or the ecosystem so requires;

(e) At least biological treatment or equivalent processes are applied to municipal waste water, where necessary in a step-by-step approach;

(f) Appropriate measures are taken, such as the application of the best available technology, in order to reduce nutrient inputs from industrial and municipal sources;

(g) Appropriate measures and best environmental practices are developed and implemented for the reduction of inputs of nutrients and hazardous substances from diffuse sources, especially where the main sources are from agriculture (guidelines for developing best environmental practices are given in annex II to this Convention);

(h) Environmental impact assessment and other means of assessment are applied;

(i) Sustainable water-resources management, including the application of the ecosystems approach, is promoted;

(j) Contingency planning is developed;

(k) Additional specific measures are taken to prevent the pollution of groundwaters;

(l) The risk of accidental pollution is minimized.

2. To this end, each Party shall set emission limits for discharges from point sources into surface waters based on the best available technology, which are specifically applicable to individual industrial sectors or industries from which hazardous substances derive. The appropriate measures mentioned in paragraph 1 of this article to prevent, control and reduce the input of hazardous substances from point and diffuse sources into waters, may, inter alia, include total or partial prohibition of the production or use of such substances. Existing lists of such industrial sectors or industries and of such hazardous substances in international conventions or regulations, which are applicable in the area covered by this Convention, shall be taken into account.

3. In addition, each Party shall define, where appropriate, water-quality objectives and adopt water-quality criteria for the purpose of preventing, controlling and reducing transboundary impact. General guidance for developing such objectives and criteria is given in annex III to this Convention. When necessary, the Parties shall endeavour to update this annex.

#### Article 4

##### MONITORING

The Parties shall establish programmes for monitoring the conditions of transboundary waters.

#### Article 5

##### RESEARCH AND DEVELOPMENT

The Parties shall cooperate in the conduct of research into and development of effective techniques for the prevention, control and reduction of transboundary impact. To this effect, the Parties shall, on a bilateral and/or multilateral basis, taking into account research activities pursued in relevant international forums, endeavour to initiate or intensify specific research programmes, where necessary, aimed, inter alia, at:

- (a) Methods for the assessment of the toxicity of hazardous substances and the noxiousness of pollutants;
- (b) Improved knowledge on the occurrence, distribution and environmental effects of pollutants and the processes involved;
- (c) The development and application of environmentally sound technologies, production and consumption patterns;
- (d) The phasing out and/or substitution of substances likely to have transboundary impact;
- (e) Environmentally sound methods of disposal of hazardous substances;
- (f) Special methods for improving the conditions of transboundary waters;
- (g) The development of environmentally sound water-construction works and water-regulation techniques;
- (h) The physical and financial assessment of damage resulting from transboundary impact.

The results of these research programmes shall be exchanged among the Parties in accordance with article 6 of this Convention.

#### Article 6

##### EXCHANGE OF INFORMATION

The Parties shall provide for the widest exchange of information, as early as possible, on issues covered by the provisions of this Convention.

#### Article 7

##### RESPONSIBILITY AND LIABILITY

The Parties shall support appropriate international efforts to elaborate rules, criteria and procedures in the field of responsibility and liability.

## Article 8

### PROTECTION OF INFORMATION

The provisions of this Convention shall not affect the rights or the obligations of Parties in accordance with their national legal systems and applicable supranational regulations to protect information related to industrial and commercial secrecy, including intellectual property, or national security.

## PART II

### PROVISIONS RELATING TO RIPARIAN PARTIES

## Article 9

### BILATERAL AND MULTILATERAL COOPERATION

1. The Riparian Parties shall on the basis of equality and reciprocity enter into bilateral or multilateral agreements or other arrangements, where these do not yet exist, or adapt existing ones, where necessary to eliminate the contradictions with the basic principles of this Convention, in order to define their mutual relations and conduct regarding the prevention, control and reduction of transboundary impact. The Riparian Parties shall specify the catchment area, or part(s) thereof, subject to cooperation. These agreements or arrangements shall embrace relevant issues covered by this Convention, as well as any other issues on which the Riparian Parties may deem it necessary to cooperate.
2. The agreements or arrangements mentioned in paragraph 1 of this article shall provide for the establishment of joint bodies. The tasks of these joint bodies shall be, inter alia, and without prejudice to relevant existing agreements or arrangements, the following:
  - (a) To collect, compile and evaluate data in order to identify pollution sources likely to cause transboundary impact;
  - (b) To elaborate joint monitoring programmes concerning water quality and quantity;
  - (c) To draw up inventories and exchange information on the pollution sources mentioned in paragraph 2 (a) of this article;
  - (d) To elaborate emission limits for waste water and evaluate the effectiveness of control programmes;
  - (e) To elaborate joint water-quality objectives and criteria having regard to the provisions of article 3, paragraph 3 of this Convention, and to propose relevant measures for maintaining and, where necessary, improving the existing water quality;
  - (f) To develop concerted action programmes for the reduction of pollution loads from both point sources (e.g. municipal and industrial sources) and diffuse sources (particularly from agriculture);
  - (g) To establish warning and alarm procedures;

(h) To serve as a forum for the exchange of information on existing and planned uses of water and related installations that are likely to cause transboundary impact;

(i) To promote cooperation and exchange of information on the best available technology in accordance with the provisions of article 13 of this Convention, as well as to encourage cooperation in scientific research programmes;

(j) To participate in the implementation of environmental impact assessments relating to transboundary waters, in accordance with appropriate international regulations.

3. In cases where a coastal State, being Party to this Convention, is directly and significantly affected by transboundary impact, the Riparian Parties can, if they all so agree, invite that coastal State to be involved in an appropriate manner in the activities of multilateral joint bodies established by Parties riparian to such transboundary waters.

4. Joint bodies according to this Convention shall invite joint bodies, established by coastal States for the protection of the marine environment directly affected by transboundary impact, to cooperate in order to harmonize their work and to prevent, control and reduce the transboundary impact.

5. Where two or more joint bodies exist in the same catchment area, they shall endeavour to coordinate their activities in order to strengthen the prevention, control and reduction of transboundary impact within that catchment area.

#### Article 10

##### CONSULTATIONS

Consultations shall be held between the Riparian Parties on the basis of reciprocity, good faith and good-neighbourliness, at the request of any such Party. Such consultations shall aim at cooperation regarding the issues covered by the provisions of this Convention. Any such consultations shall be conducted through a joint body established under article 9 of this Convention, where one exists.

#### Article 11

##### JOINT MONITORING AND ASSESSMENT

1. In the framework of general cooperation mentioned in article 9 of this Convention, or specific arrangements, the Riparian Parties shall establish and implement joint programmes for monitoring the conditions of transboundary waters, including floods and ice drifts, as well as transboundary impact.

2. The Riparian Parties shall agree upon pollution parameters and pollutants whose discharges and concentration in transboundary waters shall be regularly monitored.

3. The Riparian Parties shall, at regular intervals, carry out joint or coordinated assessments of the conditions of transboundary waters and the effectiveness of measures taken for the prevention, control and reduction of transboundary impact. The results of these assessments shall be made available to the public in accordance with the provisions set out in article 16 of this Convention.

4. For these purposes, the Riparian Parties shall harmonize rules for the setting up and operation of monitoring programmes, measurement systems, devices, analytical techniques, data processing and evaluation procedures, and methods for the registration of pollutants discharged.

#### Article 12

##### COMMON RESEARCH AND DEVELOPMENT

In the framework of general cooperation mentioned in article 9 of this Convention, or specific arrangements, the Riparian Parties shall undertake specific research and development activities in support of achieving and maintaining the water-quality objectives and criteria which they have agreed to set and adopt.

#### Article 13

##### EXCHANGE OF INFORMATION BETWEEN RIPARIAN PARTIES

1. The Riparian Parties shall, within the framework of relevant agreements or other arrangements according to article 9 of this Convention, exchange reasonably available data, inter alia, on:

- (a) Environmental conditions of transboundary waters;
- (b) Experience gained in the application and operation of best available technology and results of research and development;
- (c) Emission and monitoring data;
- (d) Measures taken and planned to be taken to prevent, control and reduce transboundary impact;
- (e) Permits or regulations for waste-water discharges issued by the competent authority or appropriate body.

2. In order to harmonize emission limits, the Riparian Parties shall undertake the exchange of information on their national regulations.

3. If a Riparian Party is requested by another Riparian Party to provide data or information that is not available, the former shall endeavour to comply with the request but may condition its compliance upon the payment, by the requesting Party, of reasonable charges for collecting and, where appropriate, processing such data or information.

4. For the purposes of the implementation of this Convention, the Riparian Parties shall facilitate the exchange of best available technology, particularly through the promotion of: the commercial exchange of available technology; direct industrial contacts and cooperation, including joint ventures; the exchange of information and experience; and the provision of technical assistance. The Riparian Parties shall also undertake joint training programmes and the organization of relevant seminars and meetings.

#### Article 14

##### WARNING AND ALARM SYSTEMS

The Riparian Parties shall without delay inform each other about any critical situation that may have transboundary impact. The Riparian Parties

shall set up, where appropriate, and operate coordinated or joint communication, warning and alarm systems with the aim of obtaining and transmitting information: These systems shall operate on the basis of compatible data transmission and treatment procedures and facilities to be agreed upon by the Riparian Parties. The Riparian Parties shall inform each other about competent authorities or points of contact designated for this purpose.

#### Article 15

##### MUTUAL ASSISTANCE

1. If a critical situation should arise, the Riparian Parties shall provide mutual assistance upon request, following procedures to be established in accordance with paragraph 2 of this article.
2. The Riparian Parties shall elaborate and agree upon procedures for mutual assistance addressing, inter alia, the following issues:
  - (a) The direction, control, coordination and supervision of assistance;
  - (b) Local facilities and services to be rendered by the Party requesting assistance, including, where necessary, the facilitation of border-crossing formalities;
  - (c) Arrangements for holding harmless, indemnifying and/or compensating the assisting Party and/or its personnel, as well as for transit through territories of third Parties, where necessary;
  - (d) Methods of reimbursing assistance services.

#### Article 16

##### PUBLIC INFORMATION

1. The Riparian Parties shall ensure that information on the conditions of transboundary waters, measures taken or planned to be taken to prevent, control and reduce transboundary impact, and the effectiveness of those measures, is made available to the public. For this purpose, the Riparian Parties shall ensure that the following information is made available to the public:
  - (a) Water-quality objectives;
  - (b) Permits issued and the conditions required to be met;
  - (c) Results of water and effluent sampling carried out for the purposes of monitoring and assessment, as well as results of checking compliance with the water-quality objectives or the permit conditions.
2. The Riparian Parties shall ensure that this information shall be available to the public at all reasonable times for inspection free of charge, and shall provide members of the public with reasonable facilities for obtaining from the Riparian Parties, on payment of reasonable charges, copies of such information.

PART III

INSTITUTIONAL AND FINAL PROVISIONS

Article 17

MEETING OF PARTIES

1. The first meeting of the Parties shall be convened no later than one year after the date of the entry into force of this Convention. Thereafter, ordinary meetings shall be held every three years, or at shorter intervals as laid down in the rules of procedure. The Parties shall hold an extraordinary meeting if they so decide in the course of an ordinary meeting or at the written request of any Party, provided that, within six months of it being communicated to all Parties, the said request is supported by at least one third of the Parties.

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

(a) Review the policies for and methodological approaches to the protection and use of transboundary waters of the Parties with a view to further improving the protection and use of transboundary waters;

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

(c) Seek, where appropriate, the services of relevant ECE bodies as well as other competent international bodies and specific committees in all 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 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 18

RIGHT TO VOTE

1. Except as provided for in paragraph 2 of this article, each Party to this Convention shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

## Article 19

### 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 to the Parties of reports and other information received in accordance with the provisions of this Convention;
- (c) The performance of such other functions as may be determined by the Parties.

## Article 20

### ANNEXES

Annexes to this Convention shall constitute an integral part thereof.

## Article 21

### AMENDMENTS TO THE CONVENTION

1. Any Party may propose amendments to this Convention.
2. Proposals for amendments to this Convention shall be considered at a meeting of the Parties.
3. The text of any proposed amendment to this Convention shall be submitted in writing to the Executive Secretary of the Economic Commission for Europe, who shall communicate it to all Parties at least ninety days before the meeting at which it is proposed for adoption.
4. An amendment to the present Convention shall be adopted by consensus of the representatives of the Parties to this Convention present at a meeting of the Parties, and shall enter into force for the Parties to the Convention which have accepted it on the ninetieth day after the date on which two thirds of those Parties have deposited with the Depository their instruments of acceptance of the amendment. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of acceptance of the amendment.

## Article 22

### 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 means 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 annex IV.

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 23

##### SIGNATURE

This Convention shall be open for signature at Helsinki from 17 to 18 March 1992 inclusive, and thereafter at United Nations Headquarters in New York until 18 September 1992 by States members of the Economic Commission for Europe as well as States having consultative status with the Economic Commission for Europe pursuant to paragraph 8 of 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 over matters governed by this Convention, including the competence to enter into treaties in respect of these matters.

#### Article 24

##### DEPOSITARY

The Secretary-General of the United Nations shall act as the Depositary of this Convention.

#### Article 25

##### 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 by the States and organizations referred to in article 23.
3. Any organization referred to in article 23 which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under this Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under this Convention concurrently.
4. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations referred to in article 23 shall declare the extent of their competence with respect to the matters governed by this Convention. These organizations shall also inform the Depositary of any substantial modification to the extent of their competence.

Article 26

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 States members of such an organization.
3. For each State or organization referred to in article 23 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 27

WITHDRAWAL

At any time after three 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.

Article 28

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.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Helsinki, this seventeenth day of March one thousand nine hundred and ninety-two.

ANNEX I

DEFINITION OF THE TERM "BEST AVAILABLE TECHNOLOGY"

1. The term "best available technology" is taken to mean the latest stage of development of processes, facilities or methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste. In determining whether a set of processes, facilities and methods of operation constitute the best available technology in general or individual cases, special consideration is given to:

(a) Comparable processes, facilities or methods of operation which have recently been successfully tried out;

(b) Technological advances and changes in scientific knowledge and understanding;

(c) The economic feasibility of such technology;

(d) Time limits for installation in both new and existing plants;

(e) The nature and volume of the discharges and effluents concerned;

(f) Low- and non-waste technology.

2. It therefore follows that what is "best available technology" for a particular process will change with time in the light of technological advances, economic and social factors, as well as in the light of changes in scientific knowledge and understanding.

ANNEX II

GUIDELINES FOR DEVELOPING BEST ENVIRONMENTAL PRACTICES

1. In selecting for individual cases the most appropriate combination of measures which may constitute the best environmental practice, the following graduated range of measures should be considered:

- (a) Provision of information and education to the public and to users about the environmental consequences of the choice of particular activities and products, their use and ultimate disposal;
- (b) The development and application of codes of good environmental practice which cover all aspects of the product's life;
- (c) Labels informing users of environmental risks related to a product, its use and ultimate disposal;
- (d) Collection and disposal systems available to the public;
- (e) Recycling, recovery and reuse;
- (f) Application of economic instruments to activities, products or groups of products;
- (g) A system of licensing, which involves a range of restrictions or a ban.

2. In determining what combination of measures constitute best environmental practices, in general or in individual cases, particular consideration should be given to:

- (a) The environmental hazard of:
  - (i) The product;
  - (ii) The product's production;
  - (iii) The product's use;
  - (iv) The product's ultimate disposal;
- (b) Substitution by less polluting processes or substances;
- (c) Scale of use;
- (d) Potential environmental benefit or penalty of substitute materials or activities;
- (e) Advances and changes in scientific knowledge and understanding;
- (f) Time limits for implementation;
- (g) Social and economic implications.

3. It therefore follows that best environmental practices for a particular source will change with time in the light of technological advances, economic and social factors, as well as in the light of changes in scientific knowledge and understanding.

ANNEX III

GUIDELINES FOR DEVELOPING WATER-QUALITY  
OBJECTIVES AND CRITERIA

Water-quality objectives and criteria shall:

- (a) Take into account the aim of maintaining and, where necessary, improving the existing water quality;
- (b) Aim at the reduction of average pollution loads (in particular hazardous substances) to a certain degree within a certain period of time;
- (c) Take into account specific water-quality requirements (raw water for drinking-water purposes, irrigation, etc.);
- (d) Take into account specific requirements regarding sensitive and specially protected waters and their environment, e.g. lakes and groundwater resources;
- (e) Be based on the application of ecological classification methods and chemical indices for the medium- and long-term review of water-quality maintenance and improvement;
- (f) Take into account the degree to which objectives are reached and the additional protective measures, based on emission limits, which may be required in individual cases.

ANNEX IV

ARBITRATION

1. In the event of a dispute being submitted for arbitration pursuant to article 22, paragraph 2 of this Convention, a party or parties shall notify the secretariat of the subject-matter of arbitration and indicate, in particular, the articles of this Convention whose interpretation or application is 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 so 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. If it fails to do so within that period, the president shall so 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 the provisions of this Convention.
6. Any arbitral tribunal constituted under the provisions set out in this annex 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 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;
  - (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.

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 which has 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.



**CONVENTION ON THE TRANSBOUNDARY EFFECTS  
OF INDUSTRIAL ACCIDENTS**

done at Helsinki, on 17 March 1992



**UNITED NATIONS**  
1992

CONVENTION ON THE TRANSBOUNDARY EFFECTS  
OF INDUSTRIAL ACCIDENTS

PREAMBLE

The Parties to this Convention,

Mindful of the special importance, in the interest of present and future generations, of protecting human beings and the environment against the effects of industrial accidents,

Recognizing the importance and urgency of preventing serious adverse effects of industrial accidents on human beings and the environment, and of promoting all measures that stimulate the rational, economic and efficient use of preventive, preparedness and response measures to enable environmentally sound and sustainable economic development,

Taking into account the fact that the effects of industrial accidents may make themselves felt across borders, and require cooperation among States,

Affirming the need to promote active international cooperation among the States concerned before, during and after an accident, to enhance appropriate policies and to reinforce and coordinate action at all appropriate levels for promoting the prevention of, preparedness for and response to the transboundary effects of industrial accidents,

Noting the importance and usefulness of bilateral and multilateral arrangements for the prevention of, preparedness for and response to the effects of industrial accidents,

Conscious of the role played in this respect by the United Nations Economic Commission for Europe (ECE) and recalling, inter alia, the ECE Code of Conduct on Accidental Pollution of Transboundary Inland Waters and the Convention on Environmental Impact Assessment in a Transboundary Context,

Having regard to the relevant provisions of the Final Act of the Conference on Security and Cooperation in Europe (CSCE), the Concluding Document of the Vienna Meeting of Representatives of the Participating States of the CSCE, and the outcome of the Sofia Meeting on the Protection of the Environment of the CSCE, as well as to pertinent activities and mechanisms in the United Nations Environment Programme (UNEP), in particular the APELL programme, in the International Labour Organisation (ILO), in particular the Code of Practice on the Prevention of Major Industrial Accidents, and in other relevant international organizations,

Considering the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, and in particular principle 21, according to which States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Taking account of the polluter-pays principle as a general principle of international environmental law,

Underlining the principles of international law and custom, in particular the principles of good-neighbourliness, reciprocity, non-discrimination and good faith,

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of this Convention,

(a) "Industrial accident" means an event resulting from an uncontrolled development in the course of any activity involving hazardous substances either:

- (i) In an installation, for example during manufacture, use, storage, handling, or disposal; or
- (ii) During transportation in so far as it is covered by paragraph 2(d) of Article 2;

(b) "Hazardous activity" means any activity in which one or more hazardous substances are present or may be present in quantities at or in excess of the threshold quantities listed in Annex I hereto, and which is capable of causing transboundary effects;

(c) "Effects" means any direct or indirect, immediate or delayed adverse consequences caused by an industrial accident on, inter alia:

- (i) Human beings, flora and fauna;
- (ii) Soil, water, air and landscape;
- (iii) The interaction between the factors in (i) and (ii);
- (iv) Material assets and cultural heritage, including historical monuments;

(d) "Transboundary effects" means serious effects within the jurisdiction of a Party as a result of an industrial accident occurring within the jurisdiction of another Party;

(e) "Operator" means any natural or legal person, including public authorities, in charge of an activity, e.g. supervising, planning to carry out or carrying out an activity;

(f) "Party" means, unless the text otherwise indicates, a Contracting Party to this Convention;

(g) "Party of origin" means any Party or Parties under whose jurisdiction an industrial accident occurs or is capable of occurring;

(h) "Affected Party" means any Party or Parties affected or capable of being affected by transboundary effects of an industrial accident;

(i) "Parties concerned" means any Party of origin and any affected Party;

(j) "The public" means one or more natural or legal persons.

## Article 2

### SCOPE

1. This Convention shall apply to the prevention of, preparedness for and response to industrial accidents capable of causing transboundary effects, including the effects of such accidents caused by natural disasters, and to international cooperation concerning mutual assistance, research and development, exchange of information and exchange of technology in the area of prevention of, preparedness for and response to industrial accidents.

2. This Convention shall not apply to:

(a) Nuclear accidents or radiological emergencies;

(b) Accidents at military installations;

(c) Dam failures, with the exception of the effects of industrial accidents caused by such failures;

(d) Land-based transport accidents with the exception of:

(i) Emergency response to such accidents;

(ii) Transportation on the site of the hazardous activity;

(e) Accidental release of genetically modified organisms;

(f) Accidents caused by activities in the marine environment, including seabed exploration or exploitation;

(g) Spills of oil or other harmful substances at sea.

## Article 3

### GENERAL PROVISIONS

1. The Parties shall, taking into account efforts already made at national and international levels, take appropriate measures and cooperate within the framework of this Convention, to protect human beings and the environment against industrial accidents by preventing such accidents as far as possible, by reducing their frequency and severity and by mitigating their effects. To this end, preventive, preparedness and response measures, including restoration measures, shall be applied.

2. The Parties shall, by means of exchange of information, consultation and other cooperative measures and without undue delay, develop and implement policies and strategies for reducing the risks of industrial accidents and improving preventive, preparedness and response measures, including restoration measures, taking into account, in order to avoid unnecessary duplication, efforts already made at national and international levels.

3. The Parties shall ensure that the operator is obliged to take all measures necessary for the safe performance of the hazardous activity and for the prevention of industrial accidents.

4. To implement the provisions of this Convention, the Parties shall take appropriate legislative, regulatory, administrative and financial measures for the prevention of, preparedness for and response to industrial accidents.

5. The provisions of this Convention shall not prejudice any obligations of the Parties under international law with regard to industrial accidents and hazardous activities.

#### Article 4

##### IDENTIFICATION, CONSULTATION AND ADVICE

1. For the purpose of undertaking preventive measures and setting up preparedness measures, the Party of origin shall take measures, as appropriate, to identify hazardous activities within its jurisdiction and to ensure that affected Parties are notified of any such proposed or existing activity.

2. Parties concerned shall, at the initiative of any such Party, enter into discussions on the identification of those hazardous activities that are, reasonably, capable of causing transboundary effects. If the Parties concerned do not agree on whether an activity is such a hazardous activity, any such Party may, unless the Parties concerned agree on another method of resolving the question, submit that question to an inquiry commission in accordance with the provisions of Annex II hereto for advice,

3. The Parties shall, with respect to proposed or existing hazardous activities, apply the procedures set out in Annex III hereto.

4. When a hazardous activity is subject to an environmental impact assessment in accordance with the Convention on Environmental Impact Assessment in a Transboundary Context and that assessment includes an evaluation of the transboundary effects of industrial accidents from the hazardous activity which is performed in conformity with the terms of this Convention, the final decision taken for the purposes of the Convention on Environmental Impact Assessment in a Transboundary Context shall fulfil the relevant requirements of this Convention.

## Article 5

### VOLUNTARY EXTENSION

Parties concerned should, at the initiative of any of them, enter into discussions on whether to treat an activity not covered by Annex I as a hazardous activity. Upon mutual agreement, they may use an advisory mechanism of their choice, or an inquiry commission in accordance with Annex II, to advise them. Where the Parties concerned so agree, this Convention, or any part thereof, shall apply to the activity in question as if it were a hazardous activity.

## Article 6

### PREVENTION

1. The Parties shall take appropriate measures for the prevention of industrial accidents, including measures to induce action by operators to reduce the risk of industrial accidents. Such measures may include, but are not limited to those referred to in Annex IV hereto.
2. With regard to any hazardous activity, the Party of origin shall require the operator to demonstrate the safe performance of the hazardous activity by the provision of information such as basic details of the process, including but not limited to, analysis and evaluation as detailed in Annex V hereto.

## Article 7

### DECISION-MAKING ON SITING

Within the framework of its legal system, the Party of origin shall, with the objective of minimizing the risk to the population and the environment of all affected Parties, seek the establishment of policies on the siting of new hazardous activities and on significant modifications to existing hazardous activities. Within the framework of their legal systems, the affected Parties shall seek the establishment of policies on significant developments in areas which could be affected by transboundary effects of an industrial accident arising out of a hazardous activity so as to minimize the risks involved. In elaborating and establishing these policies, the Parties should consider the matters set out in Annex V, paragraph 2, subparagraphs (1) to (8), and Annex VI hereto.

## Article 8

### EMERGENCY PREPAREDNESS

1. The Parties shall take appropriate measures to establish and maintain adequate emergency preparedness to respond to industrial accidents. The Parties shall ensure that preparedness measures are taken to mitigate transboundary effects of such accidents, on-site duties being undertaken by operators. These measures may include, but are not limited to those referred to in Annex VII hereto. In particular, the Parties concerned shall inform each other of their contingency plans.

2. The Party of origin shall ensure for hazardous activities the preparation and implementation of on-site contingency plans, including suitable measures for response and other measures to prevent and minimize transboundary effects. The Party of origin shall provide to the other Parties concerned the elements it has for the elaboration of contingency plans.

3. Each Party shall ensure for hazardous activities the preparation and implementation of off-site contingency plans covering measures to be taken within its territory to prevent and minimize transboundary effects. In preparing these plans, account shall be taken of the conclusions of analysis and evaluation, in particular the matters set out in Annex V, paragraph 2, subparagraphs (1) to (5). Parties concerned shall endeavour to make such plans compatible. Where appropriate, joint off-site contingency plans shall be drawn up in order to facilitate the adoption of adequate response measures.

4. Contingency plans should be reviewed regularly, or when circumstances so require, taking into account the experience gained in dealing with actual emergencies.

#### Article 9

##### INFORMATION TO, AND PARTICIPATION OF THE PUBLIC

1. The Parties shall ensure that adequate information is given to the public in the areas capable of being affected by an industrial accident arising out of a hazardous activity. This information shall be transmitted through such channels as the Parties deem appropriate, shall include the elements contained in Annex VIII hereto and should take into account matters set out in Annex V, paragraph 2, subparagraphs (1) to (4) and (9).

2. The Party of origin shall, in accordance with the provisions of this Convention and whenever possible and appropriate, give the public in the areas capable of being affected an opportunity to participate in relevant procedures with the aim of making known its views and concerns on prevention and preparedness measures, and shall ensure that the opportunity given to the public of the affected Party is equivalent to that given to the public of the Party of origin.

3. The Parties shall, in accordance with their legal systems and, if desired, on a reciprocal basis provide natural or legal persons who are being or are capable of being adversely affected by the transboundary effects of an industrial accident in the territory of a Party, with access to, and treatment in the relevant administrative and judicial proceedings, including the possibilities of starting a legal action and appealing a decision affecting their rights, equivalent to those available to persons within their own jurisdiction.

#### Article 10

##### INDUSTRIAL ACCIDENT NOTIFICATION SYSTEMS

1. The Parties shall, with the aim of obtaining and transmitting industrial accident notifications containing information needed to counteract transboundary effects, provide for the establishment and operation of compatible and efficient industrial accident notification systems at appropriate levels.

2. In the event of an industrial accident, or imminent threat thereof, which causes or is capable of causing transboundary effects, the Party of origin shall ensure that affected Parties are, without delay, notified at appropriate levels through the industrial accident notification systems. Such notification shall include the elements contained in Annex IX hereto.

3. The Parties concerned shall ensure that, in the event of an industrial accident or imminent threat thereof, the contingency plans prepared in accordance with Article 8 are activated as soon as possible and to the extent appropriate to the circumstances.

#### Article 11

##### RESPONSE

1. The Parties shall ensure that, in the event of an industrial accident, or imminent threat thereof, adequate response measures are taken, as soon as possible and using the most efficient practices, to contain and minimize effects.

2. In the event of an industrial accident, or imminent threat thereof, which causes or is capable of causing transboundary effects, the Parties concerned shall ensure that the effects are assessed - where appropriate, jointly for the purpose of taking adequate response measures. The Parties concerned shall endeavour to coordinate their response measures.

#### Article 12

##### MUTUAL ASSISTANCE

1. If a Party needs assistance in the event of an industrial accident, it may ask for assistance from other Parties, indicating the scope and type of assistance required. A Party to whom a request for assistance is directed shall promptly decide and inform the requesting Party whether it is in a position to render the assistance required and indicate the scope and terms of the assistance that might be rendered.

2. The Parties concerned shall cooperate to facilitate the prompt provision of assistance agreed to under paragraph 1 of this Article, including, where appropriate, action to minimize the consequences and effects of the industrial accident, and to provide general assistance. Where Parties do not have bilateral or multilateral agreements which cover their arrangements for providing mutual assistance, the assistance shall be rendered in accordance with Annex X hereto, unless the Parties agree otherwise.

#### Article 13

##### RESPONSIBILITY AND LIABILITY

The Parties shall support appropriate international efforts to elaborate rules, criteria and procedures in the field of responsibility and liability.

#### Article 14

##### RESEARCH AND DEVELOPMENT

The Parties shall, as appropriate, initiate and cooperate in the conduct of research into, and in the development of methods and technologies for the prevention of, preparedness for and response to industrial accidents. For these purposes, the Parties shall encourage and actively promote scientific and technological cooperation, including research into less hazardous processes aimed at limiting accident hazards and preventing and limiting the consequences of industrial accidents.

#### Article 15

##### EXCHANGE OF INFORMATION

The Parties shall, at the multilateral or bilateral level, exchange reasonably obtainable information, including the elements contained in Annex. XI hereto.

#### Article 16

##### EXCHANGE OF TECHNOLOGY

1. The Parties shall, consistent with their laws, regulations and practices, facilitate the exchange of technology for the prevention of, preparedness for and response to the effects of industrial accidents, particularly through the promotion of:

- (a) Exchange of available technology on various financial bases;
- (b) Direct industrial contacts and cooperation;
- (c) Exchange of information and experience;
- (d) Provision of technical assistance.

2. In promoting the activities specified in paragraph 1, subparagraphs (a) to (d) of this Article, the Parties shall create favourable conditions by facilitating contacts and cooperation among appropriate organizations and individuals in both the private and the public sectors that are capable of providing technology, design and engineering services, equipment or finance.

#### Article 17

##### COMPETENT AUTHORITIES AND POINTS OF CONTACT

1. Each Party shall designate or establish one or more competent authorities for the purposes of this Convention.

2. Without prejudice to other arrangements at the bilateral or multilateral level, each Party shall designate or establish one point of contact for the purpose of industrial accident notifications pursuant to Article 10, and one point of contact for the purpose of mutual assistance pursuant to Article 12. These points of contact should preferably be the same.

3. Each Party shall, within three months of the date of entry into force of this Convention for that Party, inform the other Parties, through the secretariat referred to in Article 20, which body or bodies it has designated as its point(s) of contact and as its competent authority or authorities.

4. Each Party shall, within one month of the date of decision, inform the other Parties, through the secretariat, of any changes regarding the designation(s) it has made under paragraph 3 of this Article.

5. Each Party shall keep its point of contact and industrial accident notification systems pursuant to Article 10 operational at all times.

6. Each Party shall keep its point of contact and the authorities responsible for making and receiving requests for, and accepting offers of assistance pursuant to Article 12 operational at all times.

#### Article 18

##### CONFERENCE OF THE PARTIES

1. The representatives of the Parties shall constitute the Conference of the Parties of this Convention and hold their meetings on a regular basis. The first meeting of the Conference of the Parties shall be convened not later than one year after the date of the entry into force of this Convention. Thereafter, a meeting of the Conference of the Parties shall be held at least once a year 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 Conference of the Parties shall:

(a) Review the implementation of this Convention;

(b) Carry out advisory functions aimed at strengthening the ability of Parties to prevent, prepare for and respond to the transboundary effects of industrial accidents, and at facilitating the provision of technical assistance and advice at the request of Parties faced with industrial accidents;

(c) Establish, as appropriate, working groups and other appropriate mechanisms to consider matters related to the implementation and development of this Convention and, to this end, to prepare appropriate studies and other documentation and submit recommendations for consideration by the Conference of the Parties;

(d) Fulfil such other functions as may be appropriate under the provisions of this Convention;

(e) At its first meeting, consider and, by consensus, adopt rules of procedure for its meetings.

3. The Conference of the Parties, in discharging its functions, shall, when it deems appropriate, also cooperate with other relevant international organizations.

4. The Conference of the Parties shall, at its first meeting, establish a programme of work, in particular with regard to the items contained in Annex XII hereto. The Conference of the Parties shall also decide on the method of work, including the use of national centres and cooperation with relevant international organizations and the establishment of a system with a view to facilitating the implementation of this Convention, in particular for mutual assistance in the event of an industrial accident, and building upon pertinent existing activities within relevant international organizations. As part of the programme of work, the Conference of the Parties shall review existing national, regional and international centres, and other bodies and programmes aimed at coordinating information and efforts in the prevention of, preparedness for and response to industrial accidents, with a view to determining what additional international institutions or centres may be needed to carry out the tasks listed in Annex XII.

5. The Conference of the Parties shall, at its first meeting, commence consideration of procedures to create more favourable conditions for the exchange of technology for the prevention of, preparedness for and response to the effects of industrial accidents.

6. The Conference of the Parties shall adopt guidelines and criteria to facilitate the identification of hazardous activities for the purposes of this Convention.

#### Article 19

##### RIGHT TO VOTE

1. Except as provided for in paragraph 2 of this Article, each Party to this Convention shall have one vote.

2. Regional economic integration organizations as defined in Article 27 shall, in matters within their competence, exercise their right to vote with a number of votes equal to the number of their member States which are Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

#### Article 20

##### SECRETARIAT

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

(a) Convene and prepare meetings of the Parties;

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

(c) Such other functions as may be determined by the Parties.

## Article 21

### 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 Depositary 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 Annex XIII hereto.

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 to the dispute agree otherwise.

## Article 22

### LIMITATIONS ON THE SUPPLY OF INFORMATION

1. The provisions of this Convention shall not affect the rights or the obligations of Parties in accordance with their national laws, regulations, administrative provisions or accepted legal practices and applicable international regulations to protect information related to personal data, industrial and commercial secrecy, including intellectual property, or national security.

2. If a Party nevertheless decides to supply such protected information to another Party, the Party receiving such protected information shall respect the confidentiality of the information received and the conditions under which it is supplied, and shall only use that information for the purposes for which it was supplied.

## Article 23

### IMPLEMENTATION

The Parties shall report periodically on the implementation of this Convention.

Article 24

BILATERAL AND MULTILATERAL AGREEMENTS

1. The Parties may, in order to implement their obligations under this Convention, continue existing or enter into new bilateral or multilateral agreements or other arrangements.
2. The provisions of this Convention shall not affect the right of Parties to take, by bilateral or multilateral agreement where appropriate, more stringent measures than those required by this Convention.

Article 25

STATUS OF ANNEXES

The Annexes to this Convention form an integral part of the Convention.

Article 26

AMENDMENTS TO THE CONVENTION

1. Any Party may propose amendments to this Convention.
2. The text of any proposed amendment to this Convention shall be submitted in writing to the Executive Secretary of the Economic Commission for Europe, who shall circulate it to all Parties. The Conference of the Parties shall discuss proposed amendments at its next annual meeting, provided that such proposals have been circulated to the Parties by the Executive Secretary of the Economic Commission for Europe at least ninety days in advance.
3. For amendments to this Convention - other than those to Annex I, for which the procedure is described in paragraph 4 of this Article:
  - (a) Amendments shall be adopted by consensus of the Parties present at the meeting and shall be submitted by the Depositary to all Parties for ratification, acceptance or approval;
  - (b) Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with this Article shall enter into force for Parties that have accepted them on the ninetieth day following the day of receipt by the Depositary of the sixteenth instrument of ratification, acceptance or approval;
  - (c) Thereafter, amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instruments of ratification, acceptance or approval of the amendments.

4. For amendments to Annex I:

(a) The Parties shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted and no agreement reached, the amendments shall, as a last resort, be adopted by a nine-tenths majority vote of the Parties present and voting at the meeting. If adopted by the Conference of the Parties, the amendments shall be communicated to the Parties and recommended for approval;

(b) On the expiry of twelve months from the date of their communication by the Executive Secretary of the Economic Commission for Europe, the amendments to Annex I shall become effective for those Parties to this Convention which have not submitted a notification in accordance with the provisions of paragraph 4(c) of this Article, provided that at least sixteen Parties have not submitted such a notification;

(c) Any Party that is unable to approve an amendment to Annex I of this Convention shall so notify the Executive Secretary of the Economic Commission for Europe in writing within twelve months from the date of the communication of the adoption. The Executive Secretary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for its previous notification and the amendment to Annex I shall thereupon enter into force for that Party.

(d) For the purpose of this paragraph "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 27

SIGNATURE

This Convention shall be open for signature at Helsinki from 17 to 18 March 1992 inclusive, and thereafter at United Nations Headquarters in New York until 18 September 1992, by States members of the Economic Commission for Europe, as well as States having consultative status with the Economic Commission for Europe pursuant to paragraph 8 of 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 28

DEPOSITARY

The Secretary-General of the United Nations shall act as the Depositary of this Convention.

## Article 29

### RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. This Convention shall be subject to ratification, acceptance or approval by the signatory States and regional economic integration organizations referred to in Article 27.
2. This Convention shall be open for accession by the States and organizations referred to in Article 27.
3. Any organization referred to in Article 27 which becomes Party to this Convention without any of its member States being a Party shall be bound by all the obligations under this Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under this Convention concurrently.
4. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations referred to in Article 27 shall declare the extent of their competence with respect to the matters governed by this Convention. These organizations shall also inform the Depository of any substantial modification to the extent of their competence.

## Article 30

### 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 an organization referred to in Article 27 shall not be counted as additional to those deposited by States members of such an organization.
3. For each State or organization referred to in Article 27 which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the sixteenth instrument of ratification, acceptance, approval or accession, this 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 31

### WITHDRAWAL

1. At any time after three years from the date on which this Convention has come into force with respect to a Party, that Party may withdraw from this Convention by giving written notification to the Depository. Any such withdrawal shall take effect on the ninetieth day after the date of the receipt of the notification by the Depository.

2. Any such withdrawal shall not affect the application of Article 4 to an activity in respect of which a notification has been made pursuant to Article 4, paragraph 1, or a request for discussions has been made pursuant to Article 4, paragraph 2.

Article 32

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.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Helsinki, this seventeenth day of March one thousand nine hundred and ninety-two.

ANNEX I

HAZARDOUS SUBSTANCES FOR THE PURPOSES OF  
DEFINING HAZARDOUS ACTIVITIES

The quantities set out below relate to each activity or group of activities. Where a range of quantities is given in Part I, the threshold quantities are the maximum quantities given in each range. Five years after the entry into force of this Convention, the lowest quantity given in each range shall become the threshold quantity, unless amended.

Where a substance or preparation named in Part II also falls within a category in Part I, the threshold quantity set out in Part II shall be used.

For the identification of hazardous activities, Parties shall take into consideration the foreseeable possibility of aggravation of the hazards involved and the quantities of the hazardous substances and their proximity, whether under the charge of one or more operators.

PART I. Categories of substances and preparations not specifically named in Part II

<u>Category</u>	<u>Threshold Quantity</u> (Tonnes)
1. Flammable gases 1 <sup>a</sup> ) including LPG	200
2. Highly flammable liquids 1 <sup>b</sup> )	50,000
3. Very toxic 1 <sup>c</sup> )	20
4. Toxic 1 <sup>d</sup> )	500-200
5. Oxidizing 1 <sup>e</sup> )	500-200
6. Explosive 1 <sup>f</sup> )	200-50
7. Flammable liquids 1 <sup>g</sup> ) (handled under special conditions of pressure and temperature)	200
8. Dangerous for the environment 1 <sup>h</sup> )	200

PART II. Named substances

<u>Substance</u>	<u>Threshold Quantity</u> (Tonnes)
1. Ammonia	500
2 a Ammonium nitrate 2/	2,500
b Ammonium nitrate in the form of fertilizers 3/	10,000
3. Acrylonitrile	200
4. Chlorine	25
5. Ethylene oxide	50
6. Hydrogen cyanide	20
7. Hydrogen fluoride	50
8. Hydrogen sulphide	50
9. Sulphur dioxide	250
10. Sulphur trioxide	75
11. Lead alkyls	50
12. Phosgene	0.75
13. Methyl isocyanate	0.15

NOTES

1. Indicative criteria. In the absence of other appropriate criteria, Parties may use the following criteria when classifying substances or preparations for the purposes of Part I of this Annex.

(a) FLAMMABLE GASES: substances which in the gaseous state at normal pressure and mixed with air become flammable and the boiling point of which at normal pressure is 20°C or below;

(b) HIGHLY FLAMMABLE LIQUIDS: substances which have a flash point lower than 21°C and the boiling point of which at normal pressure is above 20°C;

(c) VERY TOXIC: substances with properties corresponding to those in table 1 or table 2 below, and which, owing to their physical and chemical properties, are capable of creating industrial accident hazards.

TABLE 1

LD <sub>50</sub> (oral)(1) mg/kg body weight	LD <sub>50</sub> (dermal)(2) mg/kg body weight	LC <sub>50</sub> (3) mg/l (inhalation)
LD <sub>50</sub> ≤ 25	LD <sub>50</sub> ≤ 50	LC <sub>50</sub> ≤ 0.5

- (1) LD<sub>50</sub> oral in rats
- (2) LD<sub>50</sub> dermal in rats or rabbits
- (3) LC<sub>50</sub> by inhalation (four hours) in rats

TABLE 2

Discriminating dose mg/kg body weight	< 5
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where the acute oral toxicity in animals of the substance has been determined using the fixed-dose procedure.

(d) TOXIC: substances with properties corresponding to those in table 3 or 4 and having physical and chemical properties capable of creating industrial accident hazards.

TABLE 3

LD <sub>50</sub> (oral)(1) mg/kg body weight	LD <sub>50</sub> (dermal)(2) mg/kg body weight	LC <sub>50</sub> (3) mg/l (inhalation)
25 < LD <sub>50</sub> ≤ 200	50 < LD <sub>50</sub> ≤ 400	0.5 < LC <sub>50</sub> ≤ 2

- (1) LD<sub>50</sub> oral in rats
- (2) LD<sub>50</sub> dermal in rats or rabbits
- (3) LC<sub>50</sub> by inhalation (four hours) in rats

TABLE 4

Discriminating dose  
mg/kg body weight = 5

where the acute oral toxicity in animals of the substance has been determined using the fixed-dose procedure.

(e) OXIDIZING: substances which give rise to highly exothermic reaction when in contact with other substances, particularly flammable substances.

(f) EXPLOSIVE: substances which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

(g) FLAMMABLE LIQUIDS: substances which have a flash point lower than 55°C and which remain liquid under pressure, where particular processing conditions, such as high pressure and high temperature, may create industrial accident hazards.

(h) DANGEROUS FOR THE ENVIRONMENT: substances showing the values for acute toxicity to the aquatic environment corresponding to table 5.

TABLE 5

LC <sub>50</sub> (1) mg/l	EC <sub>50</sub> (2) mg/l	IC <sub>50</sub> (3) mg/l
LC <sub>50</sub> ≤ 10	EC <sub>50</sub> ≤ 10	IC <sub>50</sub> ≤ 10

- (1) LC<sub>50</sub> fish (96 hours)
- (2) EC<sub>50</sub> daphnia (48 hours)
- (3) IC<sub>50</sub> algae (72 hours)

where the substance is not readily degradable, or the log Pow > 3.0 (unless the experimentally determined BCF < 100).

- (i) LD - lethal dose
- (j) LC - lethal concentration
- (k) EC - effective concentration
- (l) IC - inhibiting concentration
- (m) Pow - partition coefficient octanol/water
- (n) BCF - bioconcentration factor

2. This applies to ammonium nitrate and mixtures of ammonium nitrate where the nitrogen content derived from the ammonium nitrate is > 28% by weight, and to aqueous solutions of ammonium nitrate where the concentration of ammonium nitrate is > 90% by weight.

3. This applies to straight ammonium nitrate fertilizers and to compound fertilizers where the nitrogen content derived from the ammonium nitrate is > 28% by weight (a compound fertilizer contains ammonium nitrate together with phosphate and/or potash).

4. Mixtures and preparations containing such substances shall be treated in the same way as the pure substance unless they no longer exhibit equivalent properties and are not capable of producing transboundary effects.

ANNEX II

INQUIRY COMMISSION PROCEDURE PURSUANT TO ARTICLES 4 AND 5

1. The requesting Party or Parties shall notify the secretariat that it or they is (are) submitting question(s) to an inquiry commission established in accordance with the provisions of this Annex. The notification shall state the subject-matter of the inquiry. The secretariat shall immediately inform 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 a 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 case 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. If it fails to do so within that 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 shall, using all means at their disposal:
  - (a) Provide the inquiry commission with all relevant documents, facilities and information;
  - (b) Enable the inquiry commission, 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 equally by the parties to the inquiry procedure. The inquiry commission shall keep a record of all its expenses and shall furnish a final statement thereof to the parties.

11. Any Party which has 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 the 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.

ANNEX III

PROCEDURES PURSUANT TO ARTICLE 4

1. A Party of origin may request consultations with another Party, in accordance with paragraphs 2 to 5 of this Annex, in order to determine whether that Party is an affected Party.

2. For a proposed or existing hazardous activity, the Party of origin shall, for the purposes of ensuring adequate and effective consultations, provide for the notification at appropriate levels of any Party that it considers may be an affected Party as early as possible and no later than when informing its own public about that proposed or existing activity. For existing hazardous activities such notification shall be provided no later than two years after the entry into force of this Convention for a Party of origin.

3. The notification shall contain, inter alia:

(a) Information on the hazardous activity, including any available information or report, such as information produced in accordance with Article 6, on its possible transboundary effects in the event of an industrial accident;

(b) An indication of a reasonable time within which a response under paragraph 4 of this Annex is required, taking into account the nature of the activity;

and may include the information set out in paragraph 6 of this Annex.

4. The notified Parties shall respond to the Party of origin within the time specified in the notification, acknowledging receipt of the notification and indicating whether they intend to enter into consultation.

5. If a notified Party indicates that it does not intend to enter into consultation, or if it does not respond within the time specified in the notification, the provisions set down in the following paragraphs of this Annex shall not apply. In such circumstances, the right of a Party of origin to determine whether to carry out an assessment and analysis on the basis of its national law and practice is not prejudiced.

6. Upon receipt of a response from a notified Party indicating its desire to enter into consultation, the Party of origin shall, if it has not already done so, provide to the notified Party:

(a) Relevant information regarding the time schedule for analysis, including an indication of the time schedule for the transmittal of comments;

(b) Relevant information on the hazardous activity and its transboundary effects in the event of an industrial accident;

(c) The opportunity to participate in evaluations of the information or any report demonstrating possible transboundary effects.

7. An affected Party shall, at the request of the Party of origin, provide the latter with reasonably obtainable information relating to the area under the jurisdiction of the affected Party capable of being affected, where such information is necessary for the preparation of the assessment and analysis and measures. The information shall be furnished promptly and, as appropriate, through a joint body where one exists.

8. The Party of origin shall furnish the affected Party directly, as appropriate, or, where one exists, through a joint body with the analysis and evaluation documentation as described in Annex V, paragraphs 1 and 2.

9. The Parties concerned shall inform the public in areas reasonably capable of being affected by the hazardous activity and shall arrange for the distribution of the analysis and evaluation documentation to it and to authorities in the relevant areas. The Parties shall ensure them an opportunity for making comments on, or objections to, the hazardous activity and shall arrange for their views to be submitted to the competent authority of the Party of origin, either directly to that authority or, where appropriate, through the Party of origin, within a reasonable time.

10. The Party of origin shall, after completion of the analysis and evaluation documentation, enter without undue delay into consultations with the affected Party concerning, inter alia, the transboundary effects of the hazardous activity in the event of an industrial accident, and measures to reduce or eliminate its effects. The consultations may relate to:

(a) Possible alternatives to the hazardous activity, including the no-action alternative, and possible measures to mitigate transboundary effects at the expense of the Party of origin;

(b) Other forms of possible mutual assistance for reducing any transboundary effects;

(c) Any other appropriate matters.

The Parties concerned shall, on the commencement of such consultations, agree 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.

11. The Parties concerned shall ensure that due account is taken of the analysis and evaluation, as well as of the comments received pursuant to paragraph 9 of this Annex and of the outcome of the consultations referred to in paragraph 10 of this Annex.

12. The Party of origin shall notify the affected Parties of any decision on the activity, along with the reasons and considerations on which it was based.

13. If, after additional and relevant information concerning the transboundary effects of a hazardous activity and which was not available at the time consultations were held with respect to that activity, becomes available to a Party concerned, that Party shall immediately inform the other Party or Parties concerned. If one of the Parties concerned so requests, renewed consultations shall be held.

ANNEX IV

PREVENTIVE MEASURES PURSUANT TO ARTICLE 6

The following measures may be carried out, depending on national laws and practices, by Parties, competent authorities, operators, or by joint efforts:

1. The setting of general or specific safety objectives;
2. The adoption of legislative provisions or guidelines concerning safety measures and safety standards;
3. The identification of those hazardous activities which require special preventive measures, which may include a licensing or authorization system;
4. The evaluation of risk analyses or of safety studies for hazardous activities and an action plan for the implementation of necessary measures;
5. The provision to the competent authorities of the information needed to assess risks;
6. The application of the most appropriate technology in order to prevent industrial accidents and protect human beings and the environment;
7. The undertaking, in order to prevent industrial accidents, of the appropriate education and training of all persons engaged in hazardous activities on-site under both normal and abnormal conditions;
8. The establishment of internal managerial structures and practices designed to implement and maintain safety regulations effectively;
9. The monitoring and auditing of hazardous activities and the carrying out of inspections.

ANNEX V

ANALYSIS AND EVALUATION

1. The analysis and evaluation of the hazardous activity should be performed with a scope and to a depth which vary depending on the purpose for which they are carried out.

2. The following table illustrates, for the purposes of the related Articles, matters which should be considered in the analysis and evaluation, for the purposes listed:

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<u>Purpose of analysis</u>	<u>Matters to be considered:</u>
Emergency planning under Article 8	<p>(1) The quantities and properties of hazardous substances on the site;</p> <p>(2) Brief descriptive scenarios of a representative sample of industrial accidents possibly arising from the hazardous activity, including an indication of the likelihood of each;</p> <p>(3) For each scenario:</p> <ul style="list-style-type: none"><li>(a) The approximate quantity of a release;</li><li>(b) The extent and severity of the resulting consequences both for people and for the non-human environment in favourable and unfavourable conditions, including the extent of resulting hazard zones;</li><li>(c) The time-scale within which the industrial accident could develop from the initiating event;</li><li>(d) Any action which could be taken to minimize the likelihood of escalation.</li></ul> <p>(4) The size and distribution of the population in the vicinity, including any large concentrations of people potentially in the hazard zone;</p> <p>(5) The age, mobility and susceptibility of that population.</p>
Decision-making on siting under Article 7	<p>In addition to items (1) to (5) above:</p> <p>(6) The severity of the harm inflicted on people and the environment, depending on the nature and circumstances of the release;</p> <p>(7) The distance from the location of the hazardous activity at which harmful effects on people and the environment may reasonably occur in the event of an industrial accident;</p> <p>(8) The same information not only for the present situation but also for planned or reasonably foreseeable future developments.</p>

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Information to the public under Article 9

In addition to items (1) to (4) above:

(9) The people who may be affected by an industrial accident.

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Preventive measures under Article 6

In addition to items (4) to (9) above, more detailed versions of the descriptions and assessments set out in items (1) to (3) will be needed for preventive measures. In addition to those descriptions and assessments, the following matters should also be covered:

(10) The conditions and quantities in which hazardous materials are handled;

(11) A list of the scenarios for the types of industrial accidents with serious effects, to include examples covering the full range of incident size and the possibility of effects from adjacent activities;

(12) For each scenario, a description of the events which could initiate an industrial accident and the steps whereby it could escalate;

(13) An assessment, at least in general terms, of the likelihood of each step occurring, taking into account the arrangements in (14);

(14) A description of the preventive measures in terms of both equipment and procedures designed to minimize the likelihood of each step occurring;

(15) An assessment of the effects that deviations from normal operating conditions could have, and the consequent arrangements for safe shut-down of the hazardous activity or any part thereof in an emergency, and of the need for staff training to ensure that potentially serious deviations are recognized at an early stage and appropriate action taken;

(16) An assessment of the extent to which modifications, repair work and maintenance work on the hazardous activity could place the control measures at risk, and the consequent arrangements to ensure that control is maintained.

ANNEX VI

DECISION-MAKING ON SITING PURSUANT TO ARTICLE 7

The following illustrates the matters which should be considered pursuant to Article 7:

1. The results of risk analysis and evaluation, including an evaluation pursuant to Annex V of the physical characteristics of the area in which the hazardous activity is being planned;
2. The results of consultations and public participation processes;
3. An analysis of the increase or decrease of the risk caused by any development in the territory of the affected Party in relation to an existing hazardous activity in the territory of the Party of origin;
4. The evaluation of the environmental risks, including any transboundary effects;
5. An evaluation of the new hazardous activities which could be a source of risk;
6. A consideration of the siting of new, and significant modifications to existing hazardous activities at a safe distance from existing centres of population, as well as the establishment of a safety area around hazardous activities; within such areas, developments which would increase the populations at risk, or otherwise increase the severity of the risk, should be closely examined.

ANNEX VII

EMERGENCY PREPAREDNESS MEASURES  
PURSUANT TO ARTICLE 8

1. All contingency plans, both on- and off-site, should be coordinated to provide a comprehensive and effective response to industrial accidents.
2. The contingency plans should include the actions necessary to localize emergencies and to prevent or minimize their transboundary effects. They should also include arrangements for warning people and, where appropriate, arrangements for their evacuation, other protective or rescue actions and health services.
3. Contingency plans should give on-site personnel, people who might be affected off site and rescue forces, details of technical and organizational procedures which are appropriate for response in the event of an industrial accident capable of having transboundary effects and to prevent and minimize effects on people and the environment, both on and off site.

4. Examples of matters which could be covered by on-site contingency plans include:

(a) Organizational roles and responsibilities on site for dealing with an emergency;

(b) A description of the action which should be taken in the event of an industrial accident, or an imminent threat thereof, in order to control the condition or event, or details of where such a description can be found;

(c) A description of the equipment and resources available;

(d) Arrangements for providing early warning of industrial accidents to the public authority responsible for the off-site emergency response, including the type of information which should be included in an initial warning and the arrangements for providing more detailed information as it becomes available;

(e) Arrangements for training personnel in the duties they will be expected to perform.

5. Examples of matters which could be covered by off-site contingency plans include:

(a) Organizational roles and responsibilities off-site for dealing with an emergency, including how integration with on-site plans is to be achieved;

(b) Methods and procedures to be followed by emergency and medical personnel;

(c) Methods for rapidly determining the affected area;

(d) Arrangements for ensuring that prompt industrial accident notification is made to affected or potentially affected Parties and that liaison is maintained subsequently;

(e) Identification of resources necessary to implement the plan and the arrangements for coordination;

(f) Arrangements for providing information to the public including, where appropriate, the arrangements for reinforcing and repeating the information provided to the public pursuant to article 9;

(g) Arrangements for training and exercises.

6. Contingency plans could include the measures for: treatment; collection; clean-up; storage; removal and safe disposal of hazardous substances and contaminated material; and restoration.

ANNEX VIII

INFORMATION TO THE PUBLIC PURSUANT TO ARTICLE 9

1. The name of the company, address of the hazardous activity and identification by position held of the person giving the information;
2. An explanation in simple terms of the hazardous activity, including the risks;
3. The common names or the generic names or the general danger classification of the substances and preparations which are involved in the hazardous activity, with an indication of their principal dangerous characteristics;
4. General information resulting from an environmental impact assessment, if available and relevant;
5. The general information relating to the nature of an industrial accident that could possibly occur in the hazardous activity, including its potential effects on the population and the environment;
6. Adequate information on how the affected population will be warned and kept informed in the event of an industrial accident;
7. Adequate information on the actions the affected population should take and on the behaviour they should adopt in the event of an industrial accident;
8. Adequate information on arrangements made regarding the hazardous activity, including liaison with the emergency services, to deal with industrial accidents, to reduce the severity of the industrial accidents and to mitigate their effects;
9. General information on the emergency services' off-site contingency plan, drawn up to cope with any off-site effects, including the transboundary effects of an industrial accident;
10. General information on special requirements and conditions to which the hazardous activity is subject according to the relevant national regulations and/or administrative provisions, including licensing or authorization systems;
11. Details of where further relevant information can be obtained.

ANNEX IX

INDUSTRIAL ACCIDENT NOTIFICATION SYSTEMS PURSUANT TO ARTICLE 10

1. The industrial accident notification systems shall enable the speediest possible transmission of data and forecasts according to previously determined codes using compatible data-transmission and data-treatment systems for emergency warning and response, and for measures to minimize and contain the consequences of transboundary effects, taking account of different needs at different levels.
2. The industrial accident notification shall include the following:
  - (a) The type and magnitude of the industrial accident, the hazardous substances involved (if known), and the severity of its possible effects;
  - (b) The time of occurrence and exact location of the accident;
  - (c) Such other available information as necessary for an efficient response to the industrial accident.
3. The industrial accident notification shall be supplemented at appropriate intervals, or whenever required, by further relevant information on the development of the situation concerning transboundary effects.
4. Regular tests and reviews of the effectiveness of the industrial accident notification systems shall be undertaken, including the regular training of the personnel involved. Where appropriate, such tests, reviews and training shall be performed jointly.

ANNEX X

MUTUAL ASSISTANCE PURSUANT TO ARTICLE 12

1. The overall direction, control, coordination and supervision of the assistance is the responsibility of the requesting Party. The personnel involved in the assisting operation shall act in accordance with the relevant laws of the requesting Party. The appropriate authorities of the requesting Party shall cooperate with the authority designated by the assisting Party, pursuant to Article 17, as being in charge of the immediate operational supervision of the personnel and the equipment provided by the assisting Party.
2. The requesting Party shall, to the extent of its capabilities, provide local facilities and services for the proper and effective administration of the assistance, and shall ensure the protection of personnel, equipment and materials brought into its territory by, or on behalf of, the assisting Party for such a purpose.
3. Unless otherwise agreed by the Parties concerned, assistance shall be provided at the expense of the requesting Party. The assisting Party may at any time waive wholly or partly the reimbursement of costs.
4. The requesting Party shall use its best efforts to afford to the assisting Party and persons acting on its behalf the privileges, immunities or facilities necessary for the expeditious performance of their assistance functions. The requesting Party shall not be required to apply this provision to its own nationals or permanent residents or to afford them the privileges and immunities referred to above.
5. A Party shall, at the request of the requesting or assisting Party, endeavour to facilitate the transit through its territory of duly notified personnel, equipment and property involved in the assistance to and from the requesting Party.
6. The requesting Party shall facilitate the entry into, stay in and departure from its national territory of duly notified personnel and of equipment and property involved in the assistance.
7. With regard to acts resulting directly from the assistance provided, the requesting Party shall, in respect of the death of or injury to persons, damage to or loss of property, or damage to the environment caused within its territory in the course of the provision of the assistance requested, hold harmless and indemnify the assisting Party or persons acting on its behalf and compensate them for death or injury suffered by them and for loss of or damage to equipment or other property involved in the assistance. The requesting Party shall be responsible for dealing with claims brought by third parties against the assisting Party or persons acting on its behalf.
8. The Parties concerned shall cooperate closely in order to facilitate the settlement of legal proceedings and claims which could result from assistance operations.

9. Any Party may request assistance relating to the medical treatment or the temporary relocation in the territory of another Party of persons involved in an accident.

10. The affected or requesting Party may at any time, after appropriate consultations and by notification, request the termination of assistance received or provided under this Convention. Once such a request has been made, the Parties concerned shall consult one another with a view to making arrangements for the proper termination of the assistance.

ANNEX XI

EXCHANGE OF INFORMATION PURSUANT TO ARTICLE 15

Information shall include the following elements, which can also be the subject of multilateral and bilateral cooperation:

- (a) Legislative and administrative measures, policies, objectives and priorities for prevention, preparedness and response, scientific activities and technical measures to reduce the risk of industrial accidents from hazardous activities, including the mitigation of transboundary effects;
- (b) Measures and contingency plans at the appropriate level affecting other Parties;
- (c) Programmes for monitoring, planning, research and development, including their implementation and surveillance;
- (d) Measures taken regarding prevention of, preparedness for and response to industrial accidents;
- (e) Experience with industrial accidents and cooperation in response to industrial accidents with transboundary effects;
- (f) The development and application of the best available technologies for improved environmental protection and safety;
- (g) Emergency preparedness and response;
- (h) Methods used for the prediction of risks, including criteria for the monitoring and assessment of transboundary effects.

## ANNEX XII

### TASKS FOR MUTUAL ASSISTANCE PURSUANT TO ARTICLE 18, PARAGRAPH 4

#### 1. Information and data collection and dissemination

(a) Establishment and operation of an industrial accident notification system that can provide information on industrial accidents and on experts, in order to involve the experts as rapidly as possible in providing assistance;

(b) Establishment and operation of a data bank for the reception, processing and distribution of necessary information on industrial accidents, including their effects, and also on measures applied and their effectiveness;

(c) Elaboration and maintenance of a list of hazardous substances, including their relevant characteristics, and of information on how to deal with those in the event of an industrial accident;

(d) Establishment and maintenance of a register of experts to provide consultative and other kinds of assistance regarding preventive, preparedness and response measures, including restoration measures;

(e) Maintenance of a list of hazardous activities;

(f) Production and maintenance of a list of hazardous substances covered by the provisions of Annex I, Part I.

#### 2. Research, training and methodologies

(a) Development and provision of models based on experience from industrial accidents, and scenarios for preventive, preparedness and response measures;

(b) Promotion of education and training, organization of international symposia and promotion of cooperation in research and development.

#### 3. Technical assistance

(a) Fulfillment of advisory functions aimed at strengthening the ability to apply preventive, preparedness and response measures;

(b) Undertaking, at the request of a Party, of inspections of its hazardous activities and the provision of assistance in organizing its national inspections according to the requirements of this Convention.

#### 4. Assistance in the case of an emergency

Provision, at the request of a Party, of assistance by, inter alia, sending experts to the site of an industrial accident to provide consultative and other kinds of assistance in response to the industrial accident.

ANNEX XIII

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 21, paragraph 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 is 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 so 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. If it fails to do so within that 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 to establish the facts.
9. The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular shall, using all means at their disposal:
  - (a) Provide the tribunal with all relevant documents, facilities and information;
  - (b) Enable the tribunal, where necessary, to call witnesses or experts and receive their evidence.

10. The parties to the dispute 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.

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 equally by the parties to the dispute. The tribunal shall keep a record of all its expenses and shall furnish a final statement thereof to the parties to the dispute.

15. Any Party to this Convention which has 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.

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